

January 26, 2018

Ms. Kimberley Kitteringham  
City Clerk  
City of Markham  
101 Town Centre Boulevard  
Markham, ON L3R 9W3

Dear Ms. Kitteringham:

**Re: Upper York Sewage Solutions Individual Environmental Assessment  
Approval Status Update**

Regional Council, at its meeting held on January 25, 2018, adopted the following recommendations regarding "Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update":

1. The Regional Clerk circulate a copy of this report to the local municipalities; the Town of Bradford West Gwillimbury; Simcoe County; the Building Industry and Land Development Association; the Chippewas of Georgina Island First Nation; the Premier of Ontario; the Ministers of the Environment and Climate Change, Natural Resources and Forestry, Health and Long-Term Care, and Municipal Affairs; and the Lake Simcoe Region Conservation Authority.
2. That the Regional Municipality of York and the Ministry of the Environment and Climate Change jointly develop and implement a Specific Emergency Response Plan to prevent risks to public health and the environment in the Towns of Newmarket, Aurora and East Gwillimbury in the event of a sanitary sewage spill into the environment due to any failure of the York Durham Sewage System forcemain in the Town of Newmarket until such time as the forcemain has been twinned and has been commissioned.
3. That any costs incurred due to preparation of the Plan and such an event, be recovered from the Province of Ontario.

A copy of Clause 8 of Committee of the Whole Report No. 1 is enclosed for your information.

Please contact Mike Rabeau, Director, Capital Planning and Delivery at 1-877-464-9675 ext. 75157 if you have any questions with respect to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'CR', written over a horizontal line.

Christopher Raynor  
Regional Clerk

/C. Clark  
Attachment

Clause 8 in Report No. 1 of Committee of the Whole was adopted, as amended, by the Council of The Regional Municipality of York at its meeting held on January 25, 2018.

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**Upper York Sewage Solutions Individual Environmental  
Assessment Approval Status Update**

1. The Regional Clerk circulate a copy of this report to the local municipalities; the Town of Bradford West Gwillimbury; Simcoe County; the Building Industry and Land Development Association; the Chippewas of Georgina Island First Nation; the Premier of Ontario; the Ministers of the Environment and Climate Change, Natural Resources and Forestry, Health and Long-Term Care, and Municipal Affairs; and the Lake Simcoe Region Conservation Authority.
  2. That the Regional Municipality of York and the Ministry of the Environment and Climate Change jointly develop and implement a Specific Emergency Response Plan to prevent risks to public health and the environment in the Towns of Newmarket, Aurora and East Gwillimbury in the event of a sanitary sewage spill into the environment due to any failure of the York Durham Sewage System forcemain in the Town of Newmarket until such time as the forcemain has been twinned and has been commissioned.
  3. That any costs incurred due to preparation of the Plan and such an event, be recovered from the Province of Ontario.
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Committee of the Whole recommends adoption of the following recommendations, as amended, contained in the report dated December 8, 2017 from the Commissioner of Environmental Services:

1. The Regional Clerk circulate a copy of this report to the local municipalities; the Town of Bradford West Gwillimbury; Simcoe County; the Building Industry and Land Development Association; the Chippewas of Georgina Island First Nation; the Premier of Ontario; the Ministers of the Environment and Climate Change, Natural Resources and Forestry, Health and Long-Term Care, and Municipal Affairs; and the Lake Simcoe Region Conservation Authority.

## **Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update**

2. That the Regional Municipality of York and the Ministry of the Environment develop and implement a Specific Emergency Response Plan to prevent risks to public health and the environment in the Towns of Newmarket, Aurora and East Gwillimbury in the event of a sanitary sewage forcemain failure; sewage spillage or surcharge in the local collection system in the Town of Newmarket due to either a forcemain break or high-flow conditions, resulting from the delay in the York Durham Sewage System forcemain twinning.

AND that the costs be recovered from the Province of Ontario.

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Report dated December 8, 2017 from the Commissioner of Environmental Services now follows:

### **1. Recommendation**

It is recommended that:

1. The Regional Clerk circulate a copy of this report to the Towns of Aurora, Newmarket, East Gwillimbury and Georgina; the Building Industry and Land Development Association; the Chippewas of Georgina Island First Nation; the Premier of Ontario; the Ministers of the Environment and Climate Change, Natural Resources and Forestry, Health and Long-Term Care, and Municipal Affairs; and the Lake Simcoe Region Conservation Authority.

### **2. Purpose**

This report provides information on the status of the Minister of the Environment and Climate Change's approval of the Upper York Sewage Solutions Individual Environmental Assessment along with significant impacts on the Region's ability to accommodate planned growth due to extraordinary approval delay.

The continued delay in implementing this infrastructure is creating financial impacts to the Region in addition to risks to public health and the environment in the event of a sewage spillage or surcharge in local collection systems due to either a forcemain break or high-flow conditions.

This report also summarizes the status of design for the Upper York Sewage Solutions project including application of permits, property acquisition process and, the Region's efforts to advance the project and mitigate risks due to approval delay.

## **Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update**

### **3. Background and Previous Council Direction**

#### **Upper York Sewage Solutions project will provide sewage servicing for planned growth in Aurora, Newmarket and East Gwillimbury**

The purpose of the Upper York Sewage Solutions project is to provide sewage servicing to accommodate planned employment and community growth totalling approximately 153,000 residents and employees in the Towns of Aurora, Newmarket and East Gwillimbury. All of these communities are located within the Lake Simcoe watershed.

The Region is awaiting *Environmental Assessment Act* approval from the Minister of the Environment and Climate Change to implement the proposed undertaking consisting of the following three integrated components:

- A new 40 megalitre-per-day (MLD) water reclamation centre to produce clean treated water for discharge to the East Holland River and reclaimed water for re-use applications.
- A project-specific total phosphorus offsetting program.
- Modifications to the existing York Durham Sewage System with twinning of the sewage forcemain through the Town of Newmarket.

#### **Upper York Sewage Solutions project will enhance the Region's sustainability initiatives by producing high-quality treated water and making use of reclaimed water**

The Upper York Sewage Solutions project will enable the Region to provide timely wastewater services now and through to the year 2031 while contributing significant environmental benefits:

- The Water Reclamation Centre will use advanced treatment technologies including microfiltration, reverse osmosis and ultraviolet disinfection to produce high-quality treated water and use green design approach to reduce the Region's carbon footprint and enhance sustainability.
- Treated water will be released into the East Holland River creating a positive impact on the natural environment and generating opportunities for the Region to make use of reclaimed water for non-potable uses thereby reducing demand on the Regional drinking water system.

## **Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update**

- The project-specific total phosphorus offsetting program will reduce the overall amount of phosphorus in the Lake Simcoe watershed by retrofitting stormwater management facilities.

### **Final Upper York Sewage Solutions Individual Environmental Assessment Report submitted to the Ministry of the Environment and Climate Change for approval in July 2014**

The Upper York Sewage Solutions project followed the planning process established under the *Environmental Assessment Act* for Individual Environmental Assessments. The project was initiated in 2009 and conducted in two parts – a Terms of Reference (essentially a road map of the proposed content of the environmental assessment) and the Environmental Assessment itself.

In March 2010, the Minister of the Environment and Climate Change approved the Terms of Reference with an amendment requiring the Region to consider innovative wastewater treatment technologies as one of the Alternatives to the Undertaking.

After more than five years of extensive scientific study and consultation with Indigenous peoples and stakeholders, the final Individual Environmental Assessment report was formally submitted to the Ministry for approval on July 25, 2014.

It is worth noting that the proposed Water Reclamation Centre was developed through extensive consultation with the Ministry during the time it took to complete the Environmental Assessment.

### **Minister's decision was initially anticipated in February 2015 according to the legislated timelines set out in the *Environmental Assessment Act* for Individual Environmental Assessments**

According to the legislated timelines set out in the *Environmental Assessment Act* for Individual Environmental Assessments, the Minister's decision was initially anticipated in February 2015 given the Region's submission in July 2014.

After submission, the report was then made available by the Ministry for stakeholder, review agency and Indigenous peoples' review and comment for a specified period that expired on September 12, 2014. With the Region providing responses to all comments received during the statutory review period and subsequent extensions initiated by the Ministry, the Ministry did not file a Notice of Completion of Ministry Review until January 21, 2016. This was followed by a review and comment period by stakeholders, review agencies and Indigenous peoples ending on February 26, 2016. At this point, the Minister's decision was

## Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update

expected in May 2016, which was over one year past the anticipated statutory timeline for approval.

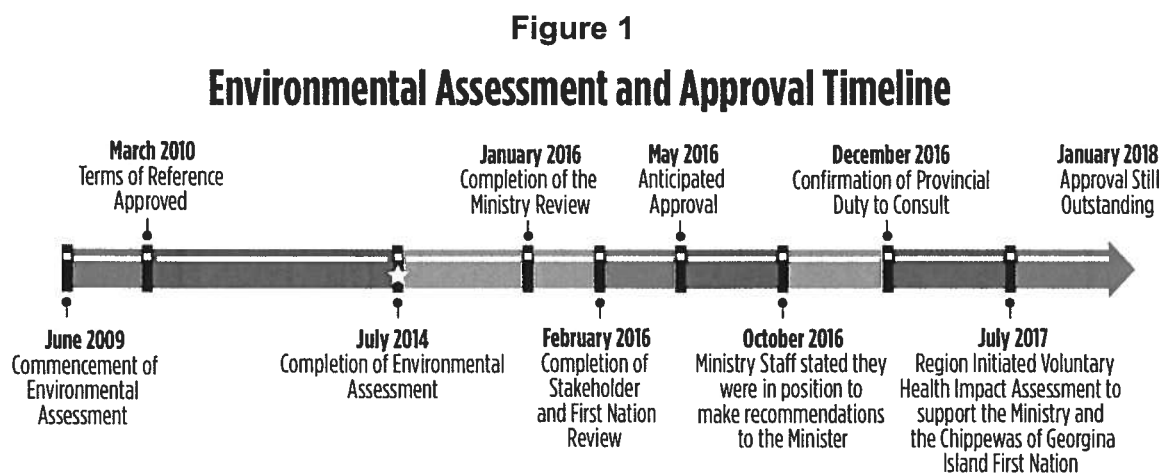
### **Ministry indicated that the Region properly completed the environmental assessment process**

The official Ministry Review stated that Ministry staff is satisfied that the Region properly completed the Environmental Assessment process and complied with the *Environmental Assessment Act*. In October 2016, Ministry staff advised they were in the position to make recommendations to the Minister. The Minister's decision is still required in addition to approval by Provincial Cabinet.

### **Over two years after filing the Environmental Assessment, the Ministry concluded that it needed to complete the province's duty to consult with Indigenous peoples**

In December 2016, the Ministry's internal legal review concluded that the province's legislated duty to consult with Indigenous peoples was the outstanding requirement before a decision could be made by the Minister. In March 2017, the Ministry asked the Region to assist with completing a Health Impact Assessment incorporating Traditional Ecological Knowledge from the Chippewas of Georgina Island First Nation, which the Region initiated in July 2017 as a voluntary effort to support the province and the Chippewas of Georgina Island First Nation, independent from its environmental assessment obligations.

Figure 1 provides a chronological graphic of the provincial environmental assessment and approval processes from commencement to date.



## **Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update**

### **Detailed design and property acquisition work continues on the Upper York Sewage Solutions project while awaiting approval**

At its meeting of June 26, 2014, Council approved advancing the detailed design while waiting for Individual Environmental Assessment approval and awarded the consultant assignment for detailed design, contract administration and site inspection services for the Upper York Sewage Solutions project. This award moved the project forward with anticipation of formal approval of the Individual Environmental Assessment by the Minister of the Environment and Climate Change a year after submission of the Environmental Assessment.

Key design elements of the proposed work have been advancing through various stages of detailed design. The Water Reclamation Centre design is approaching its 100 per cent completion while the York Durham Sewage System forcemain twinning design is in the construction tender preparation stage. Applications of all environmental approvals and permits required for implementation of the work are being prepared for formal submission to various regulatory agencies upon environmental assessment approval. The performance demonstration of the pre-selected GE membrane filtration system for the future Water Reclamation Centre is progressing as planned at Keswick Water Resource Recovery Facility.

To date, the Region has secured property required for the proposed Water Reclamation Centre along with various other properties required for the project through amicable negotiation. Staff continues to pursue remaining properties through amicable negotiation to minimize property expropriation.

### **Project Specific Phosphorus Offsetting Program enhanced through a partnership with Lake Simcoe Region Conservation Authority**

At its meeting of November 16, 2017, Council authorized a partnership with the Lake Simcoe Region Conservation Authority to undertake a performance demonstration project for phosphorus removal by retrofitting two existing stormwater management facilities to better prepare the Region for implementation of the project-specific total phosphorus offsetting program upon approval. Despite the challenges caused by delay of approval and potential approval conditions, implementation of the phosphorus offsetting program is still on schedule prior to commissioning of the Water Reclamation Centre.



#### **4. Analysis and Implications**

**The Region completed the environmental assessment in full compliance with the *Lake Simcoe Protection Act* and the *Environmental Assessment Act***

Following implementation of the *Lake Simcoe Protection Act, 2008*, and subsequent *Lake Simcoe Protection Plan, 2009*, staff agreed that the option of a Lake Simcoe-based servicing option for Upper York was significantly diminished as the plan stated that:

*"No new municipal sewage treatment plant shall be established in the Lake Simcoe Watershed."*

Subsequently, on March 11, 2010, the Minister amended the Terms of Reference of the Individual Environmental Assessment to include:

*"Consideration of innovative wastewater treatment technologies will be considered in the UYSS EA. At a minimum, this will include but not limited to consideration of the development and use of wastewater purification system and water recycling facilities to be located in the Regional Municipality of York."*

After this development, the Region worked very closely with Ministry staff from 2010 through 2014 to establish that a Lake Simcoe-based solution was indeed feasible and compliant with the *Lake Simcoe Protection Act* as a replacement for the Holland Landing Sewage Lagoons, including a one-year proof-of-concept pilot of the proposed treatment technologies, before finalizing the Individual Environmental Assessment report in July 2014.

**The Region has fulfilled its obligations in Indigenous consultation under the *Environmental Assessment Act***

The Region established the Protocol for First Nations Consultation together with First Nations at the initial stage of the environmental assessment that served as the guiding principles for the consultation. As a unique component of First Nations consultation in the project, the Region and the Chippewas of Georgina Island First Nation jointly agreed that the Region would provide \$50,000 for the First Nation to retain its own technical review consultant. In doing so, both parties developed a Technical Review Communications Protocol to facilitate the review process. Comments received from the First Nation's review consultant as part of this process were fully addressed by the Region.

## **Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update**

In addition to numerous meetings and correspondence with Indigenous peoples, including focused meetings with the Chippewas of Georgina Island First Nation prior to submitting the Environmental Assessment Report, the Region, along with the Ministry, has been meeting and corresponding with the Chippewas of Georgina Island First Nation on a regular basis since submitting the Environmental Assessment Report. These efforts responded to issues raised by the First Nation in relation to potential impacts of the project.

In the fall of 2016, after a thorough review of the Region's consultation efforts with Indigenous peoples, Ministry staff confirmed that the Region had addressed all comments on this file and met all its requirements for the Individual Environmental Assessment under the *Environmental Assessment Act* and that the Ministry was in a position to finalize its recommendation for the Minister's decision and Cabinet approval.

### **Provincial duty to consult with the Chippewas of Georgina Island First Nation still ongoing**

In late December 2016, the Ministry communicated that the Upper York Sewage Solutions Individual Environmental Assessment file was being reviewed by provincial legal counsel to fulfill the province's duty to consult requirements with Indigenous peoples. This element of consultation is strictly a provincial duty and requirement, independent from the Region's consultation requirements under the *Environmental Assessment Act*. The Ministry initially estimated that this duty to consult process would take six months to complete, which would have concluded in July 2017.

While continuing to review the requirements and fulfillment of their duty to consult, the Ministry has forewarned the Region that the provincial duty to consult process could delay future approval of the Individual Environmental Assessment.

### **The Region is making voluntary efforts to support the Ministry and the Chippewas of Georgina Island First Nation**

In March 2017, the Ministry asked the Region to assist with a Health Impact Assessment that includes Traditional Ecological Knowledge obtained through further consultation with the Chippewas of Georgina Island First Nation. A Health Impact Assessment is a combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population. Traditional Ecological Knowledge describes a cumulative Indigenous body of knowledge, belief, and practice regarding sustainability of local resources that is handed down through generations by way of traditional songs, stories and beliefs.

## **Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update**

The Health Impact Assessment and Traditional Ecological Knowledge work is not required in the Terms of Reference for the Upper York Sewage Solutions Individual Environmental Assessment that was amended and approved by the Ministry. For this reason, the Region has expressed that this study and consultation is strictly a voluntary effort to support the province and the Chippewas of Georgina Island First Nation and does not form part of the Region's Individual Environmental Assessment obligation or the Ministry's duty to consult. The assessment will assist the Chippewas of Georgina Island First Nation to understand how the project impacts them specifically.

Since initiating the Health Impact Assessment and Traditional Ecological Knowledge work in July 2017, the Region has been actively engaging the Chippewas of Georgina Island First Nation to coordinate the work and provide updates on its progress. In late September, the Regional Chairman met with the Chief of the Chippewas of Georgina Island First Nation and engaged in constructive dialogue.

### **The protracted timeline for approval has put the Region in jeopardy of fulfilling its mandate under the *Provincial Growth Plan***

Over three years have passed since submission of the final Environmental Assessment Report; the Region is now concerned with the potential for further delay. The timeline for approval has put the Region in jeopardy of fulfilling its mandate as set out in the *Places to Grow Act, 2005*, *Growth Plan for the Greater Golden Horseshoe, 2006* and the provincially approved *York Regional Official Plan, 2010*.

The 2017 budget submission projected completion of the York Durham Sewage System forcemain twinning by the end of 2019 and commissioning of the Water Reclamation Centre by 2024. This timing was based on information provided by the Ministry that an approval could be expected in early 2017, which has subsequently been delayed due to provincial "duty to consult".

### **The Region is facing a two-year delay in implementing the Upper York Sewage Solutions project**

Timing of completing the work is now dependent on approval of the Upper York Sewage Solutions Individual Environmental Assessment. Given it is now Q1 2018 and other environmental permits and approvals are required to proceed, construction completion dates and the 2018 approved 10 Year Capital Plan for the forcemain component have been revised to 2021 based on the expectation that approval will be received early in 2019.

## **Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update**

The Region is concerned with further delay in receiving approval for this key infrastructure project as it has exhausted all schedule contingency in response to the approval delay. This schedule contingency was planned to manage other anticipated approval delays and other potential project risks in areas of property acquisition, construction and commissioning.

### **Delays in implementing the sewage forcemain twinning through Newmarket are of particular concern**

One particular risk that the Region is faced with is the delay in implementing the proposed modifications to the existing York Durham Sewage System (twinning of the sewage forcemain through the Town of Newmarket). This required infrastructure will not only help service planned growth but will also alleviate inherent system risks of sewage overflow and surcharge during high flow conditions in the Town of Newmarket. In case of sewage spillage or surcharge in local collection systems due to either a forcemain break or high flow conditions, untreated sewage would either enter into natural water courses or potentially cause sewage back-up in residential homes, creating environmental and public health concerns.

### **Region advised the Ministry in writing of the risks associated with this single forcemain system on December 7, 2016, January 25, March 2 and June 27, 2017**

This is the only pumping station of its size in York Region with a single forcemain discharging from the facility. In the December 7, 2016 and January 25, 2017 letters to the Ministry, the Region expressed the urgency of completing the forcemain twinning work given its criticality for the Region to manage inherited system risk and accommodate planned growth.

The Regional Chairman along with the Mayors of Newmarket, Aurora and East Gwillimbury also advised the Ministry in writing of the risks associated with this single forcemain system in their March 2, 2017 letter to the Minister.

These risks materialized during the prolonged and high-intensity storm event on June 23, 2017 that resulted in sewage spillage and surcharge in local collection systems. The Region reported the spill event in the June 27, 2017 letter to the Ministry following notification to the Ministry's Spills Action Centre.

## **Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update**

### **Timeline for decommissioning the Holland Landing Lagoons is contingent upon approval of the Upper York Sewage Solutions Individual Environmental Assessment**

As the *Lake Simcoe Protection Act, 2008*, and subsequent *Lake Simcoe Protection Plan, 2009*, stipulate no new wastewater treatment facilities in the Lake Simcoe watershed, the Water Reclamation Centre was proposed to replace the existing Holland Landing Sewage Lagoons as committed through the Individual Environmental Assessment. As such, the Environmental Compliance Approval for the lagoons, including the total phosphorus loading cap, needs to be transferred to the Water Reclamation Centre after the facility is commissioned. The Ministry of the Environment and Climate Change confirmed that the transfer of the Environmental Compliance Approval could only be allowed if the lagoons were in operation, with an active Environmental Compliance Approval, at the time of the Water Reclamation Centre commissioning.

Decommissioning of the lagoons will follow commissioning of the Water Reclamation Centre and continues to rest on Ministry approval of the Upper York Sewage Solutions Individual Environmental Assessment.

### **The Region is actively exploring interim service solutions to mitigate growth impacts and bridge capacity gaps in the Towns of Aurora, Newmarket and East Gwillimbury**

With further delay in the approval and given the current pace of growth in the Towns of Aurora, Newmarket and East Gwillimbury, the Region has been actively exploring interim service solutions to mitigate growth impacts and bridge capacity gaps. Staff will report back to Council in 2018 with proposed mitigation measures.

### **The Region is making every effort to mitigate the impacts of approval delay and potential approval conditions**

The protracted timeline for approval, along with potential conditions, presents risks for the Region in delivering service solutions in a timely and cost-effective manner. The Region has been taking action to diligently monitor any advancements in the provincial approval process and making every effort to adjust the course of the project delivery to mitigate impacts. Despite the delay in receiving Environmental Assessment approval, the Region has continued to move the project forward and positively progress in various areas, including design.

Initiatives in Table 1 below illustrate the Region's efforts to advance the project and mitigate risks due to approval delay.

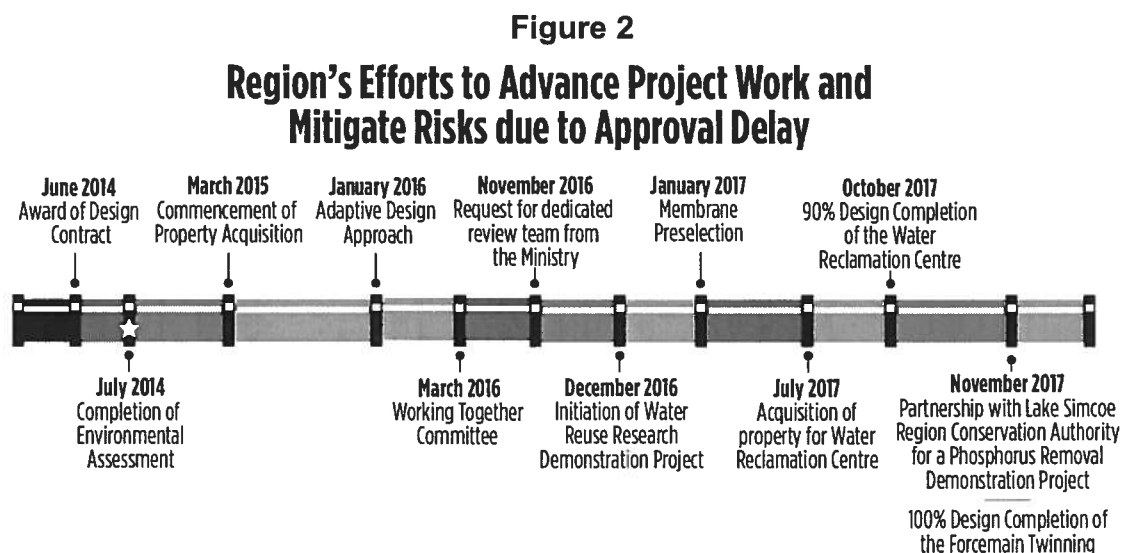
## Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update

**Table 1**  
**Region's Initiatives to Advance the Project**  
**and Mitigate Risks due to Approval Delay**

Initiative	Description
Collaboration with the Ministry	Actively following up with the Ministry through various stages of the review and approval process. Assisting the Ministry by sharing information and delivering the voluntary Health Impact Assessment and Traditional Ecological Knowledge work, along with continuous engagement with Chippewas of Georgina Island First Nation.
Adaptive Engineering Design	Taking a highly adaptive design approach for critical process areas such as membrane filtration system, odour control facility and ultraviolet disinfection system to allow latest technologies to be incorporated into the construction.
Working together with Local Municipalities and the Lake Simcoe Region Conservation Authority	Established "Working Together" Committees with the Lake Simcoe Region Conservation Authority and the Towns of Newmarket and East Gwillimbury to ensure timely and transparent communication, and to deliver various aspects of the project in a collaborative and consistent manner.
Permits and Approvals	Preparing Environmental Compliance Approval application packages for submission following approval. This initiative will help the Region obtain required permits and approvals in a timely manner.
Water Reuse Research Demonstration Project	Initiated the project to demonstrate and monitor use of reclaimed water from one of the Region's water resource recovery facilities to irrigate sod for two growing seasons, which will better inform the Region and province on policy, regulatory and environmental implications of using reclaimed water.
Pre-selection of membrane filtration system for the Water Reclamation Centre	Pre-selected membrane filtration system for the Water Reclamation Centre to ensure that the system is performance tested through a demonstration project before construction to minimize membrane performance risk at commissioning of the Water Reclamation Centre.
Property Acquisition	Secured the Water Reclamation Centre property through amicable negotiation to allow the Region to complete geotechnical testing work and optimize construction staging to minimize schedule impact due to approval delay.
Innovative approach to delivering the project-specific total phosphorus offsetting program	Collaborating with the Lake Simcoe Region Conservation Authority and local municipalities to initiate a performance demonstration project to prepare to deliver the project-specific total phosphorus offsetting program upon approval. In November 2017, Council authorized a partnership with the Lake Simcoe Region Conservation Authority to deliver the demonstration project.

## Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update

The timeline in Figure 2 also demonstrates the Region's continuous efforts to move the project forward while awaiting environmental assessment approval.



### Further approval delays are possible due to potential judicial review of the Minister's decision

It is important to note that the Minister's decision may be challenged by other parties through potential judicial review. This is another lengthy and complex legal process that would come to an end with conditions or more severe consequences to the Region.

## 5. Financial Considerations

### Continued delay of the Individual Environmental Assessment approval presents financial uncertainty to the Region

After close consultation with Ministry of the Environment and Climate Change over the last eight years, an expenditure of over \$25 million on the Individual Environmental Assessment and a total expenditure of approximately \$65 million, the Region is still awaiting approval and facing consequences of the delay.

Funding for the Upper York Sewage Solutions project is included in the approved 2018 10 Year Capital Plan under Project 74270 Upper York Sewage Solutions with a total project cost of \$714,575,000, a 10 Year Budget of \$586,769,000 and Capital Spending Authority of \$70,629,000.



## Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update

Continued delay of the Individual Environmental Assessment approval is not only jeopardizing the Region's ability to accommodate planned growth, but also creates financial risk for the Region. In the absence of approval conditions, the Region's project team is managing a number of financial implications caused by the delay:

- In the absence of approval, the Region is unable to complete consultation with regulatory agencies to confirm the design and complete permit application packages. Continued delay of approval is also forcing the team to revisit procurement strategies and construction sequence on an ongoing basis.
- While pre-purchasing specialized equipment is required for the Region to complete the design, too much lead time between pre-purchasing and construction presents risks for both the Region and industry due to evolution of technologies. Staff is taking an adaptive design approach to incorporate the latest technologies into construction. Similarly, general equipment selection for the Water Reclamation Centre is based on today's technology and practice; therefore, continued delay in approval will increase likelihood to need to update the design prior to construction.
- New regulations and changes of industry standards during prolonged project duration caused by delay of approval may require the Region to amend design and implementation, such as *Ontario Building Code* and the *Accessibility for Ontarians with Disabilities Act*.
- The Region has been continuing pre-construction environmental monitoring efforts since submission of the Environmental Assessment Report and, to date, has fulfilled the commitments of various environmental monitoring requirements. However, in the absence of approval, the Region is continuing many areas of monitoring to maintain the required baseline data.
- Given that design is approaching 100 per cent completion, any unforeseen approval conditions at this late stage of design and project preparation mean that the Region will miss opportunities to address approval conditions in earlier stages of the design and at a lower cost.
- The proposed total phosphorus offsetting program requires extensive efforts in consulting with regulatory agencies and local municipalities in terms of the availability of stormwater management facilities, treatment technologies, and monitoring and maintenance requirements. Significant uncertainty created by the approval delay has prevented the Region from advancing the design and initiating pre-construction monitoring.



## **Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update**

- The Region has been diligently acquiring properties for the entire project through amicable negotiation since submission of the Environmental Assessment Report. As a result of the protracted approval delay, the Region has been incurring additional costs from maintaining the temporary easement agreements and maintaining the properties that have been acquired.
- Given the extraordinary approval delay, Consumer Price Index becomes one of the financial risk factors that may impact the overall project budget, depending on the extent of inflation during the project.

Staff has been actively monitoring and managing these financial risks as the project advances by taking an adaptive design approach, making provisions and exercising their best professional judgement. Where the cost of risk can be estimated, staff has addressed some of the above-mentioned risks through the approved 2018 budget. Staff will complete an updated financial impact assessment shortly after approval to assess any additional impacts to the total project cost.

Staff are actively working with the Ministry to seek approval. Once approval is granted, staff will report back to Council with a status update including: Environmental Assessment approval conditions, detailed design and permits, property acquisition, procurement and construction planning, and overall project schedule, as well as financial implications.

## **6. Local Municipal Impact**

### **Continued delay of the Upper York Sewage Solutions approval impacts local municipalities' ability to accommodate planned growth and economic development**

The Upper York Sewage Solutions project is a critical component of the Region's future wastewater infrastructure, accommodating employment and community growth within the approved urban boundary of the Towns of Aurora, Newmarket and East Gwillimbury.

Continued delay in approval will impact the local municipalities' ability to fulfill their respective community plan objectives and commitments to accommodate growth as set out in their official plans. Delay in approval is also jeopardizing the Region's ability to address operational concerns with the existing system, mainly the system performance risk associated with a large single sewage force main through the Town of Newmarket.

## **Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update**

Local municipal economic development strategies have also considered opportunities presented by implementation of the leading-edge Upper York Sewage Solutions into consideration. Certain economic development initiatives could leverage the Water Reclamation Centre and its leading-edge technology to help attract environmental companies and other industries that might benefit from proximity to such a facility. Further delay in approval of the project will affect implementation of these project-related municipal initiatives.

### **Continued delay of approval could stall intensification that is planned through transit improvements in Aurora and Newmarket**

The Region has been investing along Yonge Street to enhance the public transit system to attract planned intensification in Aurora and Newmarket. Continued delay of the environmental assessment approval could potentially impact the local municipalities' ability to accommodate intensification and consequently minimize opportunities raised by the transit investment.

## **7. Conclusion**

As of July 2014, the Region has fulfilled its obligations through the Upper York Sewage Solutions Individual Environmental Assessment under the *Environmental Assessment Act*, including consultation with Indigenous peoples. The project team is continuing to advance work on the project including detailed design and property acquisition.

The Ministry of the Environment and Climate Change's outstanding issues with regard to the provincial duty to consult with First Nations has significantly delayed approval of the Individual Environmental Assessment.

Continuous delay of approval has put the Region in jeopardy of fulfilling its mandate under the *Provincial Growth Plan* and managing system risks due to the existing single forcemain. Delay of approval also creates additional financial burdens to the Region and potential risks to public health and the environment. Staff continues to follow up with the Ministry of the Environment and Climate Change in anticipation of approval.

For more information on this report, please contact Mike Rabeau, Director, Capital Planning and Delivery at 1-877-464-9675 ext. 75157.

**Upper York Sewage Solutions Individual Environmental Assessment Approval  
Status Update**

The Senior Management Group has reviewed this report.

December 8, 2017

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Accessible formats or communication supports are available upon request