

TO: City Services Committee

FROM: Sarah Miller, Canadian Environmental Law Association
for the Waterfront Remedial Action Plan Committee

DATE: March 3, 1989

RE: LAKEFILL QUALITY - LESLIE STREET SPIT

I am speaking for the Waterfront Remedial Action Plan Committee (WRAP), a committee made up of public interest groups which was formed by the previous City of Toronto Neighbourhood's Committee. The mandate of this committee was to draft a comprehensive clean-up strategy for Toronto's waterfront. That report is now available from the City of Toronto's Environmental Protection Office. In the course of our work the WRAP Committee examined lakefilling and its impacts on Metro Toronto's Waterfront.

The WRAP Committee would like to speak today in support of all of the excellent recommendations of the Medical Officer of Health in his report. The first tests ever carried out in 1983 on lakefill quality were completed on the Leslie Street Spit. These initial tests showed that 25% of the fill exceeded open water disposal guidelines in several chemical parameters.

Since then, concerned citizens, the City of Toronto, the City's Department of Health and Neighbourhoods Committee have endeavoured to ensure that fill is tested prior to its disposal

in the Lake. The City insisted only clean fill be utilized because the methods of filling result in fill loss to the lake in sites near to City of Toronto drinking water intakes. As well, lakefills change currents, add to contaminated sediment problems, destroy habitat and entrap nearby sources of pollution.

The Lakefill Quality Assurance Programme (LQUAP) began by the Ontario Ministry of the Environment (OMOE) was an attempt to address those concerns from 1984 to 1988. However, early in 1988 the OMOE released two new reports, Quality of Fill Deposited at the Leslie Street Spit between 1963 to 1986 and Fill Quality Currently Received at The Leslie Street Spit (1987).

Both reports showed widespread contamination at the Spit from historical and continuing fill practices. Sixty-seven percent of the current fill exceeded guidelines in one or more chemical parameters including mercury, PCB's, lead, cadmium, oil and grease and others. These tests showed that LQUAP control programme was not thorough enough. Our WRAP Committee after reviewing these reports called for a moratorium on lakefilling until there were proven methods developed to effectively screen fill. Our committee felt evidence was indicating that Toronto may not be able to provide the volume of clean fill need to carry out lakefilling at the Spit at the current rates of 1,000 to 1,800 truck loads a day.

Our committee met with Ontario Minister of the Environment, Jim Bradley, and his staff in March, 1988, to discuss these concerns. At that time, Mr. Bradley assured us he would be developing new lakefill policy and reexamining the LQUAP Programme.

At that meeting we also discussed the test results of the historical fill. It is very important for your committee to understand that the legacy which poor fill practices have left us with is contaminated public park lands in Tommy Thompson Park. The WRAP Committee called upon Mr. Bradley to remediate the most contaminated of these lands. A section filled in 1973 has PCB levels 172 times (8.600ppm) the open lake disposal guidelines of .05ppm. I have attached a map to my deputation which shows the prevalence of the pollution problems on the Spit.

Three months later the OMOE astonished our Committee by telling them at a meeting they were transferring the LQUAP on an interim basis to the Metro Toronto and Region Conservation Authority (MTRCA). The MTRCA redesigned programme, we feel exacerbates the problems have been experienced with lakefill. We question the ability and appropriateness of MTRCA assuming jurisdiction over pollution control. To do so they have to hire new staff, gain enforcement powers, and have laboratory's to do testing.

This new programme is an abnegation of the OMOE responsibilities for pollution control. We were very disturbed by OMOE's action because they were handing over control of lakefilling to the MTRCA whose waterfront plans envision lakefills across Toronto's Waterfront from Etobicoke to East Point.

The new programme proposed by MTRCA is a little more than justification for continuing to utilize contaminated fill materials. It perpetuates the myth that the practice of lakefilling is viable without a thorough assessment of the availability of clean fill and allows Toronto developers to continue to use the Lake as a cheap waste disposal option. As long as expedient disposal is allowed in the lake there will be no incentive for developers to consider safer alternatives or to plan for the inevitable cost increases of safe disposal and no incentive for a City soil inventory.

The MTRCA programme calls for three disposal categories, open water for clean soil, restricted for soil near to the guidelines and confined for the contaminated soils. This plan assumes that there are this range of disposal options at the Spit. Half of the Spit is parkland and the other half is confined disposal cells designated by the Keating Channel Environmental Assessment (EA) for disposal of navigation and Keating Channel Dredgeate. These cells could not be used for soil disposal without violating conditions of that EA.

It is imperative that a comprehensive environmental review of lakefilling be undertaken so that alternatives can be examined. We would recommend that this review examine what landlocked cities do with their excavation materials. Mr. Gibson's report offers good interim suggestions like the railway lands site. Often these materials are utilized on site to contour and landscape developments. We agree that conventional landfills are not a good option for disposal in the long-term.

In your committee's consideration of this issue, there was concern about the City's road and sewer excavation materials. Those materials like most surface soils in the City are lead contaminated from leaded gasoline. Measures should be taken to make the City as responsible as private developers for safe disposal. Pollution prevention costs money in the short term but the long-term benefits are cost effective. The City of Toronto's vigilance has led to the control measures we had in LQUAP programme. They should not let that control slip but should advocate stricter standards. The WRAP Committee urges you to endorse Mr. Gibson's Report which will result in the development of comprehensive policies and programmes for all excavated materials in Toronto.

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