



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

September 2, 2011

To the: City of Toronto Public Works and Infrastructure Committee September 7, 2011
From: the Canadian Environmental Law Association

**Regarding the Don River and Central Waterfront Project and the Basement
Flooding Protection Program - Agenda Item PW 7.6**

The Canadian Environmental Law Association (CELA) is an environmental legal clinic that has assisted low-income Ontarians with environmental concerns since 1970. We also have a mandate to strengthen and improve environmental laws and public participation in environmental decision-making. Much of this work over four decades has been focused on the protecting the Great Lakes ecosystem and the natural, community and economic systems so dependent on its waters. We regret that we are not able to depute directly to you today but we are participating on a Stakeholder Advisory Panel to the Canadian negotiators of the new Great Lakes Water Quality Agreement (GLWQA) with the US. The two matters before you today flow directly from requirements of the last 1987 GLWQA which required the 43 Great Lakes Areas of Concern (AOCs) to do Remedial Action Plans and implement those plans to clean-up contaminated harbours and prevent further degradation to water quality. The City of Toronto as one of the largest municipalities in the Great Lakes is one of these AOCs.

Two of our staff previously consulted with the staff of Toronto Water on these two initiatives, and while we cannot comment to all aspects of the detailed plans before you, we urge you not to delay action on these proposals. These proposals are the culmination of a lot of work and consideration of alternatives, resources and best practices as well as local conditions.

Importance of acting now

As we enter the 21st century, it is widely accepted that storm water in our cities is contaminated by many things it washes off the land and paved surfaces. Where there are combined sewers storms contribute to the overflow of sanitary sewers. Retaining those storm waters, treating them in detention ponds (where there is the land base) and in treatment facilities (where there is not) is necessary to guaranteeing a swimmable drinkable and fishable harbour in the future. This work becomes more urgent because scientists are warning us to be prepared for more extreme storm events in the Great Lakes Region caused by climate change. These proposals give us the opportunity not only to repair aging infrastructure according to a prioritized plan but also to prevent further pollution. CELA has supported sanitary and storm water sewer

separation in order to prevent overflow of sanitary sewers during heavy storms and avoid having to provide the additional capacity of treating storm water at the Ashbridges Bay STP. Although this has not been deemed feasible at this time, we urge you to choose “green infrastructure” options over end of the pipe options whenever possible. As well we recommend that the City make provisions to revisit these plans annually to determine if new green options, innovations or opportunities become available. We applaud that new developments will be required to contribute to green storm water management within their footprint.

Importance of long term planning and budgeting for water infrastructure

The Canadian Environmental Law Association had the privilege to represent the Concern Walkerton Citizens during both Phases 1 and 2 of the Inquiry into that community’s drinking water contamination tragedy. Phase 2 of the Inquiry dealt with remedies needed to ensure there would never be another Walkerton. CELA made submissions on the need for a Safe Drinking Water Act, drinking water source protection and on the need for long term planning and budgeting for secure water infrastructure. Prior to that, few municipalities in Ontario planned more than a few years ahead to ensure secure water systems. Instead planning was piece-meal and pipe by pipe and out of sight water infrastructure was often ignored for more visible civic needs. The Great Lakes needs long term commitments and resources. The Plans you have before you today forecast need and priorities and have budgeted for repair and new works over 25 years. This will allow proactive protective infrastructure programs to be implemented according to priorities based on actual needs.

This will also allow the City of Toronto to leverage funds from the other two other levels of government. The Canadian and Ontario governments currently have the Canada Ontario Agreement which sets out cost sharing for programs from all levels of governments responsible for clean up of the Great Lakes and for Areas of Concern. Toronto Water’s long-term projections will be very valuable to CELA and other groups who are always trying to secure more commitments from these two governments toward clean-up.

Public involvement

CELA is gratified that the City of Toronto will continue to provide assistance to Torontonians in need of resources to disconnect their downspouts. Education, inclusion of the public and awareness are important for building a constituency in Toronto for Lake Ontario and the Great Lakes which are so essential to our city.

Yours truly,
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Sarah Miller

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