

First Annual Compliance Report

Ashbridges Bay Treatment Plant Environmental Assessment Annual Report and Mediation Agreement Status Update Report

January 2007 – December 2008



Chemical dependency hard to break: Chlorine tankers regularly pass through Toronto and are parked at Ashbridges Bay, close to the park, the beach, and residential neighbourhoods. On Jan. 24th, 2008, after an 18-year Environmental Assessment, the Minister of the Environment has approved Ultra-Violet disinfection for the Ashbridges Bay Sewage Treatment Plant. This should be the end for Chlorine—so why is Toronto Water undertaking a study to revisit Chlorine disinfection, contrary to the public's expectations and the Minister's decision?

To: Ontario Minister of the Environment, Environmental Assessment
and Approvals Branch
City of Toronto Public Works and Infrastructure Committee

Prepared by: **The Implementation and Compliance Monitoring Committee**

March 2009

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Executive Summary

Background

The former municipality of Metropolitan Toronto submitted the Main Treatment Plant Environmental Assessment (MTP EA) to the Minister of the Environment for approval under the Environmental Assessment Act in December 1997. The purpose of the EA is to establish a plan to meet future wastewater needs in the service area to the year 2011 and to improve the effectiveness of the MTP at reducing environmental impacts.

There were nine individuals or groups who requested that the Minister impose a hearing and/or mediation to address their concerns related to the EA. Through twenty four mediation sessions, the Ashbridges Bay Treatment Plant (ABTP) Environmental Assessment's Mediation Agreement (MA) was developed. The City, public and non-governmental organizations reached agreements in April 1999 and signed the Mediation Agreement. These parties are "signatories".

The Mediation Agreement was subsequently adopted by Toronto City Council, from Works Committee Report No. 9, Clause No. 2, June 9, 1999 and the ICMC was established in August 1999.

The Mediation Agreement was submitted to the Environmental Assessment and Approvals Branch of the Ministry of the Environment (MOE) as an amendment to the City's Environmental Assessment Document. According to direction provided by the MOE, the Mediation Agreement takes precedence over the original EA. The City of Toronto also agrees in the MA to implement all aspects of the MA which do not require MOE approval.

The Mediation Agreement is available on the City of Toronto's website at www.toronto.ca/wes/techservices/involved/www/ashbridgesbay_ea/report.htm

The Implementation and Compliance Monitoring Committee (ICMC) was established to monitor the City's compliance with the Mediation Agreement, and to assist with issues related to the Environmental Assessment approval by providing public advice. The ICMC is made up of signatories, City staff, participants, non-governmental organizations, stakeholders and citizens.

In 2002 the City of Toronto reduced the scope of the EA to three undertakings.

On January 24, 2008, the Minister of the Environment gave explicit approval for the three project undertakings by approving the EA with Conditions of Approval. The MOE also expects the ICMC and the City to report on compliance with all

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commitments made in the MA including matters other than the three undertakings.

The MOE's Conditions of Approval continue the ICMC with two roles, monitoring the City's compliance with the EA Approval and with the MA.

This is the First Compliance Report prepared by the Implementation and Compliance Monitoring Committee (ICMC) since the approval of the EA, and provides the ICMC's comments on both the EA Approval and the Mediation Agreement Compliance Status. Six Interim Reports were submitted previously.

Report Purpose

The purpose of this report is to provide the City and MOE with the ICMC's evaluation of the City's compliance with the EA Approval and with the Mediation Agreement, under Conditions of Approval 6(1)iv) and 7(2)ii). As this is the first report since the approval, the content of the report relates primarily to the compliance with the MA.

This report informs City Council about the status of the City's compliance with the 11 resolutions and subsequent commitments agreed to by the City in the Mediation Agreement. The report identifies commitments needing improvement and those that are in compliance for the period of January 2007 to December 2008. **However, the ICMC has not received all of the reports from the City needed to fully analyse compliance with all commitments in this time period.** It is also important to note that the ICMC has been meeting and reporting for 8 years. Many items from the Mediator's Report have yet to be addressed. Specific examples are outlined below.

Key ICMC Compliance Recommendations

1. That the City of Toronto provide engineering staff from Toronto Water and provide appropriate staff to report to the ICMC on the backlog of reports missed during 2007 and 2008, including: Urban Planning Issues relating to plant capacity and the Coxwell trunk twinning, and current Biosolids destinations and marketing; and that there be sufficient number of ICMC and NLC meetings to cover all reporting and Steering Committee functions.
2. Toronto Water provides an updated timeline for OWRA and detailed design studies and implementation for UV disinfection at the ABTP
3. That the City of Toronto through Toronto Water provide a biosolids plan that achieves 100% beneficial use and provides sufficient excess capacity

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- in beneficial uses to provide for beneficial uses to be the contingency plan. The biosolids plan should include consideration of uses such as horticulture, silviculture, mine reclamation and daily landfill cover.
4. That the City of Toronto, having terminated the incineration of biosolids on December 5, 2002, decommission the existing incinerators and surrender the Certificates of Approval for sewage sludge incineration.
 5. That incineration contingency be removed from the Nutrient Management Plan and the draft Biosolids and Residuals Master Plan and replaced with beneficial uses as the contingency.
 6. That the WWFMP and its implementation meet Provincial Water Quality Objectives and fully implement regulations under F-5 procedures, including F-5-5 and F-5-1.
 7. That the Coatsworth Cut EA plan include opportunistic sewer separation.
 8. That Toronto Water implement the odour complaint protocol as currently agreed with the ABTP NLC; a local odour monitoring program with specifications for when and where odour measurements will be done in the community; and a remedial odour plan; with input from the ABTP NLC and the affected local community.

Key Non-Compliance Findings

ICMC Mandate and Terms of Reference

The Terms of Reference require the City of Toronto to provide staff to the ICMC. There were a significant number of meetings in 2007 with no staff or no appropriate staff resulting in cancelled agenda items and meetings with no staff reports. In 2008 the City has not provided any staff to the ICMC.

UV Disinfection

The Effluent Disinfection Study (RFP) should not be examining other disinfection methods at this time, but should examine the systems needed to implement UV disinfection, i.e. what filtration process is needed to be used with UV disinfection of secondary bypass.

The EA Conditions of Approval require the City to proceed with the OWRA studies and detailed design on the UV disinfection system, and not to consider any non-UV options unless UV is found to not be reasonable.

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Biosolids

The City's contractors should be compliant to a 100% beneficial use program and the guiding principles in Resolution 1, and should avoid disposal.

In addition to ensuring that Veolia finds beneficial use markets for the pellets, Toronto Water needs to find beneficial use markets for the 25% of biosolids that are being handled by neither Veolia nor Terratec.

Beneficial uses such as land reclamation, horticulture and silviculture should be implemented.

We are asking for continued commitment of the City of Toronto to termination of incineration at the ABTP and commitment to decommissioning of the existing incinerators and surrendering the Certificates of Approval.

Reports on biosolids quantities that the ICMC has received do not match the reports the City has sent to the province.

Wet Weather Flow

We require assurance that the Coxwell twinning will never become a combined sewer. The Coxwell, Don and Waterfront Trunk Sewer Class EA should not allow this to happen or allow additional wet weather flows to enter the treatment plant.

We are concerned that the report approved at City council in September 2006 stated, "As indicated above, one overall Class EA may result in the merging of different dry weather and wet weather flow control projects into single projects."

The WWFMP is insufficient to resolve the water quality issues in Lake Ontario.

In the Coatsworth Cut EA process, the release of the documents needed for the ICMC and the public to comment on the plan came after the City had already submitted the plan to the province. The decisions made in the plan were based mainly on reducing the quantity of combined sewer overflow water in the outflows, rather than reducing the amount of solids in the outflows. This incorrectly led to the conclusion that opportunistic sewer separation would not be needed.

Odour Control

This project is ongoing and the City is in compliance by improving processes and procedures to reduce odour escape.

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However, the decision to abandon biofilters to treat odourous air before sending it up the tall stack deviates substantially from the 2002 odour control study by Zorix. 24/7 pumping of odourous air up the stack for “dispersion” will affect downwind communities, depending on weather and the actual amount of odour units.

The community has received oral assurance that if this solution (use of the stack without prior biofiltering) results in detectible odour, biofilters can be installed at a later date.

Later installation of biofilters may increase costs, unless current contracts provide funds set aside to do this work.

Have biofilters been removed from the project because of cost overruns in other parts of the contract or because continuing to use the tall stack justifies retaining it for ultimate use with incineration?

Planning

The ICMC is concerned that the Official Plan will result in greater population increases than were projected for Toronto before the new Official Plan was adopted. Toronto Water is using the prior projections in its capacity planning. We are concerned about pressure on plant capacity, especially in light of a) that additional digesters are needed to increase digestion time even with the current plant capacity, and b) any possibility of increase in the capacity of the Coxwell sewer.

If the Coxwell trunk twinning is going to be used for additional sanitary capacity, this conflicts with the intention to use it as emergency backup.

Compliance and Non-Compliance Findings

Please see the full Annual Report including the Compliance Chart for the ICMC's complete findings and recommendations.

Conclusion and Contact

The ICMC commends the City on those commitments where there is compliance, and strongly encourages the City to work towards expanding the list of compliant commitments over the next year.

This report has been approved and adopted by the ICMC. Any questions should be directed to:

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COMPLIANCE STATUS TABLE, KEY COMMENTS AND RECOMMENDATIONS

Resolution and Commitments	Presentation Received	Non-Compliant X	Partially Compliant ◆	Compliant ✓	Ongoing Process ▶	Key Comments	Recommendations	City of Toronto Comments
Key Recommendations		X					<ul style="list-style-type: none">• That the City of Toronto provide engineering staff from Toronto Water and provide appropriate staff to report to the ICMC on the backlog of reports missed during 2007 and 2008, including: Urban Planning Issues relating to plant capacity and the Coxwell trunk twinning, and current Biosolids destinations and marketing; and that there be sufficient number of ICMC and NLC meetings to cover all reporting and Steering Committee functions.• Toronto Water provides an updated timeline for OWRA and detailed design studies and implementation for UV disinfection at the ABTP.• That the City of Toronto through Toronto Water provide a biosolids plan that achieves 100% beneficial use and provides sufficient excess capacity in beneficial uses to provide for beneficial uses to be the contingency plan. The biosolids plan should include consideration of uses such as horticulture, silviculture, mine reclamation and daily landfill cover.• That the City of Toronto, having terminated the incineration of biosolids on December 5, 2002, decommission the existing incinerators and surrender the Certificates of Approval for sewage sludge incineration.• That incineration contingency be removed from the Nutrient Management Plan and the draft Biosolids and Residuals Master Plan and replaced with beneficial uses as the contingency.	<ul style="list-style-type: none">• A Senior Engineer from Toronto Water and a Public Consultation staff person attend each ICMC Steering Committee meeting to discuss EA Approved Undertaking implementation progress. Presentations have been set up for 2009 for updates on biosolids management, water efficiency, wet weather flow management and the Sewer Use By-law.• A work plan was presented to the ICMC in writing by the City in a letter dated June 18, 2008 followed with a verbal discussion of the work plan at their July 8, 2008 meeting. Further discussion around work plan and timeline has also been provided in the City's Annual Compliance Report to the MOE.• The City is currently updating and finalizing the Biosolids Master Plan (BMP). In the preparation of the BMP, the City is looking at all biosolids end use management options, which include silviculture, mine reclamation and landfill cover.• 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 Pant are proposed to be managed; including identification of contingency plans should the 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.• A variety of biosolids contingency options will be evaluated in the Biosolids Master Plan. The integrity of the EA process rests on the evaluation of all available options.

Partially Compliant refers to resolutions where some items are outstanding and the City has not yet committed to take any action.
Ongoing Process refers to resolutions where items may become compliant once a process is complete. These items will require continuous improvement and compliance, and will be monitored by the ICMC.
Non-Compliant refers to resolutions that the City has not yet addressed.

2007/2008		COMPLIANCE STATUS TABLE, KEY COMMENTS AND RECOMMENDATIONS						
Resolution and Commitments	Presentation Received	Non-Compliant ✗	Partially Compliant ◆	Compliant ✓	Ongoing Process ▶	Key Comments	Recommendations	City of Toronto Comments
							<ul style="list-style-type: none"> That the WWFMP and its implementation meet Provincial Water Quality Objectives and fully implement regulations under F-5 procedures, including F-5-5 and F-5-1. That the Coatsworth Cut EA plan include opportunistic sewer separation. That Toronto Water implement the odour complaint protocol as currently agreed with the ABTP NLC; a local odour monitoring program with specifications for when and where odour measurements will be done in the community; and a remedial odour plan; with input from the ABTP NLC and the affected local community. 	<ul style="list-style-type: none"> The WWFMP and its implementation will achieve significant improvements in water quality levels toward the achievement of PWQO to protect public health and ecosystems. A Notice of Completion for Coatsworth Cut was issued in November 2007. Several Part II Orders were received during the 30 day review period. A decision was made to allow the project to proceed with Minister Approval on Part II Orders in July 2008. The City has an odour complaint telephone number for the public to call. The City is currently updating the odour complaint protocol.
Resolution and Commitments	Presentation Received	Non-Compliant	Partially Compliant	Compliant	Ongoing Process	Key Comments	Recommendations	
Overall Observations			◆			<ul style="list-style-type: none"> Toronto Water did not respond to the majority of the ICMC 2006 Report Recommendations and therefore did not move closer to compliance in a number of areas. The City of Toronto is required to meet its commitments in the Mediation Agreement in addition to meeting the requirements of the Conditions of Approval. 	<ul style="list-style-type: none"> That an effective dispute settlement mechanism be implemented to resolve compliance and timeline disputes raised by the ICMC. The City should meet all commitments made in the Mediation Agreement. 	<ul style="list-style-type: none"> Toronto Water prepared a detailed response to each of the ICMC's recommendations in their 2006 Report. This was presented to Committee and Council for their information in April 2007. The City has been and continues to work towards fulfilling all its commitments under the Mediation Agreement.
Resolution 1: Guiding Principles								
Resolution and Commitments	Presentation Received	Non-Compliant	Partially Compliant	Compliant	Ongoing Process	Key Comments	Recommendations	
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 WWFMP and the projects resulting from the WWFMP take into consideration the commitments made by the City in the Mediation Agreement.

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							<ul style="list-style-type: none">The Biosolids program should be based on the guiding principles in Resolution 1 of the Mediation Agreement, avoid disposal and not be solely based on using financial benefits or penalties to determine the optimal approach.	<ul style="list-style-type: none">The City has put in place a diversified biosolids program to manage its biosolids generated at Ashbridges Bay Treatment Plant. This program includes land application, alkaline stabilization and pelletization. Landfill is used as the outlet of last resort when beneficial use options are not available.
Resolution 2: Source Control Issues								
Resolution and Commitments	Presentation Received	Non-Compliant	Partially Compliant	Compliant	Ongoing Process	Key Comments	Recommendations	
1.0 Sewer Use By-Law	Yes							
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.Toronto Water examine the potential of a Toronto Incentive Program to encourage on-site pre-treatment of industrial effluents beyond required levels. (Mediator's Report, Commitment 1.6, page 36).Toronto Water test the use of reverse osmosis toilets for use in hospitals to control drugs discharged to the lake.	<ul style="list-style-type: none">Provincial regulation limits maximum fines for municipal By-laws and Toronto's Sewers By-law reflects this. A Justice of Peace decides the actual fine amount. The Justice of Peace takes into consideration previous conviction(s) at the time of sentencing.Toronto Water has produced a number of public education brochures and continues to run ad campaigns for public education.There is currently no such incentive program. The By-Law limits are already the lowest in Canada. For industries to install pretreatment systems to go beyond the By-Law limits is costly. The City's P2 program allows for the elimination/substitution of the subject pollutants.This is not a commitment made by the City in the Mediation Agreement.
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 a comparative table was prepared.	<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 wastewater collection system since it may affect watershed water quality within the City of Toronto.	<ul style="list-style-type: none">There is continuing dialogue between the City and the Region of Peel. Peel is revising their Sewer Use By-law to include provisions for P2 Planning and hopes to have it approved by their Council in 2009. In 2008, they had 114 notices of violation and no prosecutions.

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Resolution and Commitments	Presentation Received	Non-Compliant ✗	Partially Compliant ◆	Compliant ✓	Ongoing Process ▶	Key Comments	Recommendations	City of Toronto Comments
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.●That the City not promote or distribute toxic products that cause harm in the environment. Two examples are city use of pesticides and fluoridation of water.●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 City does not promote products that are detrimental to the public or the environment.● The City has not and will not promote products that are detrimental to the public or the environment.● Environment Canada looks to Toronto's Environmental Monitoring & Protection group (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				✓		<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.		
1.11 Monitoring					▶		<ul style="list-style-type: none">● Ongoing monitoring and public input relating to potential impacts of the Sewer Use Bylaw on the ABTP is to be assumed by the ICMC.● The Manager, Environmental Monitoring and Protection, ensure that monitoring be carried out on the Western Beaches storage tunnel and the Eastern Beaches detention tanks to include the amount of CSO/stormwater solids and of waster used to flush tank solids that is being pumped through the sewers to the ABTP.	<ul style="list-style-type: none">● The ICMC is provided with a presentation on the Sewer Use By-law annually.● The Western Beaches Tunnel has not been fully commissioned as of yet. A sampling procedure has been prepared and will be put in place once fully commissioned to monitor the quality of flow to the treatment plants. The Eastern Beaches Detention Tank is not currently being monitored. A joint two year study done with the Ministry of the Environment (report published in 2004) determined that the tank was working properly

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								and that no further testing was required at this time.
2.0 Water Efficiency Plan	Yes							
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		X				<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">• A 5 year review has been initiated.
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">• A 5 year review has been initiated.
2.8 Water Rate Study					▶	<ul style="list-style-type: none">• A water rate study has been initiated. Ongoing, partial compliance.	<ul style="list-style-type: none">• That Toronto Water initiate a rate study that addresses the cost of processing any CSO and stormwater directed to the ABTP which is not reflected in water meter volume measurements, and that ICMC be part of any planned water rate consultations.	<ul style="list-style-type: none">• The Mediation Agreement does not contain any commitments to the items requested by the ICMC.
2.9 Water Efficiency Plan contents					▶			
2.10, 2.12 Water Efficiency Plan Review Committee		X				<ul style="list-style-type: none">• None established		<ul style="list-style-type: none">• A review committee was utilized during the 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					▶	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• The City is being aggressive and has reduced the timeline for the implementation of the

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							(i.e. pool owners). ● That the City undertake water efficiency plan projections to the year 2031	Water Metering Program from 8 to 6 years. It is targeting all flat rate and high volume users first. ● The projection will be assessed in the 5 year review.
3.0 Wet Weather Flow Master Plan	Yes							
3.1 WWFMP to follow Guiding Principles			◆					
3.2 – 3.16		X					 ● 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 F-5-1. Monitoring should include the amount of solids and flushwater from Western Beaches Tunnel going into the Mid Toronto Interceptor, regarding impacts on the ABTP as per 3.16 of the MA. ● Toronto Water develop a plan that outlines how the analysis of stormwater flows included in the above commitments can be undertaken in the ongoing staged implementation of the Wet Weather Flow Management Master Plan. ● 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	 ● The Don Trunk and Waterfront CSO Control Strategy will identify system upgrades to provide sufficient capacity within the Don Trunk and Waterfront Interceptor Sewer System to support future growth requirements and undertake a system optimization for the servicing of dry and wet weather flows in the ABTP service area. ● The Western Beaches Tunnel has not been fully commissioned as of yet. A sampling procedure has been prepared and will be put in place once fully commissioned to monitor the quality of flow to the treatment plants. The Eastern Beaches Detention Tank is not currently being monitored. A joint two year study done with the Ministry of the Environment (report published in 2004) determined that the tank was working properly and that no further testing was required at this time. ● This is being assessed in the Don Trunk EA. ● Class EA's under the WWFMP will review this issue: - Etobicoke Waterfront - Coatsworth Cut (completed) - Scarborough Waterfront CSOs ● UV disinfection is not required for discharge into rivers as per what was identified in the

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							<p>not increase the load to the sewage treatment plants.</p> <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.• The full ICMC membership should be included as voting members in the WWFMMP Implementation Advisory Committee when projects affecting ABTP are considered.	<p>WWFMP.</p> <ul style="list-style-type: none">• The WWFMP is compliant with F-5-5.• The ICMC has a representative on the 15 member WWFMP Advisory Committee. It is this person's responsibility, as it is for each member on the Committee, to convey information and voice the concerns/comments on behalf of the organization/group they represent.
Resolution 3: ABTP Capacity								
Resolution and Commitments	Presentation Received	Non-Compliant	Partially Compliant	Compliant	Ongoing Process	Key Comments	Recommendations	
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 MTP			◆			<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 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.	<ul style="list-style-type: none">• Report on an explanation for the 5000 dry tonnes reduction reported for 2006 compared to 2002.• Reduce flows and solids loading through implementation of WEP and WWFMP.	<ul style="list-style-type: none">• Increasing efficiency in digesters and dewatering has led to a decrease in solids generation.• This section accurately presents the solids loadings measured and forecasted at the time the Mediation Agreement was drafted. It does not require updating. Current projections for solids loading are provided by the draft Biosolids Master Plan.
2.0 No Expansion of MTP Capacity in this EA Approval					▶	<ul style="list-style-type: none">• The City's new Official Plan population scenario will exceed projections that were used to determine that plant expansion would not be needed. The numbers being used by Toronto Water do not reflect the effects of the Official Plan.• Section 2.0 (No Expansion of MTP Capacity in the EA Approval). There	<ul style="list-style-type: none">• That the City of Toronto review its Official Plan and current development for its effect on population increases and plant capacity.	<ul style="list-style-type: none">• Annual updates are provided to the ICMC based on current official plan population projections and their impact on treatment plant flows. These projections continue to indicate no need for expansion prior to 2011. The City is not currently seeking approval for liquid or solids treatment capacity expansion at the Ashbridges Bay Treatment Plant.

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						may be compliance since we are unaware of any approvals being sought by the City for expansion as itemized in 2.1 through 2.5.		
Resolution 4: Plant Optimization and Economic Issues								
Resolution and Commitments	Presentation Received	Non-Compliant	Partially Compliant	Compliant	Ongoing Process	Key Comments	Recommendations	
1.0 Plant Optimization			◆				<ul style="list-style-type: none">ICMC requests an annual optimization report of the existing plant.Toronto Water report on the relationship between biosolids odours and stabilization of the sludges by anaerobic digestion and/or dewatering by centrifuge and/or pumping through the forcemain to the truck loading facility; and report on the feasibility of using a mechanical Roman screw for moving biosolid to the truck loading facility.Toronto Water report on any reduction of pathogen count due to the increase in digestion time to 15 days, and any further plans to increase digestion time.Toronto Water report on the digester retrofit at the Annacis Island Treatment Plant.	<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.The Mediation Agreement does not contain any commitment to the items requested here by the ICMC.All e.coli numbers tested for biosolids can be found in the Ashbridges Bay Treatment Plant annual reports that are placed in the City's Urban Affairs library for the public to review. E.coli numbers remain well below regulatory requirements.The Mediation Agreement does not contain any commitment to the items requested here by the ICMC.
2.0 Economic Issues							<ul style="list-style-type: none">Toronto Water report on any funds used to maintain any of the existing incinerators listed as contingency in the Nutrient Management Plan.	<ul style="list-style-type: none">The Mediation Agreement does not contain any commitment to the items requested here by the ICMC.
3.0 Energy Optimization (Section 3.1)					▶		<ul style="list-style-type: none">Toronto Water report on why the new boilers were unable to burn digester gas.	<ul style="list-style-type: none">The Mediation Agreement does not contain any commitment to the items requested here by the ICMC.
Resolution 5: Biosolids Utilization Issues								

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Resolution and Commitments	Presentation Received	Non-Compliant	Partially Compliant	Compliant	Ongoing Process	Key Comments	Recommendations	
1.0 Amendments to Environmental Assessment Document								
2.0 Termination of Incineration				✓			<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 incinerators 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 Pant are proposed to be managed; including identification of contingency plans should the 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. Further direction on the issue will be developed following the approval of the Biosolids Master Plan.
3.0 Long term Market Study for Beneficial Uses of MTP Biosolids		X				<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 Master Plan, and not beneficial use contingency plans.• It was ICMC's understanding that the Master Plan was to implement the 100% Beneficial Use Plan.	<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.• The ICMC recommends that the City evaluate the market for the use of biosolids as mine reclamation, landfill cover, and	<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. This will be reviewed as part of the update of the Biosolids Master Plan currently occurring.• 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 the need for a storage facility is no longer a priority.• The City undertook a Biosolids and Residual Master Plan (BRMP) that prepared a long

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							<p>other non-agricultural land applications.</p> <ul style="list-style-type: none">• The City should evaluate improvements to the digestion process including longer digestion time and alternative digestion processes in the interests of stabilization, energy production and odour reduction.• Toronto Water continue to improve the quality of the ABTP biosolids through its programs at wastewater treatment plants that process and provide biosolids to and at the ABTP.	<p>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. The Biosolids Master Plan is currently being updated and is scheduled to be complete in the fall of 2009. In addition, the City has searched for degraded site options and have identified only limited potential at this time. In 2007and 2008 15,000 tonnes of biosolids was sent to degraded sites</p> <ul style="list-style-type: none">• The City has implemented major digester refurbishment as well as a long term cleanout program and continuous mixing in the digesters to improve the digestion process.• Enhancements to digestion are being considered in the update of the Biosolids Master Plan and the City directly participates in third party research done by the Water Environment Research Foundation (WERF). In addition, Toronto Water actively enforces its Sewer Use By-law which works to improve biosolids quality.
4.0 Request for Proposals: Interim Contingency Options		X				<ul style="list-style-type: none">• The ICMC is concerned about the present interim/contingency biosolids disposal options.	<ul style="list-style-type: none">• The ICMC recommends that the City explore further interim/contingency applications of biosolids as part of the BRMP process.	<ul style="list-style-type: none">• Toronto Water is in constant discussion with a number of service providers with the objective of adding beneficial use options. As well, the final Biosolids Master Plan will prepare a short, interim and long term management plan for the biosolids generated at ABTP and identify a contingency management option should the primary management option(s) fail.

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5.0 Biosolids and Residuals Master Plan			◆			<ul style="list-style-type: none">• The Health Studies were completed but have not yet been integrated into the draft Biosolids and Residuals Master Plan.• 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.	<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.• 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.	<ul style="list-style-type: none">• As discussed in the BRMP Advisory Committee meetings and during the public consultation meeting for the health studies, the findings of the Health Studies and their recommendations will be incorporated and considered in the final BRMP.• During the preparation of the draft BRMP, a multi faceted approach to public consultation was used 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.• In the fall of 2007, a Peer Review of the draft BRMP decision making model was completed to determine whether the decision making model and scoring process used in the BRMP was appropriate. The Peer Review Panel concluded that the decision-making model used in the City's draft BRMP was a reasonable model which is commonly used in master plans and environmental assessments. The draft BRMP is now being updated to incorporate the findings of the peer review. Eight additional Public Information Sessions will be held for the update of the Master Plan. Four of which were completed in February 2009 and an additional 4 meetings to be held in June of 2009.
Resolution 6: Tertiary Treatment								
Resolution and Commitments	Presentation Received	Non-Compliant	Partially Compliant	Compliant	Ongoing Process	Key Comments	Recommendations	

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Tertiary Treatment	No	X				<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 at this time. The City tracks and is aware of long term plans by both the federal and provincial governments through the CCME.
Resolution 7: Ultraviolet Disinfection								
Resolution and Commitments	Presentation Received	Non-Compliant	Partially Compliant	Compliant	Ongoing Process	Key Comments	Recommendations	
Disinfection of effluent during by-pass will be accomplished using UV disinfection	No	X				<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 operations of the Western Beaches Tunnel. This report should also include discussion of the impacts of ultra violet disinfection to the effluent.• 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.	<ul style="list-style-type: none">• The Mediation Agreement does not contain any commitment to the items requested here by the ICMC.• The City is currently undertaking a Disinfection EA to determine the best disinfection method for the secondary effluent and the bypass from the ABTP.
UV Implementation Plan schedules		X				<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">• Toronto Water provides an updated timeline for OWRA and detailed design studies and implementation for UV disinfection at the ABTP.• The ICMC be the Steering Committee for the OWRA and design studies for the UV disinfection system.	<ul style="list-style-type: none">• A work plan was presented to the ICMC in writing by the City in a letter on June 18, 2008 followed with a verbal discussion of the work plan at their July 8, 2008 meeting. Further discussion around work plan and timeline has also been provided in the City's Annual Compliance Report to the MOE.• The City has organized ICMC meetings that are dedicated to the implementation of the Approved EA Undertakings. In 2008, the ICMC has participated in the review of the terms of reference for the Disinfection Study prior to its release and an elected representative from the ICMC reviewed and helped evaluate proposals for the Disinfection Study in order to select the successful proponent.

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Resolution 8: Near Shore Water Quality and Outfall								
Resolution and Commitments	Presentation Received	Non-Compliant	Partially Compliant	Compliant	Ongoing Process	Key Comments	Recommendations	
1.0 Near Shore Water Quality Degradation	Yes		◆			<ul style="list-style-type: none">• 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.• The City arrange for an in-house education program to educate staff about provincial legislation.	<ul style="list-style-type: none">• The Mediation Agreement contains no commitment to this recommendation. Toronto Water does track regulatory and technical developments related to these issues.• The Mediation Agreement contains no commitment to this recommendation. Positions in Toronto Water are dedicated to regulatory compliance.	
1.2		X				<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 is no program and no compliance.	<ul style="list-style-type: none">• 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">• Data obtained from the monitoring program in Coatsworth Cut is presented to the ABTP NLC and ICMC on a yearly basis.
1.2.1 Cooperation with Toronto and Region Conservation Authority								
- bullet 1				✓				
- bullet 2		X				<ul style="list-style-type: none">• Coatsworth Cut Joint Force, if it existed, did not include public stakeholders. There is no provision to date for public stakeholders to participate on the current Steering Committee for the Coatsworth Cut EA.		
1.2.2				✓		<ul style="list-style-type: none">• Data from the summer of 2005 has been collected and reported to the ABTP NLC.		
1.2.3 CSO and Stormwater Outlets in Coatsworth Cut					▶	<ul style="list-style-type: none">• The decisions made in the plan were based mainly on reducing the quantity of combined sewer overflow water in the outflows, rather than reducing the amount of solids in the outflows. This incorrectly led to the conclusion that opportunistic sewer separation would not be needed.	<ul style="list-style-type: none">• The Coatsworth Cut EA Plan should include opportunistic sewer separation.	<ul style="list-style-type: none">• A Notice of Completion for Coatsworth Cut was issued in November 2007. Several Part II Orders were received during the 30 day review period. A decision was made to allow the project to proceed with Minister Approval on Part II Orders in July 2008.

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2.0 Proposed Outfall Pipe	No				▶	<ul style="list-style-type: none">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.	<ul style="list-style-type: none">The design of the outfall should include replacing any out of-date studies, and include severe wet weather climate-change-related scenarios.The ICMC be the Steering Committee for the design studies for the outfall pipe.	<ul style="list-style-type: none">This will be addressed during the design phase of the outfall.In 2008, the ICMC has participated in the review of the terms of reference for the Disinfection EA prior to its release and an elected representative from the ICMC reviewed and helped evaluate proposals for the Disinfection EA in order to select the successful proponent. The ICMC will also be consulted when work commences for the outfall.
Resolution 9: Good Neighbour Issues								
Resolution and Commitments	Presentation Received	Non-Compliant	Partially Compliant	Compliant	Ongoing Process	Key Comments	Recommendations	
1.0 Neighbourhood Liaison Committee	Ongoing liaison			✓			<ul style="list-style-type: none">The City ensure sufficient number of NLC meetings to enable the NLC to address community concerns, planning and implementation issues.	<ul style="list-style-type: none">The City feels that quarterly NLC meetings more than meet the need to address all community concerns that may arise.
2.0 Noise				✓				
3.0 Odour and air emissions			◆					
3.1.3 Odour complaints procedures		X				<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 complaint protocol		X				<ul style="list-style-type: none">An odour complaint plan has not been implemented and the plant continues to smell.There remains no mechanism for the community to log complaints or for something to be done to address the odour issue.	<ul style="list-style-type: none">That an odour complaint protocol be created.	<ul style="list-style-type: none">The City has an odour complaint telephone number for the public to call. The City is currently updating the odour complaint protocol.
3.1.4 Odour Assessment				✓		<ul style="list-style-type: none">The study was completed and pilot studies for various biofilters are underway.		

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3.1.6 NLC participation in consultant selection			◆			• The Zorix Odour Characterization Study has been completed. The final odour controls have not yet been implemented.		
4.0 Health Study			◆			• 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.	• 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.	• The findings of the Health Studies and their recommendations will be taken into consideration in the preparation of the final Biosolids Master Plan.
4.1 Need for comprehensive epidemiological study			◆					
4.2 Community Health Study				✓				
4.2.1 - 4.2.6 Community Health Study				✓				
4.2.7 Reintroduction of Incineration as an option		X				• 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 compliance.		
6.0 Site Plan and Visual Aesthetics			◆					
6.1.1 Landscape Architecture Site Plan			◆			• The Plan will be developed with input from the broad community and from the NLC.		
6.1.2 Landscape Architecture Site Plan			◆			• 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		

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						towards implementation separately.		
6.1.3-6.1.7 Landscape Architecture Site Plan		X				<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 and several presentations 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 Lake Ontario Park. The NLC will be receiving a presentation in 2009 on the update of the Landscaping Plan.
Resolution 10: Implementation, Review and Compliance Monitoring Issues								
Resolution and Commitments	Presentation Received	Non-Compliant	Partially Compliant	Compliant	Ongoing Process	Key Comments	Recommendations	
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 Approved Undertaking that the ICMC may request.The Annual Compliance Report to the MOE will outline the City's compliance to the Mediation agreement and the City's timelines related to the implementation of the EA Approved Undertaking.
1.1.1 EA document amendments			◆			<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.		
1.1.2 Annual Population Projection reporting to ICMC		X				<ul style="list-style-type: none">ICMC did not receive complete annual reports from the City of Toronto regarding the population projections.		
4.2.1(1.1.3) Distribution of Mediation Agreement to relevant departments		X				<ul style="list-style-type: none">ICMC is not aware of any section of the new Official Plan that incorporates or is informed by the Mediation Agreement.		
1.1.4 Mediation Agreement Implementation		X				<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.	<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 findings of the Health Studies and their recommendations will be taken into consideration in the preparation of the final Biosolids and Residuals Master Plan.

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						<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 Residual Master Plan.	<ul style="list-style-type: none">• That the Marketing Study be completed and incorporated into the Draft Biosolids and Residuals Master Plan.	<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. This will be updated as part of the update of the Biosolids Master Plan currently ongoing.
1.1.5 Official Plan and Zoning By-law amendments to exclude incineration		X				<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.• 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		X						
1.1.8 Master Schedule of Dates		X					<ul style="list-style-type: none">• ICMC to request a new Schedule for implementation of the EA.	<ul style="list-style-type: none">• A work plan was presented to the ICMC in writing by the City in a letter on June 18, 2008 followed with a verbal discussion of the work plan at their July 8, 2008 meeting. Further discussion around work plan and timeline has also been provided in the City's Annual Compliance Report to the MOE.
2 Planning Horizon and Five Year Review Process		X						
2.1-2.2 Planning Horizon		X				<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">• With the EA approval in hand, the City is moving towards implementing the projects from the Approved Undertaking and does not see the need to continue the Mediation Agreement past 2011 or extend the planning horizon.

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Non-Compliant refers to resolutions that the City has not yet addressed.

Resolution and Commitments	Presentation Received	Non-Compliant X	Partially Compliant ◆	Compliant ✓	Ongoing Process ▶	Key Comments	Recommendations	City of Toronto Comments
2.3-2.5 Five Year Review Process, plant expansion		X				• No Five Year Review was undertaken.	• That the Works Committee initiate the missing 5 Year Review, as outlined in Section 2.3.	• In 1999, when the 5 year review was recommended, information regarding future flows to the plant and the production of biosolids were unknown. Since then, the completion of the WWFMP, the implementation of the WEF and the update of the BRMP have provided the City with a better understanding of future flow and solid loadings coming to the ABTP, indicating a plant expansion will not be needed. Not completing the 5 year review does not hinder the implementation of the Approved Undertaking, of which none of the projects approved are tied to the expansion of the plant. Should a future facility forecast indicate that the ABTP will need to be expanded in the future, a new Individual EA will be undertaken at that time.
2.6-2.7 EA amendments, dispute Resolution		X				• 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.		
3.0 ABTP EA Approval ICMC								
3.1-3.3 ICMC			◆				• The City should ensure that appropriate staff attend ICMC meetings to address implementation and planning issues. • The ICMC be the Steering Committee for the EA Implementation.	• A Senior Engineer from Toronto Water and a Public Consultation staff person attend each ICMC Steering Committee meeting to discuss EA Approved Undertaking implementation progress. Presentations have been set up for 2009 for updates on biosolids management, water efficiency, wet weather flow management and the Sewer Use By-law. In addition, the City has hired an additional outside facilitator through contract to support the public consultation and facilitation components of the implementation of the Approved EA Undertaking. • The City has organized ICMC meetings that are dedicated to the implementation of the Approved EA Undertakings. In 2008, the

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2007/2008

COMPLIANCE STATUS TABLE, KEY COMMENTS AND RECOMMENDATIONS

Resolution and Commitments	Presentation Received	Non-Compliant X	Partially Compliant ◆	Compliant ✓	Ongoing Process ▶	Key Comments	Recommendations	City of Toronto Comments
							<ul style="list-style-type: none">The ICMC be provided with a budget for its work including preparation of reports to the City.	<p>ICMC has participated in the review of the terms of reference for the Disinfection Study prior to its release and an elected representative from the ICMC reviewed and helped evaluate proposals for the Disinfection Study in order to select the successful proponent.</p> <ul style="list-style-type: none">The annual ICMC report is prepared with the help of City public consultation staff that look after the printing and distribution of the report.
3.4-3.5 Annual Compliance Reporting by the City		X				<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. Now that EA Approval has been obtained, the City is preparing their first Annual Compliance Report to the MOE outlining progress made in implementing the EA Approved Undertaking for the previous year.
Resolution 11: Role of the Private Sector								
No activity at this time.								

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