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Toronto's murky waters...

Will the 1990s bring clean-up or continued confusion?

A submission to the Royal Commission on the
future of the Toronto waterfront

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Introduction

The Royal Commission on the Future of the Toronto Waterfront's report "Environment and Health", gives a clear picture of the threshold where we now find ourselves in relationship to our environment. Now, in the late 1980s we are willing to acknowledge that the stress we've placed on our environment has limits which we may have already transgressed. All of the problems that are now globally receiving attention are with us in our local waterfront environment. The wisdom of the Bruntland Commission and other think-tanks is that the time for change is now. Bruntland has defined the new ethic as "sustainable development." While developments are very temporal in nature, our environment is the only place we have to live in. It must be sustained. The tension between development and the environment on Toronto's Waterfront accounts for the conflicts which your Commission has been called upon to mediate. The public has concluded that in the next decade we must treat our water resources differently by turning our good will into actions that will stop the inputs of harmful substances into our water, restore the degradation we have already caused and, most importantly, prevent future abuses. Torontonians' relationship to

their waterfront is a sad one. We no longer can look to our waters as a physical and spiritual source of renewal. We flee our city to swim and 48% of us feel our waters are a such threat to our well-being that we spend money buying bottled water and water filters for our drinking water. Our water has become one-dimensional to us, a view or backdrop. It's too disturbing to think about what's underneath the surface. Less and less of our shoreline activities reflect the inherent values of the waters. Shopping on the waterfront has become Toronto's new recreational sport since body contact sports have been lost to us. We'd rather not think about wildlife on our polluted waterfront. Too many species are considered dangerous to consume or are endangered or have vanished altogether. Under the circumstances, creating habitats and stocking salmon for many seems unethical because we are knowingly putting our wildlife at risk.

Background

The Canadian Environmental Law Association (CELA) has worked on water quality issues since 1970. I have worked as CELA's co-ordinator since 1978. Living on Toronto Island for the past twenty years has greatly enhanced my personal perspective of the local water quality problem. Young children swimming from island beaches would often have eye, ear, and throat infections long before the beaches were routinely placarded. In 1980 CELA helped form a coalition called SCOW (Stop Contaminating our Waterfront) in response to the proposal to dredge the Keating Channel. The

Ontario Ministry of the Environment at that time was ready to exempt this far-ranging, long-term dredging undertaking from its Environmental Assessment Act. Our group, concerned about the perpetual disposal need for the contaminated sediments, was successful in reversing that exemption. SCOW's involvement in that otherwise unsatisfying six year EA process resulted in some design improvements. The disposal cells were eventually closed, giving an additional margin of safety to two nearby sources of Toronto's drinking water.

The Canadian Environmental Law Association has worked continually on water quality law reform. CELA has advocated comprehensive legally binding standards in our Safe Drinking Water Act campaigns. These efforts have not been successful and the existing patchwork of guidelines, criteria and policies give the public very limited legal tools with which to protect and restore our waters.

CELA has served on the board of a bi-national public interest coalition called Great Lakes United (GLU) for five years. That work has given us a great appreciation for the huge efforts and commitment of the citizen's of the basin to clean up the Great Lakes. Countless citizen volunteer hours are being donated to this effort in all of the 42 areas of concern. The public is far ahead of governments, industry, and other institutions in their understanding of what must be done. With GLU we helped organize a citizen's campaign which resulted in a much strengthened 1987

Great Lakes Water Quality Agreement. The role of the citizens in protecting and enhancing the important principles of that agreement was acknowledged when the public was invited by the governments to join them at the negotiating table to amend the Agreement.

Currently, CELA is working in the Lake Ontario Organizing Network (LOON) and is involved in the formation and planning for the Metropolitan Toronto Waterfront Coalition, and in the organizing efforts to clean up the Don River.

CELA's most extensive work on waterfront issues was in their participation on the City of Toronto's Waterfront Remedial Action Plan (WRAP) Committee. In June of 1985 the International Joint Commission announced the Remedial Action Planning process to address the lack of progress in cleaning up the areas of concern. The deadline for the completion of the Toronto WRAP was then December 1986. During the summer of 1985 the City of Toronto's Neighbourhoods Committee was troubled by constant appeals from the public to control polluting activities on the waterfront. The Committee felt the Remedial Action Planning initiative would give the City an opportunity to do a comprehensive study of these projects and establish a pro-active preventative City plan to address pollution. This decision was an exciting one that moved the City from the unproductive reactive mode they had been forced into on the waterfront. They gave a small grant to environmental groups active in issues to do this plan. This group became the

WRAP Committee. After an intensive year of work, that committee reviewed all available studies and data, did research into alternatives and produced a report. In November and December of 1986 they held four community meetings to gather further input from the public into the Plan. A copy of that WRAP Report and information on the Community Consultations is appended to this brief. The WRAP Committee produced what we feel is still a viable, comprehensive plan for clean-up of Toronto's waterfront plan. That plan, unfortunately, has largely been ignored.

The Problems

Through our various efforts working for the improvement of water quality, we have repeatedly encountered the same barriers to progress. The lack of government commitment, coupled with a lack of public resources have perpetuated the problems well beyond the tolerance of the environment. Toronto's waterfront is perhaps the most studied waterbody in Canada. Report after report identifies in more and more detail the sources of water pollution. However, the programs to address those problems are either inappropriate, incomplete, or scheduled to happen at some vague time in the future. The government's penchant for repeatedly seeking more information rather than acting on the knowledge they have, has led to a dangerous "wait and see" attitude.

Because we have no body of comprehensive laws or standards to protect our waters in Canada, the public has seized on the

principles held in the 1987 Great Lakes Water Quality Agreement as their only hope for change. The agreement principle of virtual elimination of persistent toxic chemicals to a zero level of discharge has become their goal. This is the yardstick against which tangible progress in clean-up can be measured. This means all remedial measures should involve some measurable degree of reduction of pollution at the source. These principles have been widely endorsed by the public. However, governments are a long way away from seriously beginning to put these principles into practice. This summer Toronto will see a half a million dollars spent on a Metro Works project at Centre Island in order to keep the beaches open a few more days in the summer. A staged diffuser will be built, triggered by the flows of the Don River. It will switch on after storms to create a current to push the plumes of bacterial contamination from human waste away from the Centre Island beach, moving the problem to Lake Ontario. Is this remediation? In practice dilution is still being utilized as the preferred solution to pollution. But we cannot continue to solve Toronto pollution problems at the expense of Lake Ontario, already the most polluted Great Lake. Recently a Lake Ontario Toxics Management Plan was released by the four governments sharing responsibility for Lake Ontario. A summary of that plan is appended to this submission. We would urge you to study **this Plan's recommendations**. We have also included a copy of "A Citizen's Agenda for Restoring Lake Ontario", which CELA has helped to write.

When we have the opportunity to plan to change the way we have polluted our waters more often than not, our agencies are still choosing tired old 19th-century engineering solutions of putting the discharge pipes into the lake. One opportunity your government could utilize is to recommend that all federal projects on the waterfront employ modern non-polluting options. The CN railway lands development failed to be progressive. . The site design did not include holding tanks for their storm sewer discharges, but opted instead for putting their pipe into the lake. This decision has insured that the highly contaminated sediments in the north west corner of the harbour (in front of Harbourfront's residences) will only get worse. These sediments have the highest PCB concentrations in the harbour. Further information on this problem is attached. Similarly, when another federal agency, Harbourfront, filled in slips to build their residences, they utilized those contaminated sediments in construction of the landbase for the residences. They were forced to do this because they were denied access to the only disposal area in the waterfront controlled by another federal agency - the Toronto Harbour Commission.

This example of a lack of co-operation among federal agencies extends to other agencies with responsibility for water quality on Toronto's waterfront.

Too Many Cooks Have Spoiled Our Waters, Making Them a Chemical
Soup

The biggest single barrier to clean-up of our waterfront is the agencies who are supposed to be doing the job. At last count, the WRAP committee numbered them at 18. These federal, provincial, and municipal agencies have a history of antagonism rather than co-operation. In this climate ecosystem management doesn't stand a chance.

In Toronto we have the most powerful well-funded conservation authority in the province - the Metro Toronto Region Conservation Authority (MTRCA). The public is concerned that this agency seems to be undergoing a major transformation - from a conservation to a development emphasis. A recent review of the Province's Conservation Authority's the "Burgar Report," recommends that the province's conservation authorities get back into the business of their original mandate: flood and erosion control and the conservation of flood plain lands. Omitted from that review was a full examination of MTRCA's new self-appointed role as a major waterfront developer, promoter of lakefilling and marinas - and recently, Olympic land creation in Toronto's waterfront. Its original mandate excluded it completely from Toronto's central waterfront. As we redevelop the few remaining parcels of land we have in the waterfront, agencies are locked in a battle for long-term control of what is left.

There is a need to examine and compare the MTRCA's increasing authority in Toronto's central waterfront with the mandates of other agencies in the waterfront to ensure that authorities and mandates are not overlapping.

Toronto also is unique in that it has one of the last Harbour Commissions in Canada, even though its port operations have dwindled beyond all predictions. The 1911 Toronto Harbour Commission Act gives that agency complete authority and autonomy over all navigational and port activity. These responsibilities have led to a large and very powerful organization with an emphasis on engineering and works. When the opening of the St. Lawrence Seaway did not result in a shipping boom, other aspects of THC's engineering and works department grew to fill the jobs that would otherwise have been lost. The Toronto Harbour Commission's engineering department has had extensive influence on western Lake Ontario and their engineering designs have been promoted in Oshawa and Hamilton harbours. Their own designs for Toronto harbour, the Bold Concepts I and II, propose mega-engineering projects with little or no reference to environmental impacts. Until the last several years the Toronto Harbour Commission's projects have made little allowance for environmental quality. Former Harbour Commissioner Dale Martin fostered the THC's environmental growth by convening meetings in 1988 with environmentalists to attempt to infuse an environmental component in the THC programs. The THC is an entity unto itself with no obligations to be accountable to any higher authority.

Many of their activities have irretrievably changed our waterfront and resulted in environmental damage. Much of THC's activity has been very short-sighted. They have filled in all of the marshland in the central waterfront, and engineered the mouth of the Don River into a right angle - a recipe for pollution production. They have continually filled in the lake to accomodate their shifting port operations. They rely on their annual operating plan from year to year as their sole means to define whole new projects and priorities. No other agencies, or the public are meaningfully involved in their approvals of these annual plans. The THC ownership of some of the most valuable waterfront property has given it powers as a developer outside its function as a port authority. Their developments often bring them in conflict with the City and public interest. There is a need to evaluate the longevity of the Port of Toronto with a view to the necessity of continuing to have a full Harbour Commission in charge of Toronto's port. Your Commission should consider reducing the THC's powers to those of a port authority under the umbrella of the Federal Department of Transport. Their waterfront lands not needed for the port could then be turned over to the City. This could go a long way to resolving many of the land-use disputes now existing in the central waterfront and address needed public amenities. To illustrate these conflicts, the THC recently, with some aplomb, interpreted their "navigation" mandate to reach beyond shipping to recreational boating and unilaterally decided to locate a marina in the Outer Harbour - an area they had designated as their new port only a

decade earlier. This marina has escaped any meaningful environmental assessment. In locating their marina, they totally ignored the City of Toronto's Central Waterfront Plan zoning. The City's Planning Department is now refusing service connections to the nearly complete facility because it is not zoned recreational; a gesture that has come too late to protect the G zoning in the area. The Outer Harbour was once the cleanest recreational area on our waterfront. The marina fill has turned it into another degraded environment. This project demonstrates how little influence the City has over the other powerful Provincial and Federal agencies on its waterfront. Yet, it is the City that has to bear the ire of its citizens over these intrusions. The City is constantly forced to be reactive to other agencies' plans underway on its waterfront. However, the City is the only level of government that encourages accessible and routine citizen involvement in daily decision-making.

By no means is the city without its own problems: there are conflicts between city departments on priorities. The City's Neighbourhoods Committee seized on the Waterfront Remedial Action Plan Process as a rare opportunity to envision a comprehensive clean-up plan for the waterfront and supported the work of a committee to draft the plan. The City's Works Committee however, was only willing to recommend that other agencies undertake the job. They were unwilling to support the WRAP recommendations directed to their sphere or to contemplate any changes in their own house.

Could another super agency compel all the waterfront players to co-operate and act to initiate ecosystem planning? Any such agency would have to be arm's length and have a strong ecosystem authority and a meaningful degree of public accountability.

Sewage Treatment

The WRAP report bears out what has long been acknowledged - our city's sewage systems and treatment plants have not kept pace with the city's huge population growth, or with our chemically reliant society. Our sewers are the main source of our water's bacterial, organic and inorganic pollution. We share this basic problem with most other cities in Canada. Proper treatment will require huge sums of money. Money spent on sewage treatment would result in the largest clean-up advances. However, the sewage problems are being compounded by the withdrawal of the federal government from the cost-sharing agreements with the city and provinces to upgrade infrastructures and sewage treatment plants. The single most cost-effective far-reaching recommendation that your Commission could make is to re-instate federal good faith by funding these programs. In the best of all worlds pollution prevention wouldn't be partisan. However, in the federal election campaigns, the Conservatives were the only party who did not promise to reinstate this funding.

Dredging

Dredging is one federal activity which influences water quality on Toronto's waterfront. Your report on "Environment and Health" has not examined this responsibility in detail.

The THC's Act has given them the authority to dredge wherever and whenever necessary to maintain navigational depth for shipping. Until the early 1970s dredged materials were disposed of in the open lake. Once the harmful impacts of toxics were recognized, confined disposal facilities have been required for contaminated silt exceeding open water dumping guidelines. Currently the THC routinely dredges most of the slips in the inner harbour, the gaps and the Keating Channel. They do not have the disposal capacity for greater volumes.

With the port of Toronto shifting to the eastern gap area from the inner harbour, there needs to be a comprehensive re-evaluation of future dredging needs. Volumes, methods of disposal and the design of dredgeate disposal areas should also be examined. There is a need to utilize only state-of-the-art dredging equipment.

The emerging protocol in the 1987 Great Lakes Water Quality Agreement for contaminated sediments and new sediment criteria promised by the Ontario Ministry of the Environment to respond to this protocol will likely result in better, more comprehensive

testing. This testing should include bio-assay testing of uptake of contaminants by aquatic organisms. Environmentalists have looked at the amount of dredging going on in our harbour as more of a make-work project for THC's large engineering component rather than as a benefit for the environment. Much dredging goes on in areas no longer utilized for shipping. Toronto's disposal cells are designed to leak. Other disposal areas in the Great Lakes are much more protected than Toronto's. They are armoured, are located in 10 feet or less of water and often have liners to stop vertical migration of contaminants. The cells on the Spit are in 60 feet of water, have no liners and are not continuously armoured. They are unlikely to weather a storm of the magnitude of the one that severed Toronto Islands from the mainland. Yet we are planning to perpetually require dredgeate disposal facilities if current practices continue.

If the Greenhouse effect is indeed with us, as many scientists are predicting, we can expect much lower lake levels. This means our port would have to be subject to much larger volumes of dredging to maintain navigational depths. We should be looking to preventative measures to cut down on siltation leading to sediment build-up and further dredging requirements. The greenhouse scenario should be taken into account in the planning of Toronto's new port location.

Other private interests often get involved in small scale dredging. This has created disposal problems in the Toronto Harbour. Often these interests - marinas and private shoreline

owners - are not aware of the requirements not to disturb sediments until a disposal site for them is secured. I recently informed Environment Canada of a project which a yacht club had started in Toronto's lagoon. This operation was side-casting and stirring up sediments there to make a wider depth for recreational boats without approvals. Because the THC again barred access to their disposal cells, the barge used as a breakwater across the entrance to that lagoon, was filled with the contaminated fill already disturbed and the project was stopped. Environment Canada should instigate much better education programs to monitor and approve all dredging projects. A much more comprehensive assessment in the long term should be undertaken for these dredging and disposal practices on Toronto's waterfront.

Lakefilling

We would like to say that the section in your Health and Environment Committee's Report on Lakefilling was excellent. We are gratified to find others raising questions that environmental groups have been trying to see addressed since the first fill test results in the early 1980's found levels of contamination. Our reliance on lakefilling to create lands in the lake has created the facile attitude we have today that has led to the loss of many of our waterfront amenities, namely the belief that we can always create more land in the lake to replace what has

been lost to development. This has led to skewed waterfront planning without a conservation emphasis.

The quality of the lands we create with detritus and polluted soils is often more degraded than the lands we have lost. It is ironic that the most treasured and "natural" resource which the public is fighting to retain is the Leslie Street Spit. By last measurements, the Spit is about half made up of construction fill contaminated by heavy metals, oils, greases and PCBs. Early construction utilized fly ash and old battery cases. Its beaches are crowned with creosote-soaked telephone poles and smashed up sinks and toilets. Is this renewal of our lost waterfront resources and restoring public amenities?

For many years the THC had jurisdiction over the lands that they created with fill. This has led them to become powerful developers able to influence waterfront land-use decisions beyond their port activities. The THC still owns the most valuable parcels of land left on the waterfront.

Lakefilling, next to their land speculation, has been the most lucrative of the THC's current activities. This profit motive has led to abuse in the past. Several years ago two THC employees were charged with the theft and resale of \$250,000 to \$300,000 worth of tokens at the rate of \$10.00 per truckload.

This represents up to 30,000 truckloads of fill. The market for

these "under the counter" tokens were, likely, contractors trying to avoid the soil quality testing requirements.

The other major agency active in lakefilling is the MTRCA. They have recently wrested the jurisdictional responsibility for quality control for lakefilling from the Ontario Ministry of the Environment. This virtually puts them in charge of all aspects of lakefilling. This is particularly disturbing because the MTRCA is currently proposing several large fill projects on the waterfront.

The development industry has enjoyed cheap use of our waterfront for disposal of their construction fill. Sixty-seven percent of that fill was over open water dumping guidelines in the last series of tests completed proving all quality control programs had failed. The new "interim" program proposed by MTRCA while improving the methods to identify the source of fill, is a justification to continue to accept the contaminated fill. It differs from the intent of the previous Lakefill Quality Assurance Program which in theory allowed only clean fill to be accepted at sites. It is a justification for the status quo. Their newly created categories for fill placement assume that there are now "contained" and "restricted" sites at all active lakefills. This is not the case.

The WRAP Committee has been very concerned about large levels of PCBs in one section of Tommy Thompson Park from poor historic

control of fill. We have been unable to elicit a response to our inquiries from the MOE as to how this site will be remediated. We are probably still creating new contaminated parklands for future waterfront park users each day.

It is time we now made a thorough assessment of the practice of lakefilling which is carried out in more concentration in Toronto and Western Lake Ontario than anywhere else in the Great Lakes. Alternatives to filling in the lake have only been seriously examined by the City of Toronto. The very basic question - do we have enough clean fill in the City of Toronto to justify the vast amount of lakefilling we are planning - must be addressed.

Currently, there is already competition among sites for truck fill. The THC had to stop filling on the spit, putting their lease obligations "on hold" in order to acquire fill for the Outer Harbour Marina.

It is our belief that an examination of its soil quality would find that the majority of Toronto's surface soils are uniformly contaminated with lead. An examination of soil quality across Metro would likely reveal that there are not adequate volumes of clean land fill to sustain the existing plans for lakefilling.

Any generic assessment of lakefilling should not mean that future fill proposals be excluded from environmental assessment.

Each fill site must be evaluated for its impact on currents,

entrapment of other nearby sources of pollution, and contribution to sediment contamination and to destruction of cleaner habitat.

For instance, we can only speculate how much the Leslie Street Spit has contributed to the increasing pollution problems in the inner harbour by cutting down the natural scouring action between the gaps. Dispersion of the Don River pollution plume has been altered by the spit, probably leading to more beach closures. The nourishment of Toronto Island beaches from littoral drift from the Scarborough Bluffs has been cut off by the Spit so that the easterly Island beaches are seriously eroding into the lake. Everywhere a new structure or body of land is put into the lake, be it fill or concrete, impacts will occur. The combined impacts of the proposed Olympic Rowing Course, the World's Fair shoreline changes, and the waterfront development fills along Etobicoke's beaches are likely to be devastating to the quality of our Westerly beaches. We should not continue to approve these proposals in isolation. Every lakefill proposal should undergo environmental assessment.

WHAT SOLUTIONS ARE AVAILABLE TO CITIZENS?

The Fisheries Act

The one statute which the public might use to protect the aquatic environment is the federal Fisheries Act. Section 33(2) of the

Fisheries Act states that no substance deleterious to fish may be placed in water. At one time CELA and SCOW considered a private prosecution under the Fisheries Act to control pollution from lakefilling and dredgeate disposal at the Leslie Street Spit. However, there were too many deterrents to such an action. The burden of proof is on those bringing the prosecution to prove that fish are being harmed. These tests are costly. Previous Fisheries Act prosecutions have not yielded satisfactory results. (I have attached a case report of the one Fisheries Act case CELA has undertaken to illustrate this.) The greatest deterrent was our inability to clearly determine who to prosecute. It is unclear what agency has the ultimate responsibility for the Spit. Would it be the Minister of Natural Resources which is owner of the water lots being filled, the Toronto Harbour Commission which was doing the lakefilling, the Metro Toronto Conservation Authority which held an interim lease for the Spit, or the Federal and Provincial Ministers of the Environment who are responsible for water quality in the province and the Great Lakes? There is a need for aggressive protection of water quality. The federal government should be using its Fisheries Act to accomplish this. I have included further materials on that Act for your consideration.

Environmental Assessment

Environmental Assessment (EA) has not been a panacea on Toronto's waterfront. ~~The federal assessment process has been particularly~~ inadequate in examining the environmental impact of federal projects. Usually the federal EA process consists of a few

federal staff defining the scope of the review, often too narrowly. The few studies which then follow often fall well short of examining impacts in depth and inevitably conclude that projects go ahead with few or no environmental conditions. Impacts more often than not are portrayed as temporal and localized. Long-term eco-system impacts are not a consideration. While there have been several lengthier Provincial Environmental Assessments on waterfront developments, they too have not been satisfactory. The Keating Channel EA was carried out for six years. Those of us involved in that process were frustrated by a complete lack of resources for public involvement during that time. The scope and mandate of the terms of reference of that EA were so narrow as to not address the main concerns of the public and the City's Department of Health, that is, the disposal of the dredgeate close to drinking water supplies. Even though the intent of that EA was to examine alternatives, the THC were able to pre-determine the selected disposal alternative. They were prohibited from dredging the channel in the interim while the EA was ongoing. However, they kept their engineering staff who otherwise would have been underemployed, occupied in building three disposal cells on the Spit. They then filled cell 1 with routine navigational dredgeate by the end of the EA process, assuring that their disposal choice of the Spit was a fait accompli. As well, the THC made repeated applications to do emergency dredging of the channel during the six years of the assessment. The group SCOW appeared at least 30 times at city committees opposing those appeals which contravened the

principles of the EA which state that the undertaking could not begin until the EA process is complete. It was largely political pressure, not the EA process that resulted in the safety factors of the final conditions of that EA.

Once a few years have passed, EA recommendations are easy to ignore and there is no on-going mechanism to review whether their conditions are being met. Right now, for example, even though the Keating Channel EA conditions require that dredgeate disposal cell 1 be filled and capped by 1992 to protect wildlife and park users, the MTRCA is proposing to create a marshland within that hazardous waste disposal area. This is particularly inappropriate when there are nearby clean embayments on the north side of the spit which are far more appropriate locations for marshes.

The Colonel Sam Smith EA should also be revisited so that we can learn from our past mistakes. The Sam Smith and other adjacent fills have trapped discharges from the Humber River and the Humber Sewage Treatment Plant and have degraded water quality by creating an in-place pollutant problem in Humber Bay. That EA predicted that the clean bedrock of the Bay would not be changed by the fills.

While time does not permit a detailed discussion about long needed EA reforms, I have included for your consideration two briefs which the Canadian Environmental Law Association has done

in the past on reforming federal and provincial environmental assessment processes.

Environmental Assessment should be used routinely and in a timely way to examine both long- and short-term eco-system impacts of public and private waterfront projects in Toronto. Strong public involvement with intervenor funding should be part of all project approvals. However, projects continue to be planned behind closed doors and are made public only after political support for them has been secured from governments. The World's Fair, the Olympics, New Port development and the Outer Harbour Marina have or will soon be introduced to the public with their approvals secured.

Remedial Action Plans

The opportunity to address the confusion of jurisdictional responsibilities, conflicting mandates and clean-up priorities would have seemed to be the Remedial Action Planning Process.

In 1986 when the International Joint Commission announced this initiative, the public thought it was a golden opportunity to plan not only for a clean-up, but also for permanent pollution abatement.

However, after being involved in two RAPs and keeping up with the

progress of others, CELA joins other participants in calling upon the parties to overcome problems with RAPs that are fast becoming barriers to the realization of these ambitious endeavours.

* All agencies involved in RAPs have to be committed at the onset to the process and its implementation and apply it to all of their new and on-going projects.

Toronto's RAP is not off to a strong start because agencies like the THC, Harbourfront, CNCP are not visible or actively involved or committed.

* The public is frustrated because current or new proposals make no reference to the Remedial Action Plan.

* Commitment to the consensus building process of RAPs will inevitably mean agencies will have to co-operate and modify their own mandates. In practice, this is not happening. Commitment up front has to include a formal recognition of responsibility of agencies to pay their share of the implementation of clean-up.

* The public involvement in RAPs, to be meaningful, requires an extensive, long-term commitment. But sufficient resources or funds are not being dedicated to the public component of this process.

* "The public" is not adequately defined and represented in the process and therefore not playing a significant role in RAP's. The public interest is overwhelmed by a preponderance of agency people on the RAP public advisory committees. We are all, in a sense, interested public, and it is unrealistic to think agency people will not be in conflict and try to protect their employers' priorities and budgets.

* Implementation of known problems has to begin now. We cannot wait for some magical date in the future when a final plan is complete to begin the lengthy job ahead. Right now in Ontario, RAP participants are being told that they do not have to deal with priority pollutants because Ontario's MISA program will eventually eliminate them. This vague assurance is not a guarantee. Toronto's main polluter - its sewage treatment plants - are last, and the most difficult sector to be addressed by the MISA program in the mid-1990s.

* RAPs have to be truly eco-systemic to be effective. The contributions of all media have to be factored in. However, the RAPs are being defined more as "water-based," rather than eco-system plans. There is resistance to looking at the contributions of land-use along the shores of areas of concern and to the contributors of air pollution to water pollution.

* RAPs have to be integrated into all development and clean-up initiatives in the area of concern. Have the promoters of the

Olympics and World's Fair in Toronto any understanding of the RAP programme and its principles?

Human Health

To conclude, we would like to address the important health implications of our neglect of environmental issues in Toronto. We congratulate you for recognizing that there are indeed health impacts where there are environmental impacts. Last summer, the Lake Ontario Organizing Network (LOON) took a caravan to locations around Lake Ontario to put those that share the Lake in touch with each other's concerns and hopes for Lake Ontario. Overwhelmingly, we found people all around the lake convinced that their health was being impacted negatively by living in the Lake Ontario basin. LOON is working now on a broader community health survey to detail the extent and depth of this collective anxiety. It is our hope that this will lead the federal government to undertake a reform of their current thinking and practice which sees environment and health as discreet categories. Human health research is long overdue.

At the same time, I was very disturbed to learn that four new mothers in my own community on Toronto Island had their breast milk tested and were found to have excessive, dangerous levels of PCBs in their breast milk. These are women who do not eat fish from the lake and lead health conscious lives. I have included for your examination, documents detailing their efforts to find

out from Health and Welfare Canada, how to limit risks to their nursing children.

While we are a long way from identifying the source of their contamination, we do need to give people the ability to limit their risks. We know that PCBs are in sediments lining the bottom of our harbour, they are dumped in our sewers under special arrangements, they are emitted from our incinerators in the burning of sewage sludge and are routinely found in soil utilized for lakefilling. Our waters and our bodies are the membranes through which these banned substances are recycled.

The public's message to governments is that we need to begin to limit the risks now. The public is at a loss, beleaguered and overwhelmed by the magnitude of the problems and the confusion of jurisdictions that prevent meaningful progress in defining their risk. They want to do something but cannot even begin to address the myriad of proposals currently before us, in a meaningful way.

There is a huge chasm between commitments and clean-up.

Citizen action is the one hope we have to bridge that chasm to see our governments become accountable. There is a desperate need for resources for citizens to establish an ongoing waterfront advocacy centre, one that is not tied to any one process like RAP but is actively able to educate, inform and organize citizens' involvement in all programs, policies and developments influencing the environment of our waterfront.

While your Commission has been a valuable forum, your recommendations too run the risk of being filed with all the other reports on Toronto's waters - unless you make sure that you've provided a mechanism to see that the opportunities you have identified are seized. A public advocacy centre for Toronto's waterfront could be that guarantee. We recommend to you that such a center be established with legal environmental planning research and educational resources. Without these tools chaos is likely to continue to stir up Toronto's murky waters, and clean-up will continue to be a concept.

The beautiful Loren Eisely quote in your Committee's report merits repeating: "If there is magic on this planet, it is contained in the water", if anyone can unlock that magic for us again, it will be the citizens of this city. Please give them the key.

ATTACHMENTS

1. Remedial Action Plan for the Toronto Waterfront
2. A Citizens' Agenda for Restoring Lake Ontario
3. Lake Ontario Toxics Management Plan Executive Summary
4. ~~CELA briefs on reform of the environmental assessment process~~
5. Three recent submissions on lakefilling

6. Background materials on contaminated sediments
7. Background materials on the Fisheries Act
8. Background materials on PCB ocntamination of Toronto Breast Milk.