

Clause embodied in Report No. 2 of the Works Committee, which was before the Council of the City of Toronto at its meeting held on March 6, 7 and 8, 2001.

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**Ashbridges Bay Treatment Plant Mediation
Agreement - Implementation and Compliance
Monitoring Committee Review of City's Compliance
(Ward 32 - Beaches-East York)**

(City Council at its meeting held on March 6, 7 and 8, 2001, deferred consideration of this Clause to the next meeting of City Council scheduled to be held on April 24, 2001.)

The Works Committee recommends that:

- (1) a committee be established to develop a Biosolids Management Plan, to consider options for the treatment of biosolids, including addressing the issue of unnecessary transportation of biosolids from the Humber Treatment Plant to the Ashbridges Bay Treatment Plant, and that such committee include representation from the Toronto Civic Employees' Union – CUPE Local 416; and**
- (2) the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the terms of reference and membership of the proposed committee.**

The Works Committee reports, for the information of Council, having requested the Commissioner of Works and Emergency Services, in consultation with the Toronto and Region Conservation Authority, to report back to the Committee on resolving concerns respecting stormwater and combined sewer overflows into the Coastworth Cut and the impact on surrounding development.

The Works Committee submits the following report (January 24, 2001) from the Commissioner of Works and Emergency Services:

Purpose:

This staff report submits and provides clarification on the Interim Report prepared by the Implementation and Compliance Monitoring Committee (ICMC). The attached ICMC Interim Report provides a public review of the City's compliance with the Ashbridges Bay Treatment Plant Mediation Agreement. Based on its review, the ICMC wished to draw to the attention of the Works Committee and City Council certain items that, in its opinion, warrant consideration. The covering staff report provides clarification and information on initiatives relevant to the items raised by the ICMC report.

Financial Implications and Impact Statement:

There are no financial implications to the City of Toronto resulting from this report.

Recommendation:

It is recommended that the attached Implementation and Compliance Monitoring Committee compliance review be received for information.

Background:

The Ashbridges Bay Treatment Plant (ABTP) (formerly known as the Main Treatment Plant) Environmental Assessment (EA) was completed in 1998. In response to public comments regarding the EA, the City entered into a self-directed mediation process. This process produced the Main (Ashbridges Bay) Treatment Plant Mediator's Report, which was ratified by City Council, by adoption of Works Committee Report No. 9, Clause No. 2, June 9, 1999. Ratification of the Mediation Agreement obligated the City to undertake the various studies and works contained in the Mediation Agreement.

As part of the Mediation Agreement, the Implementation and Compliance Monitoring Committee was established to monitor the City's compliance with the agreement resolutions.

The Implementation and Compliance Monitoring Committee is made up of citizen volunteers including the public signatories to the Main (Ashbridges Bay) Treatment Plant's Mediation Agreement for its Individual Environmental Assessment. The Mediation Agreement contains 11 resolutions that the City and signatories have agreed to which will form part of the Conditions of Approval for the plant's EA. The EA and the Mediation Agreement are currently being reviewed by the Ministry of the Environment and have not yet been approved by the Ministry.

One of the ways in which the ICMC provides public input to the City is by monitoring the City's compliance with the Mediation Agreement. The establishment of the ICMC and its ongoing activities are part of Resolution No. 10 of the Mediation Agreement. Mediation Agreement, Resolution No. 10, Item 3.3 states: "The Committee shall work co-operatively with City staff and report to the Works and Utilities Committee, through the Commissioner of Works and Emergency Services on a regular basis, regarding the implementation of the Main Treatment (Ashbridges Bay) Treatment Plant EA Approval (including Conditions and all commitments made as part of this Mediation Agreement) and the City's compliance therewith, April 1999".

Comments:

The ICMC compliance review interim report is attached.

The ICMC report identifies that in the 18 months following ratification of the Mediation Agreement, the City has already achieved a significant degree of compliance with many of the elements of the Mediation Agreement. Several new projects have been undertaken and other existing projects have been redirected in response to the Mediation Agreement. There are, however, some areas in which the public believes that the City's actions to date have not been sufficient. These concerns focus primarily on the City's progress on the provision of annual

planning updates, the Wet Weather Flow Master Plan (WWFMP), Biosolids Utilization Issues, and approval of wind turbines.

The Mediation Agreement contains implementation timelines which were developed on the basis that the MOE would approve the EA and Mediation Agreement within a reasonable time period (six months). Since the Ministry has not yet approved the EA, the City has not been able to initiate some works requiring EA approval and has chosen not to start others as the EA approval was seen as a starting point for those processes. One such issue is the provision of annual planning updates. It was felt that it would be premature to provide updates to the EA planning prior to the EA being approved. However, in light of the ICMC's view of this as an item of non-compliance, the City will provide such updates.

The ICMC report places a strong emphasis on implementing controls on stormwater and CSO flows into Coatsworth Cut. The Mediation Agreement contains several commitments by the City to address these discharges as a priority within the WWFMP. The WWFMP is being developed to address wet weather flow discharges across the City in accordance with the Municipal Class Environmental Assessment process. The review of options for discharges to Coatsworth Cut will be a priority, as agreed to in the Mediation Agreement.

The City plans to begin work shortly on near shore water quality monitoring around the ABTP, following discussions with the ABTP Neighbourhood Liaison Committee, as required by the mediation agreement. The WWFMP will also be developing near shore water quality simulation models, to assess the impact of existing discharges and to evaluate the effectiveness of the various options considered for Coatsworth Cut.

The City has devoted a considerable portion of its Water Pollution Control resources to achieving the ambitious timelines for implementation of the current Biosolids Program initiatives at the ABTP. The Mediation Agreement contains several elements that relate to the expansion and continuation of the Toronto Biosolids Program. The ICMC report is critical of the timing of the delivery of these elements. It is felt that the quality of the Biosolids Program will be enhanced if these additional elements can benefit as much as possible from the experience being gained through the implementation of the project to date. The groundwork for these elements is being put in place to allow for the creation of a new Water and Wastewater Solids Committee this summer, which will provide the City with a single point of contact with the public for biosolids and water residuals related issues. This committee will then be involved in the development of terms of reference for future studies including the Water and Wastewater Solids Master Plan, which will provide the basis for the future of the Toronto Biosolids Program.

As indicated in their previous report of June 27, 2000, the ICMC feels that the City's approval of wind turbines at the ABTP is in violation of the Mediation Agreement. The City feels that while this difference of opinion is unfortunate, the City has complied with the Mediation Agreement in this matter. In particular, the City has consulted with the NLC and ICMC as required by Resolutions No. 1, No. 9 and No. 10, the use of the ABTP for wind turbines was approved by Council as required by Resolution No. 9, item 6.1.7, and the location of the wind Turbine on site will not result in interference with current or future plant processes as required by Resolution No. 1.

Conclusion:

By submitting the attached compliance review interim report of the ICMC, the Commissioner of Works and Emergency Services is complying with Resolution No. 10, Item 3.3 of the Main (Ashbridges Bay) Treatment Plant Mediator's Report.

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List of Attachments:

Implementation and Compliance Monitoring Committee's Interim Report, December 7, 2000

Interim Report
Implementation and Compliance Monitoring Committee
Ashbridges Bay [Main] Treatment Plant
Environmental Assessment's Mediation Agreement
December 7, 2000

Introduction:

In compliance with Resolution No. 10 of the Ashbridges Bay Treatment Plant (formerly the Main Treatment Plant) Environmental Assessment's Mediator's Report, the Implementation and Compliance Monitoring Committee was formed in August of 1999. It has held 12 meetings and taken four plant tours since that date. It has a regularly attending membership and is facilitated by a public consultation co-ordinator from Works and Emergency Services.

Purpose of the ICMC's Interim Report:

The ICMC recognized that a length of time had elapsed since submission of the Mediator's Report to the Ministry of the Environment. The committee decided that it would like to update City officials and the public about the current status of the action items that were to be carried out by the City, according to the agreement. In addition, the ICMC wished to draw to the attention of City Council certain items that warrant consideration.

ICMC members reviewed the 11 resolutions that form the Mediation Agreement. The agreements, contained within the resolutions, are documented in the Mediator's Report. There are 113 pages in the report, and the ICMC did not think it prudent to comment on each and every item. The ICMC's approach was to draw attention to key items and issues. Often they note where the City is in or out of compliance on the item. The ICMC recognizes that the City's action on certain items in the agreement has been delayed. The ICMC understands that the delay in the implementation of some of the items is partly due to the volume of individual items that are documented in the agreement, over 53 main items with over 115 sub-sections that were agreed upon. But there are items that the ICMC is very concerned about and urges the City to move into full compliance, without delay.

Key Items Identified by the ICMC with Recommendations and Motions:

Recommendation:

With regards to Resolution No. 5: Biosolids Utilization Issues, it is the opinion of the ICMC that the largest outstanding issue with the Mediation Agreement is the lack of sufficient staff, and it could be jeopardizing the City's Biosolids Beneficial Use Program. In terms of the Mediation Agreement, some items related to Resolution No. 5, Biosolids Utilization Issues, are the most delayed and the furthest from implementation. ICMC members agree that the items needing action are in the interest of the City and protecting its investment in the Biosolids Beneficial Use Program. In this regard, it urges the City to move immediately to establish the Water and Wastewater Solids Master Plan Committee in accordance with Resolution No. 5, item 5.

Recommendation:

The ICMC thanks Vic Lim, Manager, Industrial Waste and Stormwater Quality, Quality Control and Systems Planning, and staff for their exceptional work on creating the new sewer use by-law, and further that they recognize that the Remedial Action Plan gave its 2000 award to the City for its development and implementation of the new sewer use by-law.

Motion:

With regards to Resolution No. 8: Near Shore Water Quality and MTP (ABTP) Outfall Pipe, ICMC member and signatory of the Mediation Agreement, David Done moved in regards to Coatsworth Cut, and in conformity with Resolution No. 2, item 3.2.8, and Resolution No. 8, item 1.2.3, that:

- (a) the City act urgently to manage combined sewer overflows and stormwater run off;
- (b) the Wet Weather Flow Management Master Plan should make the clean-up of Coatsworth Cut a priority; and
- (c) this be done in conjunction with the Toronto and Region Conservation Authority.

The motion was seconded by Hy Schwartz and carried 6 to 4.

Background:

The mandate of the ICMC is to assist with the implementation of all aspects of the Environmental Assessment Approval for the Ashbridges Bay Treatment Plant by providing public input to the City on issues relating to the implementation of the EA Approval for the plant. The issues are detailed in ten of the 11 resolutions of the agreement. Resolution No. 1 is the exception in that its purpose is to help guide the ICMC in carrying out its mandate.

The Environmental Assessment for the Main (renamed as Ashbridges Bay) Treatment Plant and the Mediation Agreement are currently under review with the Ministry of the Environment.

The Mediation Agreement was reached through a voluntary mediation process conducted by an outside independent mediator, who was co-operatively selected by public and staff. The mediator, Mr. Stephen Garrod, was retained by the City. The mediation process began in January of 1999 and was completed in April of 1999. The agreement that was reached between the City and participants was recorded in the Mediator's Report. The mediator submitted the Mediator's Report, containing the agreement, to the Ministry of the Environment, for its approval, in April of 1999. The agreement, as documented in the Mediator's Report, was approved by City Council at its meeting of June 8, 9 and 10, 1999.

The ICMC is approved, through the agreement, to report through the Commissioner of Works and Emergency Services to the Works Committee of City Council. This reporting process is part of the agreement. The City itself will submit a separate annual report to the Works Committee. That report will fully address the City's compliance with the Mediation Agreement.

The Mediator's Report is available on line at:
www.city.toronto.on.ca/involved/wpc/ashbay.htm

Resolution No. 1
Guiding Principles
Page 30

In the opinion of the Implementation and Compliance Monitoring Committee, the placement of the wind turbine in the south ash lagoon at the Ashbridges Bay Treatment Plant has compromised the Guiding Principles, Resolution No. 1, items 5 and 10. Item 5 is the principle that the Ashbridges Bay Treatment Plant site should be reserved primarily for activities and developments that are directly related to its primary purpose (treating sewage). Item 10 addresses the principle of bioethic optimization, the technically systematic optimization of the treatment plant.

It is the opinion of the ICMC that an abnormal delay in the completion of the approval by the Province could affect items 1, 2, and 3 of the Guiding Principles, Resolution No. 1.

Resolution No. 1, item 9, that says "the Ashbridges Bay Site be made as visually attractive as possible...", is being complied with by the City. A Request for Proposals has been issued for a landscape architectural site plan. The plan will address stormwater management and landscaping design on site. The response to the City's Request for Proposals that was submitted by Dianna Gerrard and John van Norstrand has been accepted. The ICMC is aware that the landscaping architectural site plan is in its initial stages.

Resolution No. 2
Source Control Issues
Page 35

The ICMC finds that the City is compliant with item 1, the establishment, implementation and enforcement of a new sewer use by-law and associated activities and initiatives. The sewer use by-law was approved by City Council on July 6, 2000.

The City, co-operatively with Environment Canada, is delivering pollution prevention planning workshops for industry. These began in November 2000 and will continue through 2001. Public education is being carried out through Works and Emergency Services, Solid Waste Services Department through the Household Hazardous Waste Public Education Program. The ICMC finds that there could be added public education initiatives.

Public education is taking place with regard to reducing the use of pesticides in the City. The City has stopped using pesticides on most of its park and recreational land. The pesticide issue is being managed by the Toronto Interdepartmental Environment group with input from the Pesticides Committee.

The City has initiated a surcharge agreement/rebate program for industry. This is in support of the sewer use by-law.

Specifically, regarding item 1, sub-section 1.7, the City has letters from Peel and Durham Regions, to the effect of a commitment to follow the model laid out in the City's new sewer use by-law.

Resolution No. 2, item 2 addresses the water efficiency plan. The development of this plan has been delayed. The City is therefore not yet in compliance. A draft report is expected for public review in February 2001.

Resolution No. 2, item 3 of the Mediation Agreement addresses the Wet Weather Flow Management Master Plan (WWFMMP).

In compliance with Resolution No. 2, the WWFMMP is underway. The Public Consultation is being carried out as if the WWFMMP were an individual Environmental Assessment. A Steering Committee has been established. The committee meets on a regular basis. Two ICMC members hold seats on the committee, and two ICMC members hold alternate seats.

In terms of item 3.2.8, the ICMC finds that there has been no action to eliminate the CSO outlets and the stormwater outlet in the Coatsworth Cut. This actions should be addressed as soon as possible. The signatories to the Mediation Agreement set Coatsworth Cut as a priority. This has not happened yet.

Item 3.3, that calls for a City of Toronto Stormwater Management Policy, is not fully developed.

Item 3.7, an appropriate role for the North Toronto Treatment Plant, within the framework of the Wet Weather Flow Management Master Plan, has not yet been developed.

Resolution No. 3

Ashbridges Bay Treatment Plant Capacity
Page 53

The ICMC finds that it has no comments on Resolution No. 3.

Resolution No. 4
Plant Optimization and Economic Issues
Page 55

The ICMC finds that the City is not compliant with Resolution No. 4, item 2.1.2. The ICMC is to receive a summary financial report relating to the Water and Wastewater Systems, annually.

The ICMC finds that the City is in compliance with Resolution No. 4, item 3.1, in that the City is optimizing energy use at the plant, including the construction of a new gas building.

The ICMC understands that due to circumstances beyond the control of City staff, digested retention time will not be at 15 days until 2001.

Resolution No. 5
Biosolids Utilization Issues
Page 57

Resolution No. 5, item 1, 1.1.4 notes that the City has agreed to undertake a Long-Term Market Study, a short-term Request for Proposals for an Interim Contingency Plan and a comprehensive Water and Wastewater Systems Solids Management Master Plan.

The City is nearing compliance with item 1, 1.1.5 of the Mediation Agreement which states that the termination of incineration would happen by December 31, 2000. To date the ICMC understands that the biosolids facilities will go on line in the spring of 2001, and that incineration will be terminated as soon as technically possible.

The ICMC finds the City to be complying with item 1.1.6, establishing appropriate odour controls at the Ashbridges Bay Treatment Plant, and a Request for Proposals has been issued and the City is at present proceeding to award the contract, duration of 14 months.

The City is non-compliant with Resolution No. 5, item 3 (3.1), the Long-Term Market Study for the Beneficial Use of Ashbridges Bay Treatment Plant Biosolids.

In terms of the long-term marketing study the City is in non-compliance. The agreement states that the City “will immediately, upon the ratification of the Mediation Agreement commence a complete comprehensive study of long-term market opportunities for beneficial use of Ashbridges Bay Treatment Plant biosolids”. To date nothing has been commenced. No long-term markets or long-term City plan has been initiated or completed. The ICMC understands that there is money for this item in the biosolids budget. It is the concern of the ICMC that unless this is rectified as soon as possible, the City could jeopardize the Biosolids Beneficial Use Program. Most ICMC members are frustrated by the complete lack of progress to put the Wastewater and Water System Solids Management Master Plan in place. This plan must

include non-agricultural land application such as mine tailing reclamation, reforestation, and non-food crops such as hemp or softwood for making pulp and paper.

The ICMC recommends that the City initiate pilot projects to create guidelines with the Ministry of the Environment for biosolids uses on mine tailing reclamation, silviculture and non-food crops such as hemp or paper.

Resolution No. 5, item 4 addresses the Request for Proposals for Interim Contingency Options. The contingency plan for the biosolids program is dependent on the City of Toronto Solid Waste Landfill plan, as incineration of biosolids is not an option. The current contingency plan is the landfilling of biosolids.

Resolution 5, item 3.5 address the Water and Wastewater System Solids Management Master Plan. The City is non-compliant in that the plan has not been initiated and the associated Steering Committee has not been established. There is no Works department staff available to deliver these important items of the agreement. In addition, no consultant has been hired to undertake the master plan.

The ICMC recommends that this issue requires the immediate attention of Toronto City Council with respect to staffing. The ICMC has been told for over a year that there is no Works staff available to undertake this urgent project.

Resolution No. 6
Tertiary Treatment
Page 78

Tertiary treatment will not be considered until the Ultra Violet Disinfection Design Optimization Study has determined it would be necessary. No cost benefit analysis has been conducted to date.

Resolution No. 7
Ultra Violet Disinfection
Page 79

In compliance with the Mediation Agreement, the City circulated the Terms of Reference for the Ultra Violet Design Optimization Study, June 1, 1999. Trojan Technologies Inc. is the contractor. By the end of January 2001, the final report by Trojan Technologies Inc. will include primary and secondary effluent ultra violet disinfection data.

Resolution No. 8
Near Shore Water Quality and Outfall
Page 85

The ICMC finds that the City has given insufficient consideration to the following issues:

The overflows of combined sewer overflows into Coatsworth Cut has not been addressed. The ICMC finds that this is a repudiation of the Mediation Agreement.

The wetland study has not been initiated. The City has not discussed with the TRCA the possibility of forming a joint task force to address this issue.

It is the opinion of certain members of the ICMC that City staff do not know that the clean-up of Coatsworth Cut is an ICMC priority. To date, within the framework of the Wet Weather Flow Master Plan, the Coatsworth Cut issue has not been made a priority. This is one of the reasons that the ICMC has decided to present only one motion within its Interim Report, to identify the seriousness of this Resolution No. 8 and the immediate need to address it.

The City is not in compliance with Resolution No. 8, item 1.2.2, to establish a long-term water quality monitoring program in Coatsworth Cut and near shore area in the vicinity of Ashbridges Bay Treatment Plant.

The ICMC finds that the City is not acting as if Coatsworth Cut is a priority. This is in non-compliance with item 1.2.3 of Resolution No. 8.

The City is in compliance with 1.2.3 in that it has posted and tested Coatsworth Cut, as if it were a swimming beach, although the water in Coatsworth Cut is unsuitable for swimming because of pollution.

Regarding Resolution No. 8, item 2, the City has not completed the Ontario Water Resources Act approval process.

The ICMC finds that several items cannot be completed until item 2.4.2 is satisfied, which is the determination of whether an interim Ultra Violet Disinfection facility/connection could be built to use the existing outfall. Also that bioethic optimization and fish habitat issues are yet to be addressed. Public signatories intended that these issues be up-front planning issues.

Resolution No. 8, item 2.9, nothing tangible has been accomplished yet, to improve near shore water quality in the vicinity of the Ashbridges Bay Treatment Plant with regards to excessive flow-through and by-passes during storm events.

Resolution No. 9
Good Neighbour Issues
Page 91

The City is compliant with item 1.1; the Neighbourhood Liaison Committee has been maintained.

The City is compliant with item 2.1 in terms of mitigating and meeting regulation and laws that address noise at the plant.

The City is moving into compliance with item 3.1. The City is in the process of awarding the contract for an odour assessment study.

In accordance with item 4.2, the City and the public are discussing the most appropriate form of health study. This item is underway and the ICMC cannot, at this time, report on results.

The ICMC finds that the City is in compliance with item 5.1, truck traffic.

The ICMC finds that the City is in compliance with item 6.1, site plan and visual aesthetics.

The ICMC finds that it would like more details of the City's compliance with item 7.1, the storage of chemicals on site.

Resolution No. 10
Implementation, Review and
Compliance Monitoring Issues
Page 100

The City is in compliance in forming the Implementation and Compliance Monitoring Committee.

In terms of item 1.1.2 of Resolution No. 10, the annual update to the ICMC regarding population projections and the annual report to the ICMC regarding the impact of these population projections on water and wastewater flows has not been received. The City is non-compliant.

The ICMC recommends that the City could generate increased compliance with the Mediation Agreement by encouraging all appropriate City departments to review and comply with the Mediator's Report. The departments should state they will adhere to Resolutions No. 1 through No. 11 of the agreement.

Resolution No. 11
Role of the Private Sector
Page 112

The Environmental Assessment has not included, nor does it need to include consideration of alternatives for meeting capital financing needs. They are being fully met from water and sewage revenues.

The Interim Report is respectfully submitted by the members of the Implementation and Compliance Monitoring Committee.

The following persons appeared before the Works Committee in connection with the foregoing matter:

- Mr. Stephen White, Member, Implementation and Compliance Monitoring Committee and Signatory to the Mediation Agreement, and submitted a copy of his presentation;
- Ms. Gina Gignac, Toronto Civic Employees' Union – CUPE Local 416;
- Ms. Karey Shinn, Chair, Safe Sewage Committee; and
- Councillor Sandra Bussin, Ward 32 – Beaches-East York.