

M E M O

To: Suzanne Barrett and Joanna Kidd
From: Sarah Miller
Date: November 30, 1990
Re: Pathways

Omissions

One characteristic of the Port Industrial Area which I feel that the report has not adequately explored is its role as major transportation corridor for the transport of construction soils and contaminated dredgeate to the Spit. This is not likely to diminish in the near future. As well other hazardous materials move through the Port operations and to industries resident there. There are also regular shipments of liquid chlorine to the main STP and at least one tanker car of chlorine stored on site in the area. Many oil spills in the past to the harbour have originated in the ship channel or nearby environs.

The potential for accident is always there. You may want to review the presentation from the person from (Friends of the Earth?), Washington DC which was given at the first meeting the Royal Commission held on environmentally friendly industry in the Port area about the emergency preparedness, particularly in regard to the storage of large volumes of liquid chlorine at the STP and include some recommendations about safety.

Re: Transport of Soils for Lakefilling

At peak lakefilling periods at the Spit as many as 1,500 truck loads per day are deposited. This means a constant parade of trucks through the area. Not only are the exhausts from these trucks contributing to degradation of air quality but there is a significant particulate loss from "dust" and soils loss from their loads. There is no by-law in Toronto that compels these trucks to cover their loads or to control load volumes. Most loads are visibly heaped well above the body of the dumpsters and if those soils are dry they are distributed by the winds from the trucks. As well I think that these drivers are paid by the load which means speed is of the essence. Safety is a real issue for bicyclists who share the routes with these trucks. As well if the Spit gates are closed for the day to truck traffic or if a truck is rejected under the current scheme because inspection has deemed their loads to be of suspect quality, there is no way bill system to trace where those soils go. Drivers are simply given a list of landfills which will except fill (for much higher fees than the \$10.00 (?) a load which the Spit charges). The remoteness of much of the Port Industrial Area has made it easy, and in the past almost routine for those unscrupulous drivers who do not gain access to the Spit to simply dump a load on their way back through the Port Industrial area. These piles are visible along easterly portions of Unwin Avenue and south Leslie Street.

In general Pathways, I feel, is not recognizing the pollution from lakefilling. This has direct bearing on the recent change in water quality in the outer Harbour and most likely has direct impacts on the mercury contaminate found in the fish in that area. (See the MTRCA soil test results I provided you with which show mercury present in the soils). See attached slides (taken by Verna Higgins of the Botany Conservation Group) of the filling operation at the outer Harbour Marina to illustrate (please return them to me).

In general re: lakefilling we need to emphasize that soil quality in Toronto has not miraculously improved. Fifty to 60 per cent (see TROW REPORTS) of everything still being lakefilled is likely to be over current (inadequate) open water disposal guidelines in one or more parameters. The MTRCA program has only placed those soils differently, the less contaminated further away from the water. However there will still be vertical contaminate release through the soils to the lake. We need to make these points in the audit because the Outer Harbour Marina fill was largely completed before the MTRCA took over the Lakefill Quality Assurance Programme and because future rehabilitation in the Port Industrial Area may involve lakefill options which will need much better quality control and design forethought than we now practice. We should be much more candid about the state of soils.

Re: Dredging in Port Industrial Area

I would like to see a more critical description of the "necessity" of the dredging of the Keating Channel to be in the descriptive parts of this report. The conclusion that the Channel has to be dredged in perpetuity was a temporal one influenced greatly by the needs to keep the THC's engineering department in work and the MTRCA's "dubious" flooding arguments which were contradicted by outside engineering studies (the Laurant Report). If we accept this premise we take away impetus for preventative strategies like effective erosion-control programs on the Don to reduce sedimentation, the option of creating a new delta for the Don and recharging the lower Don by reconnecting and revitalizing its lost tributaries. If we accept that the dredging has no end we are imposing a long-term demand for perpetual dredge disposal sites in the area bounding, or within the Port Industrial Area. The act of dredging with clam-shell dredge scows caused a great deal of localized resuspension and loss of dredgeate which spills over the side of the barges as they are filled and as waves wash over the barges are transplanted to the cells. There is also potential for spills en route and for loss of dredgeate from cells on the Spit to the Outer Harbour.

Re: The Audit's Fisherpersion Survey

Was any attempt made to look at the ethnic background of those who were fishing and whether they could read the fish advisories? It

is my observation many Torontonians who might be fishing for subsistence are not being provided with information in their own languages. This point should be included in the Health discussions. If the Hearne is reopened I think you will find a resurgence of fishing along the circulation channel. In the past on any given day you would find at least a dozen people fishing there.

Re: Jurisdictional Framework

The Federal Government also has jurisdiction over rights of ways along shipping channels I think; for instance they own lands on the island bordering the Eastern Gap. I suspect the same holds true in the port industrial area.

The Provincial Government owns Crown water lots in the Lake; for instance MNR originally owned the lots which were filled for the Spit and had the original lease for the Spit.

Responsibility for Parks and Greenspace in the region should be cited--Cherry Beach, the Martin Goodman Fitness Trail etc.

MTRCA's responsibility for erosion control along the Don should be delineated, particularly since they have failed largely to carry out effective controls. I would change the wording on p. 43 to read: "the responsibility for the program to control soil quality and its placement within lakefilling projects in Metro has recently

been transferred to MTRCA from the MOE. Some distinction should be made between activities which agencies have legal mandates to carry out and other activities which they have created or usurped. This is a real problem. The Craig Mather Rambo slide show to promote the MTRCA's growth scheme shown last night at the Don gathering was a wonderful example of blatant opportunism masquerading as ecosystems ethics. Clearly MTRCA is escalating his waterfront turf war zone.

In the jurisdiction section can you mention that the public often receives mixed contradictory messages from governments. For example, the MNR has fish stocking programs to promote sport fishing while the MOE issues fish advisories discouraging women of childbearing age and children from consuming some species.

I think the Sediment Quality Guidelines is an example of bad co-operation (p.44). It is my understanding the federal government is developing its own sediment guidelines because they think the MOE standards have some real problems and they are tired of waiting about three years now for these guidelines to come out. This is not co-operation: co-operation would mean they would be doing joint uniform guidelines.

On p. 45, end of second para. I would add re: the EPO. The structure of the City of Toronto system means the EPO can only be reactive or comment on...

Next para. after "have been shifted to the MTRCA by the MOE". I would suggest adding that the MTRCA is now both the main proponent of lakefilling and in charge of lakefill quality control. The public perceives this as a conflict of interest since MTRCA now has powers both of development and enforcement over lakefill.

In the first para. on p. 45, first sentence after "inadequate resources" I suggest adding "inadequate legal remedies."

Somewhere in the section on "Legislation, Regulations and Enforcement" I would like to see a para. on the public interest agenda. The public has recognized pollution control programs are outmoded. Increasingly the public is developing networks and coalitions to advocate changing regulatory programs to pollution prevention programs. In the Great Lakes a Zero Discharge Coalition has developed and many of the RAP groups are espousing that these principles be put into ecosystem programs to ensure cleanup of one medium will not result in transfer of the problem to another. Increasingly there is recognition that you cannot simply clean up historic pollution in areas of concern but you must at the same time prevent further inputs by stopping them at their source.

Re p. 47: After the sentence reading "about 70,000 chemicals in use by industry," I would suggest adding something like "Great Lakes scientists say that it is only a matter of a few months after a new

chemical is in use before it is detectable in the Great Lakes system.

Also in this section I would say something about community right to know (Kate Davies would be a good person to do this). While the Royal Commission had co-operation of governments and industry in carrying out this environmental audit, it is very difficult for communities who are neighbours of industry to get information on the substances used, stored and produced in their neighbourhoods. This will be a very important factor if the community support is to be gained for the redevelopment of these lands for industry in the future.

As well in the section on standards versus guidelines, I would add a section on citizen lack of legal remedies, the inability to get standing in courts, lack of involvement in standard setting or review of certificates of approval rights citizens in the US have these rights.

I would add something about the need for permanent monitoring stations so that long-term trends can be traced, pointing out that historical monitoring has rarely been routine, regular or consistent.

On p. 51, in the para. about problems in monitoring the dredge disposal cells I would mention that it is impossible to distinguish

if local contaminants are originating from the disposal cells or from the soils making up the Spit.

On p. 52, para. 3, mention the THC is still exempted by the new Environmental Assessment Act.

Public Involvement

Public understanding and knowledge about the ecosystem has grown considerably in the last several years which have been a time of intensive change and opportunity for public involvement. However, this ever expanding public domain has put incredible pressure on groups seriously involved in water quality issues. They have to monitor, research and input into all regulatory reform, track new development proposals, land-use and zoning changes in their areas, develop long-term remediation plans for all sources and pathways of pollution and participate in their remediation, anticipate and act on emerging problems, network with and learn from initiatives that other groups have taken, lobby politicians, involve themselves in EA, OMB, and consolidated hearings on projects in their areas as well as carry on the day-to-day work on the mandate of their own residents' groups or environmental groups. Most of these groups realize they cannot continue to work alone and much networking and coalition building is occurring to try to efficiently co-operate, strategize, and act on common interests. However, most people active in this area today no longer have the luxury of being the member of one volunteer committee more often than not they have

many volunteer obligations. While government agencies have to be applauded for the growing inclusion of the public, there has not been a recognition that time is money. Watchdogs have to eat too. Often when working environmentalists are drawn into long consultations their own work is compromised. The RAPs are now entering into their fifth year. There is a real need to recognize the demands of this and ensure funding for public participation in the implementation phase.

In Toronto it has become clear that there needs to be a full-time functioning waterfront coalition of residents and environmentalists. This organization needs to continue to bring together people to effectively address the watershed issues and communication outreach assist each other in local problems. This organization can economize on citizen involvement, make it more effective, efficient and focussed. However, this cannot be done on volunteerism. There is a need for permanent full-time staff and resources. It is in the best interest of governments in the area to recognize the benefits that could be gained from co-ordinated public input into their initiatives. Sustaining funding from Toronto, Metro, the province, and the federal governments should be provided for this.

I have not tackled extrapolating my comments into your opportunities section but if you would like me to do further work on this let me know. Sorry to be so verbose, I trust you both will

be able to smoothe my ruffled activist rantings into diplomatic statements.