

Resolution and Commitments	Presentation Received	Compliance Status	Ongoing Process	Key Comments	ICMC Recommendations	Toronto Water Comments
Immediate Next Steps			▶		<ul style="list-style-type: none"> That Toronto Water Staff who transmit the ICMC report to the Works Committee give their own staff recommendation in response to each individual ICMC recommendation. Toronto Water proceed immediately with preparing its annual report. That the City provide a revised timeline for becoming compliant on each issue raised. 	
Overall Observations		Partially Compliant		<ul style="list-style-type: none"> Toronto Water did not respond to the majority of the ICMC 2005 Report Recommendations and therefore did not move closer to compliance in a number of areas. 	<ul style="list-style-type: none"> That an effective dispute settlement mechanism be implemented to resolve compliance and timeline disputes raised by the ICMC. 	<ul style="list-style-type: none"> The concerns raised by the ICMC are largely related to differences in the interpretation of the Mediation Agreement and dissatisfaction with the outcome of various master planning processes undertaken by Toronto Water. These concerns have been raised in previous reports and in submissions made by the ICMC throughout the comment period allotted during the public review and commenting period associated with each of the planning processes. Toronto Water has considered the issues raised in the decision making process associated with these plans and responded to concerns raised in the past. Toronto Water is committed to the

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					<ul style="list-style-type: none"> The City work with the MOE to bring the EA approval to conclusion. Toronto Water report to the ICMC on the process of their work with the MOE to bring to a conclusion the EA approval. The City should request the Province to explicitly include, as a Condition of Approval of the EA, that the City is required to meet all commitments made in the EA and the Addendum to the EA (the Mediation Agreement). 	<p>implementation of these plans and complete the few remaining tasks in order to fulfill the commitments contained within the Mediation Agreement.</p> <ul style="list-style-type: none"> The City has been working with the MOE and will continue to do so. The City provides regular updates at ICMC meetings on EA approval progress. The Province has provided draft conditions of approval in their review document and indicated that the conditions need to relate directly to the undertaking seeking approval. The public, including the ICMC has had opportunity to comment on the Ministry of Environment's review.

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Resolution 1: Guiding Principles						
1 – 10 Guiding Principles					<ul style="list-style-type: none"> Each project in the WWFMP should be reviewed in terms of implementing the guiding principles of the Mediation Agreement. 	<ul style="list-style-type: none"> The commitments made in the Mediation Agreement were taken into consideration when preparing the WWFMP.
Resolution 2: Source Control Issues						
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1.0 Sewer Use By-Law	Yes					

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1.5 Ongoing Enforcement of Sewer Use By-Law			▶	<ul style="list-style-type: none"> Toronto Water conducted an organizational review, recognizing the need for additional enforcement staff. Fines in the By-Law have been increased. By-Law offers compliance programs for non-surcharge parameters. For surcharge companies that install treatment systems to reduce BOD/TSS loading, a compliance program with monetary concession is offered. 	<ul style="list-style-type: none"> That the City should not cap fines. There should be a minimum fine. Fines should reflect the gravity of the offence and reflect the cost of administration. That the City continue public education ads. 	<ul style="list-style-type: none"> Municipal Code Chapter 681-Sewers (i.e. Sewer Use By-Law) contains fine ranges of \$5,000 to \$100,000 depending on the severity of the offence. The City's Environmental Monitoring and Protection Unit (EM&P) is also pursuing the ability to issue tickets under the Sewer Use By-Law with fines ranging from \$200-\$500 for offences which can be dealt with effectively "on the spot" with a violator rather than through a lengthy prosecution. The EM & P of Toronto Water released two brochures to the public during Toronto Public Service week (May 29, 2006). One brochure was on the EM & P unit providing education on roles of industrial waste control, stormwater quality and pollution prevention groups. Another brochure was solely dedicated to Pollution Prevention requirements of the Sewer Use By-Law. Reprints of the brochures are expected by the end of January 2007 with distribution to community centres and libraries for further public consumption.
1.7 Peel Region Sewer Use By-Law enforcement level similar to Toronto			▶	<ul style="list-style-type: none"> The Toronto and Region of Peel Sewer Use By-laws and enforcement levels were reviewed and 	<ul style="list-style-type: none"> That the City continue negotiations with the Region of Peel to ensure the same level of enforcement of equivalent requirements for discharges to the 	<ul style="list-style-type: none"> Toronto Water's EM & P Manager and Supervisor met with Region of Peel equivalents in the summer of 2006 to exchange information. EM & P provided

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				a comparative table was prepared.	wastewater collection system since it may affect watershed water quality within the City of Toronto.	Region of Peel with industry listing for South Etobicoke whose sanitary sewers flow to the Region of Peel's Lakeview Wastewater Treatment Plant. Region of Peel will reciprocate with an industry listing of Malton industries whose discharge is directed to Toronto's Humber Wastewater Treatment Plant. Region of Peel Sewer Use counterparts have met with EM & P staff to consider incorporating Pollution Prevention requirements and new organic by-law limits and reduce metal by-law limits similar to Toronto. An excellent working relationship between Toronto and Peel's Sewer Use departments has forged with frequent communication between both parties.

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1.8 Provincial/Federal regulation of consumer products containing toxic substances			▶	<ul style="list-style-type: none"> Research is required to assess if consumer products contain any subject pollutants. 	<ul style="list-style-type: none"> That the City prohibit or appropriately regulate any consumer products that are undesirable in the sewage collection system, in the treatment system and/or in the receiving waters. That all City incentive programs from here on use products that are not detrimental to the environment or to public health and that the City not promote or distribute toxic products that cause harm in the environment. That the City advocate that Federal and Provincial governments develop a priority list of toxic substances that are prohibited. 	<ul style="list-style-type: none"> The power to regulate consumer products lies with the Ministry of the Environment under the Ontario Environmental Protection Act and Environment Canada under the Canadian Environmental Protection Act. The Mediation Agreement does not contain any commitment to the items requested here by the ICMC. Environment Canada looks to Toronto's EM & P as a leader in sewer use and contacts EM & P for advice, information or assistance – an excellent relationship exists with the Federal Government's Environment Canada and National Office of Pollution Prevention.
1.9 Provincial/Federal regulation of pesticide use on private property		Compliant		<ul style="list-style-type: none"> Commendations to City and the Board of Health for rigorously promoting and enforcing the newly implemented City of Toronto pesticide by-law. 		
2.0 Water Efficiency Plan	Yes					

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2.1 Develop, Adopt & implement Water Efficiency Plan			▶			
2.2 - 2.5 Water Efficiency Plan assumptions/ background			▶			
2.6, 2.13, 2.14 Review and Update of WEP Goal		Non-Compliant		<ul style="list-style-type: none"> 2021 scenario not done. The WEP goal is not as ambitious as any of the 4 scenarios in the mediation agreement. 	<ul style="list-style-type: none"> That Toronto Water prepare a report that includes a review of goals of the WEP annually and a comprehensive 5-year review should be carried out. 	<ul style="list-style-type: none"> An annual report is prepared every year. The last annual report was presented to Council in a staff report in May 2006. In 2008, a 5-year review will be undertaken.
2.7 Plant expansion avoided due to WEP measures			▶	<ul style="list-style-type: none"> The Official Plan will exceed population projections used to calculate that plant expansion will not be needed even if the WEP measures are implemented. The 2004, 5-year review has still not been initiated. 	<ul style="list-style-type: none"> That the City initiate the 5-year review. 	<ul style="list-style-type: none"> The City provides the ICMC with revised flow forecasts on an annual basis, based on current population projections. The 5 year review of the EA approval will occur 5 years after EA approval has been received.
2.8 Water Rate Study			▶	<ul style="list-style-type: none"> A water rate study has been initiated. Ongoing, 	<ul style="list-style-type: none"> That a draft report be forwarded to the ICMC for comment. 	<ul style="list-style-type: none"> The Mediation Agreement does not contain any commitment to the items requested here

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			▶	partial compliance.	That the ICMC be part of any planned water rate consultations.	by the ICMC.
2.9 Water Efficiency Plan contents			▶			
2.10, 2.12 Water Efficiency Plan Review Committee		Non-Compliant		<ul style="list-style-type: none"> None established 	<ul style="list-style-type: none"> That the City establish a Water Efficiency Plan Review Committee, whose mandate will include measurement of water outdoor usage. 	<ul style="list-style-type: none"> A review committee was utilized during preparation of the Water Efficiency Plan. Water Efficiency Plan staff currently fulfill the mandates contained within the Water Efficiency Plan.
2.11 Water reduction scenario strategies		Non-Compliant		<ul style="list-style-type: none"> Water meters program is being unrolled over the next 8 years. Not all residences with a water meter have been captured. 	<ul style="list-style-type: none"> That the City become more aggressive in implementing the Water Meter Program by identifying important target sectors (i.e. pool owners). 	<ul style="list-style-type: none"> The RFP for the Water Metering Program is expected to be released in early 2007. The project is to be conducted in three main phases. The implementation of Phases 2 and 3 is contingent on Council acceptance of the system evaluation report to be submitted after the implementation of Phase 1 that is intended to show the relative success of the project prior to a City wide rollout. The political wards selected for Phase 1 are ward 18 and ward 28. These areas were chosen because they have the right mix of flat rate, large meters and small meter change-outs. Once fully implemented the program will see the replacement of 468,000 meters and establish a City wide network that will transmit live meter data to Revenue Services for billing.

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					<ul style="list-style-type: none"> That the City undertake water efficiency plan projections to the year 2031 	<ul style="list-style-type: none"> The Mediation Agreement does not contain any commitment to the item requested here by the ICMC.
3.0 Wet Weather Flow Master Plan	No					
3.1		Compliant				
3.2 – 3.13		Non-Compliant			<ul style="list-style-type: none"> Toronto Water commit to reduce the number and severity of bypass events, with the goal of eventual elimination of bypass events. Toronto Water report on the past and ongoing monitoring of the Eastern Beaches Detention Tanks and the Western Beaches Tank Tunnel to demonstrate yearly compliance (since their installation) to Ontario Procedure F-5-5 and B-1-1. Toronto Water develop a plan that outlines how the analysis of stormwater 	<ul style="list-style-type: none"> The Mediation Agreement does not contain any commitment to the item requested here by the ICMC. However, Toronto Water has a number of Class Environmental Studies underway across the City addressing basement flooding. These studies will investigate options to reduce infiltration and inflow to the sanitary sewer system reducing wastewater flows to the Treatment Plant. The Mediation Agreement does not contain any commitment to the items requested here by the ICMC. The Mediation Agreement does not contain any commitment to the items requested here

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					<p>flows included in the above commitments can be undertaken in the ongoing staged implementation of the Wet Weather Flow Management Master Plan.</p> <ul style="list-style-type: none"> • Toronto Water use engineering features, such as stormwater management ponds, to stop untreated water from going into Lake Ontario. • Stormwater flows should be disinfected with UV before entering streams and creeks that go to Lake Ontario. This will not increase the load to the sewage treatment plants. 	<p>by the ICMC. However, a number of Class Environmental Assessment (EA) projects are either ongoing or just initiated as part of the implementation of the Wet Weather Flow Master Plan (WWFMP). The analysis of stormwater flows will be conducted as part of those EA studies.</p> <ul style="list-style-type: none"> • The Mediation Agreement does not contain any commitment to the item requested here by the ICMC. However, a number of stormwater ponds/wetlands are being constructed as part of the Ellis Avenue/Colborne Lodge project in the western part of the waterfront to treat stormwater runoff. Other stormwater management (SWM) facilities identified within the City's Wet Weather Flow Master Plan will be designed and built as the EA studies are completed and the recommended solutions are implemented. • The Mediation Agreement does not contain any commitment to the item requested here by the ICMC. However, where stormwater flows have an impact on beaches, their disinfection will be evaluated as part of the EA studies.

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					<ul style="list-style-type: none"> Toronto Water develop a long term plan under F-5-5 for the elimination of all bypass events at all wastewater treatment plants. 	<ul style="list-style-type: none"> The City's Wet Weather Flow Master Plan, was developed in accordance with the requirements of the Province of Ontario's Procedure F-5-5.
Resolution 3: ABTP Capacity						
1.0 Existing Approved Capacity at the ABTP				<ul style="list-style-type: none"> No report was received on each capacity item listed in 1.1 to 1.10. 	<ul style="list-style-type: none"> ICMC requests that in the next annual report there be a report on both solids and population projections. 	<ul style="list-style-type: none"> There has been no change in the rated capacities in items 1.1 to 1.10. This section of the Mediation Agreement does not contain a commitment to an annual solids projection report.
1.8 and 1.9 Solids loading to M TP		Partially Compliant		<ul style="list-style-type: none"> The amounts of dry solids require some correction. ICMC is concerned with Staff planning around 100% beneficial use of biosolids when this 	<ul style="list-style-type: none"> Reduce flows and solids loading through implementation of WEP and WWFMP. 	<ul style="list-style-type: none"> This section accurately presents the solids loadings measured and forecast at the time of the Mediation Agreement. It does not require updating. Current projections for solids loading are provided by the draft Biosolids and Residuals Master Plan.

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				represents an 85% increase in biosolids tonnage in the next five years compared to the 50,000 dry tonnes that is the current tonnage being managed.		
Resolution 4: Plant Optimization and Economic Issues						
1.0 Plant Optimization		Partially Compliant			<ul style="list-style-type: none"> ICMC requests an annual optimization report of the existing plant. Toronto Water implement fine bubble aeration. Toronto Water report on scheduled work on digesters and how that will result in increased digestion times. Toronto Water to report on the relationship between biosolids odours and stabilization of sludges by 	<ul style="list-style-type: none"> Items 1.1.1 to 1.1.4 of the Mediation Agreement dealt with specific optimization projects which have been completed by the City and have been previously reported to the ICMC. TW is currently evaluating fine bubble aeration as part of the odour control project. The results of this work will be available in 2007. This section of the Mediation Agreement does not include a specific commitment to any of the items recommended here by the ICMC. Reporting on industry research, such as biosolids odour, and results from other treatment plants are outside the scope of the

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			▶		anaerobic digestion. Toronto Water report on the digester retrofit at the Annacis Island Treatment Plant.	Mediation Agreement. The City did not commit to update the ICMC on all developments in the water and wastewater environment industry.
2.0 Economic Issues						
3.0 Energy Optimization (Section 3.1)			▶		<ul style="list-style-type: none"> The ICMC is concerned about excess methane that is wasted through flaring in the summer months. ICMC recommends that if the City is running gas powered vehicles, there is an opportunity for fill-ups. 	<ul style="list-style-type: none"> The City seeks to fully utilize its digester gas. It is taking necessary steps to provide reliable, economical uses for the gas at the Ashbridges Bay Treatment Plant.
Resolution 5: Biosolids Utilization Issues						
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1.0 Amendments to Environmental Assessment Document			▶			
2.0 Termination of Incineration		Compliant			<ul style="list-style-type: none"> The ICMC recommends that a schedule be presented to the ICMC on the City's progress in decommissioning the incinerator at the ABTP. 	<ul style="list-style-type: none"> Under the Province's Nutrient Management Act, the City is required through its Nutrient Management Strategy to detail how biosolids from the Ashbridges Bay Treatment Plant are proposed to be managed; including identification of contingency plans should the

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						primary management plan fail. The incinerators are listed as a last option contingency that can be accessed only upon Council approval. The incinerators have not been operated at the ABTP since December 2003, in keeping with our commitment under the Mediation Agreement.
2.0 Long term Market Study for Beneficial Uses of MTP Biosolids		Non-Compliant		<ul style="list-style-type: none"> The Marketing Study has not been carried out and has therefore not been included in the draft Biosolids and Residuals Master Plan. The original City RFP process has been unsuccessful in securing adequate private sector proponents (and contracts) to accomplish 100% beneficial use on agricultural land. Toronto Water has proposed a new incinerator for contingency in the draft Biosolids and Residuals 	<ul style="list-style-type: none"> That the Marketing Study for agricultural and non-agricultural lands be completed and incorporated into the Draft Biosolids and Residuals Master Plan. The ICMC recommends that the City assess the requirements and undertake a search for a biosolids storage facility. 	<ul style="list-style-type: none"> A Market Study for the beneficial use of biosolids was completed for both agricultural and non-agricultural options through the draft Biosolids and Residual Master Plan (BRMP). The market study for both agricultural and non-agricultural use options was provided to the BRMP Advisory Committee for their review and comment during the BRMP process and made available on the City's project website for the public to review. Since the loss of the biosolids storage facility in 2001, the City has been working with its land application contractor to determine storage solutions for its biosolids during periods when agricultural land application is not possible. With the implementation of a more diversified biosolids management program during the summer of 2006, the City has a larger number of outlets to choose from to manage its biosolids and therefore

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			▶	<p>Master Plan, and not beneficial use contingency plans.</p> <ul style="list-style-type: none"> It was ICMC's understanding that the Master Plan was to implement the 100% Beneficial Use Plan. 	<ul style="list-style-type: none"> The ICMC recommends that the City evaluate the market for the use of biosolids as mine reclamation, landfill cover, and other non-agricultural land applications. The City should evaluate improvements to the digestion process including longer digestion time and alternative 	<p>the need for a storage facility is not critical.</p> <ul style="list-style-type: none"> The City undertook a Biosolids and Residual Master Plan (BRMP) that prepared a long term strategy to manage wastewater treatment biosolids and water treatment plant residuals in an environmentally sound and sustainable manner. The BRMP process was undertaken as a Class Environmental Assessment that required the City to consider all viable management options. The BRMP prepared a technical assessment of all viable biosolids and residuals handling and end use alternatives currently available. Management options assessed include various advanced thermal technologies, land application, pelletization, composting and co-composting with solid waste and alkaline stabilization. In addition, over the summer of 2006, the City put in place a variety of biosolids management contracts that see a diverse management of biosolids including degraded site reclamation, co-composting, land application, alkaline stabilization and landfill. Enhancements to digestion have been considered in the draft BRMP. In addition, the

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					digestion processes in the interests of stabilization, energy production and odour reduction.	City directly participates in third party research done by the Water Environment Research Foundation (WERF) and Mid Atlantic Biosolids Association (MABA).
4.0 Request for Proposals: Interim Contingency Options		Non-Compliant			<ul style="list-style-type: none"> The ICMC is concerned about the present interim/contingency biosolids disposal options. The ICMC recommends that the City explore further interim/contingency applications of biosolids as part of the BRMP process. The City should offer to pay a much higher tipping fee for landfill capacity in southern Ontario. 	<ul style="list-style-type: none"> Over the summer of 2006, the City put in place a variety of biosolids management contracts that see diversification of the biosolids program, including reclaiming degraded sites, co-composting, land application, alkaline stabilization and landfill. This has allowed the City not to have to rely on land application. The City currently has in place a diversified program to manage its biosolids generated at Ashbridges Bay Treatment Plant. It is anticipated that the City's biosolids pelletizer will also be commissioned in early 2007, adding an additional level of diversification to the program. In addition, the City's Solid Waste Division has recently purchased a landfill in Southern Ontario. Opportunity exists to discuss the possibility of using some of this landfill capacity for biosolids if required.
5.0 Biosolids and Residual Master Plan		Partially Compliant		<ul style="list-style-type: none"> The Health Studies were completed but have not yet been integrated into 	<ul style="list-style-type: none"> That the findings and results of the Health Study and the recommendations of the Board of Health be incorporated 	<ul style="list-style-type: none"> As discussed in the BRMP Advisory Committee meetings and during the public consultation meeting for the health studies,

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				<p>the draft Biosolids and Residuals Master Plan.</p> <ul style="list-style-type: none"> The BRMP process used a decision making model which did not properly assess the alternatives and the advisory committee process did not respond to public input. 	<p>into the Draft Biosolids and Residuals Master Plan.</p> <ul style="list-style-type: none"> The BRMP should be revised in accordance with the following: <ul style="list-style-type: none"> The public consultation needs to be improved; the process for hiring consultants for Master Plans and EAs must require the consultants to show that they will modify their reports in response to public input. The decision-making model should reflect strategic and management level analysis of plant strategies and options; a weighted matrix based model should not be used because it does not compare the best variations of each option and does not reflect large negative impacts in the scoring system. 	<p>the findings of the Health Studies and their recommendations will be incorporated and considered in the final BRMP.</p> <ul style="list-style-type: none"> A multi faceted approach to public consultation was used during the BRMP process that included, 8 Public Information Sessions, ability to contact City staff at any time, a dedicated web site and the formation of a Biosolids and Residuals Master Plan Advisory Committee (BRMPAC) that met with the consultants monthly for the duration of the project. A two-tier evaluation system was developed with stakeholder input to weight and rank a long list of management options. This evaluation model heavily reflected public input with 50% of the weighting of the model distributed in the environmental and community impact categories.

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Resolution 6: Tertiary Treatment						
Tertiary Treatment	No	Non-Compliant		<ul style="list-style-type: none"> Tertiary Treatment for the by-pass does not need stand alone approval If the MOE determines that Tertiary Treatment is needed beyond disinfecting the secondary by-passes, then approval under the ABTP Environmental Assessment can proceed at that time. 	<ul style="list-style-type: none"> That the City of Toronto set aside space for a future Tertiary Treatment facility That the City of Toronto begin a preliminary study for the design of a Tertiary Treatment facility to treat the final effluent and settled primary effluent. That a report be made to ICMC on the status of implementing Tertiary Treatment. 	<ul style="list-style-type: none"> The Mediation Agreement explicitly states that the City does not intend to implement tertiary treatment except to meet Ministry of the Environment (MOE) requirements. There are no current MOE requirements for tertiary treatment. The MOE review indicated that they would not be providing approval for tertiary treatment under this EA.
Resolution 7: Ultraviolet Disinfection						
Resolution and Commitments	Presentation Received	Compliance Status	Ongoing Process	Key Comments	ICMC Recommendations	Toronto Water Comments
Disinfection of effluent during by-pass will be accomplished using UV disinfection	No	Non-Compliant		<ul style="list-style-type: none"> Clarify from the MOE if Ultraviolet Disinfection can proceed without EA approval. 	<ul style="list-style-type: none"> That the City of Toronto provide the ICMC with last year's report on the influent and effluent quality and the Biosolids removal related to the 	<ul style="list-style-type: none"> The Mediation Agreement does not contain any commitment to the items requested here by the ICMC. The UV system like any change to the plant requires EA approval. The UV is

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					<p>operations of the Western Beaches Tunnel. This report should also include discussion of the impacts of ultra violet disinfection to the effluent.</p> <ul style="list-style-type: none"> The City of Toronto to compare Western Beaches Tunnel results to determine if the by-pass from Ashbridges Bay Plant can be treated with Ultraviolet disinfection. 	<p>one of the main components of the undertaking seeking approval under this EA.</p> <ul style="list-style-type: none"> The city has completed studies on UV disinfection of its own effluents. Reporting on other facilities is not specified in the Mediation Agreement and is of little value compared to the existing results from the ABTP
UV Implementation Plan schedules		Non-Compliant		<ul style="list-style-type: none"> The Ultraviolet Implementation Plan and Schedule "A" and "B" are both out of compliance. Overall, four Schedules are outdated. They have not been updated to reflect new schedule (see pages 82,83,110,111). 	<ul style="list-style-type: none"> That Toronto Water provide updated timelines for implementation of effective Ultraviolet treatment of the ABTP effluent. 	<ul style="list-style-type: none"> All the schedules listed in the Mediation Agreement were predicated on MOE approval of the EA. The City cannot provide any meaningful update to the schedules until EA approval is received.

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Resolution 8: Near Shore Water Quality and Outfall						
1.0 Near Shore Water Quality Degradation	Yes	Partially Compliant			<ul style="list-style-type: none"> The City arrange for an in-house education program to educate staff about provincial legislation. The City create a strategy and implement a plan to reduce the ammonia going into the Lake. The City should commit to a strategy on managing ammonia and chlorinated compounds under CEPA and develop a plan to come into compliance with CEPA. Pharmaceuticals and PBDE's are a current concern with regard to effluent water quality. Toronto Water report on the process of their work with the MOE to bring to a conclusion the ABTP EA approval. (Once approval is achieved the outfall pipe approval process through the Ontario Water Resources Act may proceed as outlined in the Mediator's Report. See Commitments 2.2 through 2.9.) 	<ul style="list-style-type: none"> The Mediation Agreement contains no commitment to this recommendation. The Mediation Agreement contains no commitment to this recommendation. Toronto Water provides regular updates to the ICMC on work done with the MOE regarding EA approval.

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					<ul style="list-style-type: none"> Toronto Water staff should enquire at the Ministry if the approval of the outfall is being compromised by out-of-date studies and a generic approval of an outfall may not be satisfactory to the Ministry. 	<ul style="list-style-type: none"> The outfall studies supporting the EA were updated during the EA process in 1996. The Mediation Agreement also commits in section 2.2 that the major design parameter will be determined after the EA approval, therefore not relying solely on the original outfall studies.
Section 1.1		Non-Compliant		<ul style="list-style-type: none"> Although the City is now embarking on the Coatsworth Cut EA through the Wet Weather Flow Master Plan, there was no program and no compliance in 2005. 	<ul style="list-style-type: none"> Toronto Water develop appropriate solutions through a feasibility study and implementation plan to address the CSO and stormwater outfall discharges that degrade the water quality in Coatsworth Cut. Toronto Water report to the Works Committee and the NLC and ICMC regarding the long term water quality monitoring program in Coatsworth Cut and the near shore in the vicinity of the ABTP and the results on a half-yearly basis. 	<ul style="list-style-type: none"> The City is currently undertaking an EA for control of CSO and stormwater discharge to Coatsworth Cut as part of the implementation of the WWFMMP which was developed in compliance with the Mediation Agreement. Data obtained from the monitoring program in Coatsworth Cut is presented to the ABTP NLC and ICMC on a yearly basis.
Section 1.2.1 Cooperation with Toronto and Region Conservation Authority						
- bullet 1		Compliant				
- bullet 2		Non-Compliant		<ul style="list-style-type: none"> Coatsworth Cut Joint Force, if it existed, did not 		<ul style="list-style-type: none"> The commitment in the Mediation Agreement was to determine between the City and TRCA

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				include public stakeholders. There is no provision to date for public stakeholders to participate on the current Steering Committee for the Coatsworth Cut EA.		if a joint city/TRCA/public task force was required. The City and TRCA decided that such a task force was not required
Sections 1.2.2 and 1.2.3		Compliant		<ul style="list-style-type: none"> Data from the summer of 2005 has been collected and reported to the ABTP NLC. 		
2.0 Proposed Outfall Pipe	No	Non-Compliant		<ul style="list-style-type: none"> Without the approval of the EA, the City to date, has not undertaken any new planning or design processes for the implementation of the Outfall Pipe. The Outfall Studies submitted to support the EA were completed in 1986. The data is now 20 years old. 		

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Resolution 9: Good Neighbour Issues						
1.0 Neighbourhood Liaison Committee	Ongoing liaison	Compliant			<ul style="list-style-type: none"> The City ensure that appropriate staff attend NLC meetings to enable the NLC to address community concerns, planning and implementation issues. 	<ul style="list-style-type: none"> The City provides a public consultation staff person and a Toronto Water technical staff person at each NLC meeting. Should there be a question that the technical staff person cannot answer, it is listed as an action item and the technical staff person follows up with the person in that area of expertise so an answer can be provided to the committee.
2.0 Noise		Compliant				
3.0 Odour and air emissions		Partially Compliant				
3.1.3 Odour complaints procedures		Non-Compliant		<ul style="list-style-type: none"> There are noticeable odours in the community. 	<ul style="list-style-type: none"> Monthly reporting to NLC and ICMC on all odour complaints received by the plant and what is done to respond to them. Signs outside the plant should inform people that the phone number can also be used to report an odour complaint, in addition to an insert in the Beaches Metro News and other publications. 	<ul style="list-style-type: none"> The Mediation Agreement does not contain a commitment for monthly reporting of odour complaints to the NLC or ICMC. The contact information for the plant including where and how to make an odour complaint is routinely communicated through the plant newsletter.
3.1.2 and 3.1.3 Odour		Non-Compliant		<ul style="list-style-type: none"> An odour complaint plan 	<ul style="list-style-type: none"> That an odour complaint protocol be 	<ul style="list-style-type: none"> An odour complaint protocol existed at the

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complaint protocol				<p>has not been implemented and the plant continues to smell.</p> <ul style="list-style-type: none"> There remains no mechanism for the community to log complaints or for something to be done to address the odour issue. 	created.	<p>time of the Mediation Agreement and continues to exist at present. In addition, the NLC was consulted on improvements to the protocol. The results of the consultation have led to the inclusion of the odour complaints within the 311 program.</p> <ul style="list-style-type: none"> The City is in the process of implementing an odour control program to reduce odours from the ABTP
3.1.4 Odour Assessment		Compliant		<ul style="list-style-type: none"> The study was completed and pilot studies for various biofilters are underway. 		
3.1.6 NLC participation in consultant selection		Partially Compliant		<ul style="list-style-type: none"> The Zorix Odour Characterization Study has been completed. The final odour controls have not yet been implemented. 		
4.0 Health Study		Partially Compliant		<ul style="list-style-type: none"> The Health Study was completed after the draft Biosolids and Residuals Master Plan, so the impact of the Health Study is not included in the Master Plan. 	<ul style="list-style-type: none"> That the findings and results of the Health Study and the recommendations of the Board of Health be incorporated into the Draft Biosolids and Residuals Master Plan. 	<ul style="list-style-type: none"> The Mediation Agreement does not contain a commitment to utilize any health study findings as part of the BRMP. However, the findings of the health studies will be implemented into the final BRMP when the public comment period of the draft BRMP has been closed.

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4.1 Need for comprehensive epidemiological study		Partially Compliant				
4.2 Community Health Study		Compliant				
4.2.1 - 4.2.6 Community Health Study		Compliant				
4.2.7 Reintroduction of Incineration as an option		Non-Compliant		<ul style="list-style-type: none"> The draft Biosolids and Residuals Master Plan recommended incineration without any consideration for the three completed Health Studies, carried out as agreed. The Master Plan is proposing to build an incinerator under contingency. This is contrary to the preferred alternative and the EA contingency options. The draft Biosolids and Residuals Master Plan is out of compliance on items such as the long term market study. This must be brought into 		

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				compliance.		
6.0 Site Plan and Visual Aesthetics		Partially Compliant				
6.1.1 Landscape Architecture Site Plan		Partially Compliant		<ul style="list-style-type: none"> The Plan will be developed with input from the broad community and from the NLC. 		
6.1.2 Landscape Architecture Site Plan		Partially Compliant		<ul style="list-style-type: none"> Finalization of the Plan and a contract to implement the site plan in the near vicinity of the plant (south of Lakeshore Boulevard) has not been brought to tender. The site plans for the park area north of the Lakeshore are moving towards implementation separately. 		
6.1.3-6.1.7 Landscape Architecture Site Plan		Non-Compliant		<ul style="list-style-type: none"> The NLC has not received the schedule for implementation of the entire site. 	<ul style="list-style-type: none"> That the Toronto Water prepare a timeline for the completion and implementation of a Landscaping Plan for the entire site. 	<ul style="list-style-type: none"> The NLC has received the schedule for the implementation of phase 1 of the landscaping plan. The scheduling of other phases is subject to the outcome of other processes such as EA approval, and Lake Ontario Park.

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Resolution 10: Implementation, Review and Compliance Monitoring Issues						
1.0 EA Implementation Plan			▶	<ul style="list-style-type: none"> Regular reporting from the City is necessary. 	<ul style="list-style-type: none"> ICMC to set up a schedule to identify other necessary reporting, e.g., Western Beaches Tunnel and Ultraviolet project under Wet Weather Flow Master Plan. That Toronto Staff prepare a report for the ICMC reaffirming compliance and setting new timelines. 	<ul style="list-style-type: none"> The City did not commit to providing information unrelated to the implementation of the ABTP EA approval that the ICMC may request. Any meaningful plan for implementation of the EA approval is predicated on first receiving EA approval.
1.1.1 EA document amendments		Partially Compliant		<ul style="list-style-type: none"> No 5 Year Review Process has been initiated to provide feedback regarding the process of the implementation of the Mediator's Agreement. 		<ul style="list-style-type: none"> The City is fully compliant with this section of the Mediation Agreement. Section 1.1.1 deals exclusively with amendments to the EA document. This was done in 1999 with the submission of the Mediation Agreement to the MOE.
1.1.2 Annual Population Projection reporting to ICMC		Non-Compliant		<ul style="list-style-type: none"> ICMC did not receive complete annual reports from the City of Toronto regarding the population projections. 		<ul style="list-style-type: none"> The City is demonstrating ongoing compliance with this item by providing annual updates to the ICMC on population and flow projections
4.2.1(1.1.3) Distribution of Mediation		Non-Compliant		<ul style="list-style-type: none"> ICMC is not aware of any section of the new Official 		

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Agreement to relevant departments				Plan that incorporates or is informed by the Mediation Agreement.		
1.1.4 Mediation Agreement Implementation		Non-Compliant		<ul style="list-style-type: none"> The Health Studies were completed but have not yet been integrated into the draft Biosolids and Residual Master Plan. The Marketing Study has not been carried out and has therefore not been included in the draft Biosolids and Residual Master Plan. 	<ul style="list-style-type: none"> That the findings and results of the Health Study and the recommendations of the Board of Health be incorporated into the Draft Biosolids and Residuals Master Plan. That the Marketing Study be completed and incorporated into the Draft Biosolids and Residuals Master Plan. 	<ul style="list-style-type: none"> The findings of the Health Studies and their recommendations will be taken into consideration in the preparation of the final Biosolids and Residuals Master Plan. A Market Study for the beneficial use of biosolids was completed for both agricultural and non-agricultural options through the draft Biosolids and Residual Master Plan. The market study for both agricultural and non-agricultural use options was provided to the BRMP advisory Committee for their review and comment during the BRMP process and made available on the City's project website for the public to review.
1.1.5 Official Plan and Zoning By-law amendments to exclude incineration		Non-Compliant		<ul style="list-style-type: none"> Toronto Water has proposed a new incinerator for contingency in the draft Biosolids and Residuals Master Plan, and not beneficial use contingency plans. 		

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				<ul style="list-style-type: none"> It was ICMC's understanding that the Master Plan was to implement the 100% Beneficial Use Plan 		
1.1.6- Distribution of Mediation 1.1.7- Agreement to relevant decision makers		Non-Compliant				
1.1.8 Master Schedule of Dates		Non-Compliant			<ul style="list-style-type: none"> ICMC to request a new Schedule for implementation of the EA. 	<ul style="list-style-type: none"> EA approval is still pending from the MOE. Once EA approval has been obtained, a new implementation schedule will be prepared.
2 Planning Horizon and Five Year Review Process		Non-Compliant				
2.1-2.2 Planning Horizon		Non-Compliant		<ul style="list-style-type: none"> The information required has not been provided and has not been consolidated into a schedule. 	<ul style="list-style-type: none"> That the ABTP Mediation Agreement continue beyond 2011, in order to implement the 'preferred alternative' as agreed in the Mediation Agreement. The planning horizon will need to be 20 years (as stated in C 2.1) to cover implementation of the EA. 	<ul style="list-style-type: none"> The extension of the Mediation Agreement and planning horizon beyond 2011 were agreed to only be considered if a need was identified within the context of the 5 year review. The 5 year review has not been initiated as it is reliant on the approval of the EA.

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2.3-2.5 Five Year Review Process, plant expansion		Non-Compliant		<ul style="list-style-type: none"> No Five Year Review was undertaken. 	<ul style="list-style-type: none"> That the Works Committee initiate the missing 5 Year Review, as outlined in Section 2.3. 	<ul style="list-style-type: none"> The 5 year review has not been initiated as it is reliant on the approval of the EA. Once the EA has been approved, the 5 year review will be initiated.
2.6-2.7 EA amendments, dispute resolution		Non-Compliant		<ul style="list-style-type: none"> The ICMC, NLC and signatories did not give consent to including an incinerator into the draft Biosolids and Residuals Master Plan, even as a "contingency". The Signatories have written to the MOE to request the assistance of an independent mediator. 		<ul style="list-style-type: none"> The BRMP process was undertaken as a Class Environmental Assessment in accordance with the provisions of the Environmental Assessment Act. This process requires the City to consider and assess all viable management options. The City has complied with the commitment made in the Mediation Agreement by undertaking the BRMP.
3.0 ABTP EA Approval ICMC						
3.1-3.3 ICMC		Compliant			<ul style="list-style-type: none"> The City should ensure that appropriate staff attend ICMC meetings to address implementation and planning issues. The ICMC be provided with a budget for its work including preparation of reports 	<ul style="list-style-type: none"> The City provides a public consultation staff person and a TW technical staff person at each ICMC meeting. Should there be a question that the technical staff person cannot answer, it is listed as an action item and the technical staff person follows up with the person in that area of expertise so an answer can be provided to the committee. The annual ICMC report is prepared with the help of City public consultation staff who look

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					to the City.	after the printing and distribution of the report.
3.4-3.5 Annual Compliance Reporting by the City		Non-Compliant		<ul style="list-style-type: none"> ICMC is not aware of any annual reports being produced since March 31st. 1999 when the Mediation Agreement was adopted. 	<ul style="list-style-type: none"> That the City provide ICMC with annual reports dated after 1999, as outlined in Section 3.5.3 	<ul style="list-style-type: none"> Section 3.4 – 3.5 deals exclusively with annual reports to the MOE on compliance with the EA Approval. Since the EA Approval is still pending, it is impossible to report on compliance with it at this time.
Resolution 11: Role of the Private Sector						
No activity at this time.						

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