

FURTHER TO AUTHORITY MEETING #8/08
To be held Friday, October 24, 2008

Pages

FURTHER TO:

4. DELEGATIONS

ITEM 4.1 - NEW DELEGATION

- 4.1** A delegation from Jim Robb, Friends of the Rouge Watershed, in regard to Correspondence 6.1 - Restoration Methodology Concerns and Recommendations.

5. PRESENTATIONS

REMINDER - Jason Burnett, son of David Burnett, Manager, Provincial and Regional Policy, Planning and Development, TRCA, will be in attendance with silver Olympic medal and short presentation.

6. CORRESPONDENCE

ITEMS 6.3 AND 6.4 - NEW CORRESPONDENCE

- 6.3** A memo dated October 21, 2008 from Brian Denney, Chief Administrative Officer, Toronto and Region Source Protection Authority, in regard to Receipt and Next Steps for Proposed Terms of Reference for Source Water Protection Work in Toronto and Region Source Protection Area as required under the Clean Water Act, 2006 87-90

- 6.4** A letter dated October 21, 2008 from Mr. David Edwards, Resident, Town of Caledon, in regard to Arlington Homes, Rolling Meadow Drive, Caledon. 91-94

CONSIDERATION OF REPORTS TO THE AUTHORITY

7. SECTION I - ITEMS FOR AUTHORITY ACTION

ITEM 7.12 - LISTED ON AGENDA AS REPORT TO FOLLOW

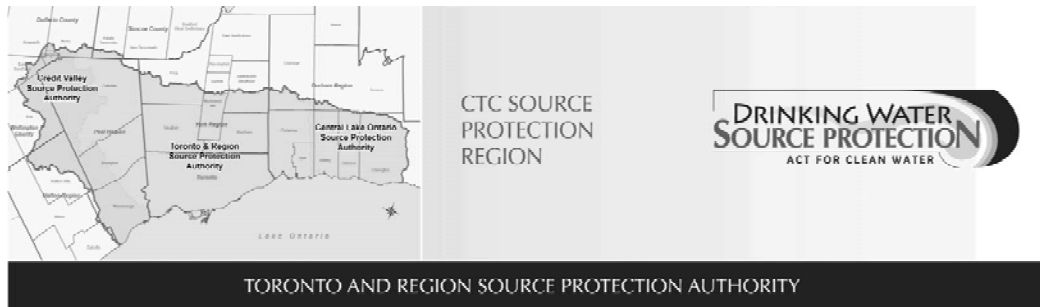
- 7.12 PARTNERS IN PROJECT GREEN: A PEARSON ECO-BUSINESS ZONE PROJECT**
Update and Approval of Steering Committee 95-97

NOTE

MEETING WILL LAST INTO AFTERNOON

PLEASE PARTICIPATE UNTIL THE END OF THE MEETING

CORRESPONDENCE 6.3



Memorandum

DATE: October 21, 2008

TO: Authority Members, Toronto and Region Conservation Authority

RE: Receipt and Next Steps for Proposed Terms of Reference for Source Water Protection Work in Toronto and Region Source Protection Area as required under the Clean Water Act, 2006

On October 20, 2008, Toronto and Region Source Protection Authority Chair Gerri Lynn O'Connor received the above report and transmittal letter from the CTC Source Protection Committee Chair Susan Self. A copy of this letter is attached. Copies of the report will be given to members at the Authority meeting on October 24, 2008, with copies to be mailed to those members not in attendance.

Next Steps

At the November Authority meeting we will also convene a meeting of the TRSPA) to:

1. receive the Terms of Reference;
2. approve staff comments for the Chair to send on behalf of TRSPA to the Minister of the Environment;
3. receive a staff report on any comments received through the current public commenting period and any outstanding municipal issues; and
4. approve the appointment of source protection committee members to fill vacancies.

Should you have any questions regarding the Terms of Reference, please contact Beverley Thorpe at 416-661-6600 extension 5577 (bthorpe@trca.on.ca), or Adele Freeman at extension 5238 (afreeman@trca.on.ca).

Sincerely

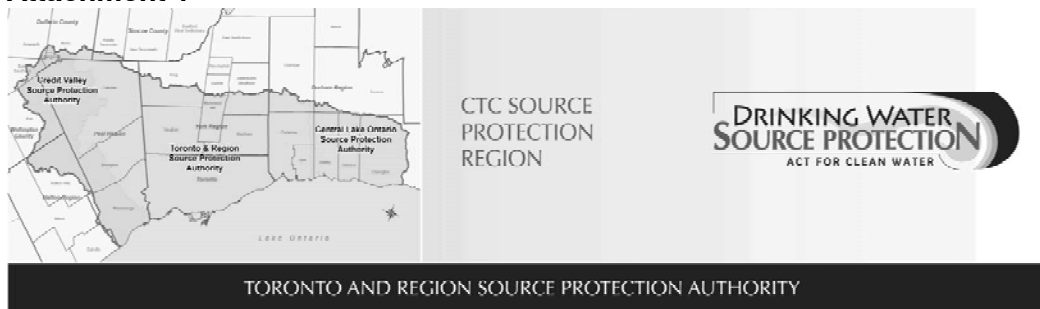
ORIGINAL SIGNED BY

Brian Denney, P.Eng.
Chief Administrative Officer

/Encl. - Letter from Susan Self, October 20, 2008

cc Adele Freeman, Director, Watershed Management
Beverley Thorpe, Project Manager, CTC Region
Rae Horst, Chief Administrative Officer, Credit Valley Source Protection Authority
Russ Powell, Chief Administrative Officer, Central Lake Ontario Source Protection Authority

Attachment 1



Dear Gerri Lynn O'Connor,

**Submission of Proposed Terms of Reference
for the Toronto and Region Source Protection Area
as required under the *Clean Water Act, 2006* and Ontario Regulation 287/07**

I am pleased to submit these proposed Terms of Reference (TOR) on behalf of the CTC Source Protection Committee (SPC). Copies of these TOR have also been sent to the clerks of the municipalities wholly or partially within the Toronto and Region Source Protection Area and posted on the CTC website www.ctcswp.ca with a notice of the opportunity to submit comments by November 19, 2008 to your Source Protection Authority c/o Brian Denney.

Staff has worked with staff of your source protection area to ensure that this information has been highlighted on the conservation authority website and CTC staff has also sent copies of the notice to persons who have attended our public information forums, who have previously provided comments or who asked to be kept informed.

Action To Be Taken

At this point your source protection authority has several regulatory obligations and discretionary powers.

1. You are required to submit these TOR to the Minister of the Environment no later than December 22, 2008 for his review and approval, along with any comments you receive from municipalities or the public by the November 19th comment deadline referred to above.
2. You may review and comment on these TOR as a source protection authority and send those comments to the Minister.
3. You are required to summarize for the Minister any issues raised by municipalities that are have not been satisfactorily resolved in these TOR.
4. You are required similarly to summarize any concerns raised by bands of reserves if there are any included in your source protection area. The CTC SPC has confirmed that here are no such reserve lands within your source protection area and so the CTC SPC was not required to consult with any bands. Therefore there are no matters to be addressed by the SPA in this regard. Staff continues to try to identify informal opportunities to identify First Nations persons who reside within the source protection region to invite their comments on the source water protection program as we go forward.
5. You are required to send the CTC SPC a copy of all the comments referred to under the above items.

Background

The CTC SPC has prepared these TOR in accordance with the legislation, regulations and advice of provincial staff in order to comply with the requirements of the *Clean Water Act, 2006* and associated regulations. The CTC SPC was granted a two-month extension to the timeline to complete these TOR by the Minister which also provides an extension to the deadline for your SPA to submit the TOR to the Minister to December 22, 2008 (note while the extension was to Dec. 20, 2008, since this is a Saturday, ministry staff has advised that the actual deadline is Monday Dec. 22, 2008).

Municipalities and other source protection area residents and business sectors were provided the opportunity to make written comment on the draft versions of these TOR through the posting of the documents and a notice on our website, newspaper ads, posters and media articles. In addition, the SPC hosted seven public information forums during September. The comments made (including those from municipalities) and our responses to these comments are found in Appendix F of these TOR.

Also enclosed is a table summarizing the comments received from municipalities that are part of your SPA and copies of the council resolutions and/or staff reports where council resolutions are pending. This information will be of particular value in addressing Task #3 above.

I also wish to highlight that the CTC SPC expects to amend these TOR, pursuant to Section 9 of O. Reg. 287/07 once the province has clarified the requirements for the source protection plans. The province has advised that it intends to release a discussion paper in November leading to a regulation next year for source protection plans. We have drawn attention to this intention in these TOR. Additional funding requirements will be identified, along with additional tasks and responsibilities. Municipal staffs have advised that they will be recommending to their councils that they lead or co-lead a number of these source protection planning tasks when we develop the details.

Submission of these TOR marks the completion of the first major task of the CTC SPC. On behalf of the SPC, I want to assure you and members of your authority that we are continuing to work with technical staff of your authority and our municipal partners to complete the technical studies that will form the assessment report to identify the risks to municipal drinking water and other designated supplies. We recognize that once the Minister has approved these TOR, we collectively have only twelve months to submit the assessment report to the Ministry the Environment for approval.

Should you require further information, or if you would like me to attend a meeting of your source protection authority to address any questions, I would be pleased to assist.

Yours truly,

Original Signed by

Susan Self, Chair CTC Source Protection Committee

Attachments

1. TRSPA *Proposed* Terms of Reference
2. Summary table of relevant municipal comments & copies of resolutions and/or staff reports to council

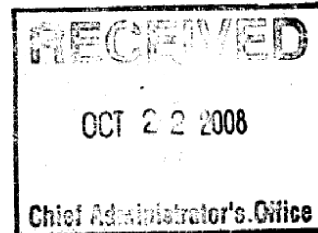
cc. Brian Denney, C.A.O., Toronto and Region Conservation Authority
CTC SPC members
Beverley Thorpe, CTC Project Manager

CORRESPONDENCE 6.4

David Edwards
[REDACTED]
Caledon, Ontario
[REDACTED]

October 21, 2008

Board of Directors
Toronto Region Conservation Authority
5 Shoreham Drive
Downsview, Ontario
M3N 1S4



Re; Arlington Homes, Rolling Meadow Drive, Caledon

Dear TRCA Board;

I recieved an e-mail, from TRCA, monday, October 20, 2008, explaining that a letter I wrote to TRCA, October 15, 2008, and Cc'd to the TRCA Board, has been added to the agenda for the October 24 TRCA Board meeting. I did not intend that this would be heard as a delegation to the Board. I will not be at the October 24 TRCA Board meeting. I just thought, given the history of this development, and the worsening environmental damage, and because TRCA never responds to my letters, I should copy my letters to the TRCA Board.

I am concerned here that it might appear that I requested to be heard by the Board, and then, either didn't show up, or withdrew my request,...neither of which is true. I am also concerned about who else TRCA may have advised of this matter being on the October 24 agenda, and what may occur at the Board meeting as a result. (For example; will anyone from the Town, TRCA, MNR, or any of the residents, be speaking, or responding to my letter, at the Board meeting?) I hope TRCA will correct this mistake, and advise me of how it was corrected, please.

I have not been treated fairly by TRCA, or the TRCA Board, in dealing with this development over the past six years. The TRCA and TRCA Board's conduct with respect to this development has greatly contributed to, continues to contribute to, the ongoing, widespread, significant, environmental damage, and related public health and safety hazards and liabilities. A significant part of the Headwaters of the Humber River that was protected through a lawful public planning process, protected through MNR conditions of approval, protected by Order of the Ontario Municipal Board, etc., continues to be completely, needlessly, destroyed here, for no legitimate reason. This situation is still not getting the responsible attention it deserves from TRCA, or anyone else.

In my October 15, 2008 letter, I repeated issues of the still continuing filling of a protected Watercourse, Provincially Significant Wetland, fish habitat, etc., and the removal of the pre-existing Runoff Control Dam.

It is very troubling to me, that TRCA e-mailed me, October 2008, stating that the Runoff Control Dam had been repaired this spring, when the Minister of Natural Resources wrote that TRCA, MNR, and Town staff conducted a site visit, June 23, 2008, and found the Dam had again been tampered with and defeated.

In fact, the Dam was never repaired and never once ponded a single drop of water. As I notified the TRCA and its Board when the permit to repair the Dam was being approved, the permit for this repair compromised the requirements for the original MNR, OMB required Runoff Control Dam, in every way, and provided for a structure that absolutely would not provide any of the required function for the original Dam, and absolutely would not pond any water. Whatever work may have occurred in the spring of 2008, it was not a good faith effort at restoring the required (MNR, OMB) Runoff Control Dam.

A terrible thing continues to occur here. The pre-existing, required (MNR, OMB, etc.,) Runoff Control Dam was intact, ponding water, in 2003. It is widely acknowledged that the developers removed the Dam to lower standing water levels in the protected areas of this development. This "low water relief" was then used to facilitate the multitude of violations committed by the developer, to expand the building envelopes into the restricted, protected Watercourse and Wetland. This then caused all of the many problems associated with this development. Despite this, despite the developers ignoring repeated instruction from the Town and MNR to repair the Dam,... the TRCA decided to further reward the developer's questionable conduct by approving a different Dam that is compromised in every way. Even then, the Town, TRCA, Developers still make a mockery of their obligations and still have not repaired the Dam. The question the TRCA Board should be asking/answering, is; Why? (Residents claim to have been promised the Dam will not be repaired....the Dam has not been repaired; Why?)

The filling that occurred in lots 4 and 5, on and around October 4, 11, 13, 2008, included filling the specific Watercourse and Wetland, fish habitat, where, in 2004, MNR wrote, "It is imperative that no filling occur within the Watercourse as it provides habitat for fish" and "MNR does not support any further filling within the boundary of the Wetland."

By the time MNR wrote that letter, 2004, that specific protected Watercourse had already been reduced from about forty feet wide, to about a foot, or so, wide, by the developers, and the houses, lots 5 and 6, were constructed, below the water level, in the Watercourse. (This is one of the issues I reported to TRCA, many times, and reported to the TRCA Board, June 27, 2003.) Since MNR's 2004 letter, that Watercourse has been filled, and re-established itself, a few times. From 2007, to date, the entire Watercourse has been filled, and, in places, about a hundred feet beyond, into the Wetland, has been filled.

In 2002, TRCA issued a permit to provide outfall from the storm sewer system, into this Watercourse. At the same time, a filter was constructed between the outfall and the Watercourse. This seemed to recognise the requirement to protect this Watercourse. Since then, the filter was removed, the silt fencing was removed, and the Watercourse filled. The required, pre-existing Runoff Control Dam was removed from the OMB Ordered Primary Natural Area, and trenches have been excavated through the OMB

Ordered Primary and Secondary Natural Areas, to divert storm/flood water onto properties outside this development. The required, agreed upon, storage area and capacity for storm drainage have been reduced to 0. So, TRCA approves outfall into the Watercourse, and then that Watercourse is filled? Why?

(Please recall that there are three Watercourses mapped on the registered maps of this development and clearly evident from aerial photos. I hope we are not confusing this protected Watercourse with the other, parallel Watercourse along the opposite side of the Wetland, much further back from the houses.)

The area that was filled, in the October, 2008, instance, is about the size of a good sized residential, urban, bulding lot. This area was clearly and repeatedly protected, and this filling was clearly and repeatedly prohibited, throughout all of the approved, registered plans and agreements for this development, as required by MNR's conditions of approval for the development, and by Order of the Ontario Municipal Board. In any event, as MNR confirmed in thier 2004 letter, this Watercourse provides habitat for fish. DFO's Gary Cooper confirmed, verbally, only a few months ago, that this area is fish habitat. This Watercourse, fish habitat, should recieve the protection required by the Fisheries Act.

This is the specific regulated area where the Minister of Natural Resources wrote, September 3, 2008, "if the property owners continue to carry out activities not authorized, the TRCA will consider its powers under its regulation process."

An example from the Agreement is; the required snow fencing around areas that "shall not be disturbed in any way whatsoever", was installed, around this area, by the original developers, about the mid 1990's, and remained there, intact but dilapidated, until very recently, when it was removed to accomodate this prohibited filling. This has been a common theme with all of the filling over the past several years. Remove the fence, fill the Watercourse, Wetland.

One of the property owners undetaking this prohibited filling, Mr. Melo, is quoted in the Caledon Enterprise, in 2004, describing how he is prohibited, by MNR, from filling this area. The article makes specific reference to fish habitat.

I noted in my October 15 letter that residents told police that the Town's Geoff Hebbert told them they could fill this protected Watercourse, Wetland, fish habitat. I confirmed with MNR that Mr. Hebbert has no authority to allow this filling. This filling can not be justified as any part of any filling that might have been considered part of the original, 1989-91, approvals. This filling can not be justified as part of any effort to mitigate flooding issues, or basement water filtration issues, or e-coli contamination issues, associated with this development. In fact, this and the rest of the prohibited filling, is the cause of the flooding/basement/e-coli issues.

It is very unfortunate, and typical of my experience here, that the filling issue finally getting some attention, is, by far, the least extensive and least significant of the many instances of illegal filling that have occurred over the past few years. A multitude of fill

went in the restricted areas during the 2003-04 development. Extensive, gradual filling occurred over the 2004-05 period. From late summer 2006, to the end of 2007, about four hundred truck loads of fill went into the restricted Watercourse and Wetland areas. Over the course of 2008, again, countless trucks dumped fill in the restricted areas.

A letter from our area Councillor, Beffort, explains that this filling would require TRCA permits. TRCA confirms that no fill permits exist. Why is the filling allowed to continue?

A reasonable first step in finding the cause of all of the problems associated with this development, would be to truthfully document the extent of the filling and environmental damage. Three Watercourses, eighteen acres of Provincially Significant Wetland, the entire "natural drainage pattern", completely drained and mostly filled, with fill and construction garbage, some toxic or hazardous material, ranging to eight feet deep. Five houses and respective wells, septic beds, secondary buildings, etc., constructed in the Watercourses. One house, now the subject of a million dollar civil suit, constructed in the Watercourse, where that Watercourse is normally six feet deep. One Watercourse diverted into the protected forest, then the forest areas filled to further divert the Water. Accepting, recognizing, admitting, this plain simple truth is the first step toward correcting the many problems this has caused.

I understand from MNR, that MNR, TRCA, and the Town are planning yet another site visit, and considering the prospect of another flood study. The Town, TRCA and MNR have had six years to correct this, and it continues to get worse. The TRCA, Town, and MNR share a conflict of interest here, and there needs to be some independant or public oversite and accountability here. The rights and interests of the public and environment are not being properly respected here, and they should be.

Please be advised; my letters to TRCA are not recieving the protection required by the freedom of information and privacy act.

Sincerely;

Original Signed by

David Edwards

Item 7.12

TO: Chair and Members of the Authority
Meeting #8/08, October 24, 2008

FROM: Adele Freeman, Director, Watershed Management

**RE: PARTNERS IN PROJECT GREEN: A PEARSON ECO-BUSINESS ZONE
PROJECT**
Terms of Reference and Steering Committee

KEY ISSUE

Progress update on Pearson Eco-Business Zone project, update to the Terms of Reference and approval of the steering committee members.

RECOMMENDATION

THAT the presentation on Woodbine Entertainment Group's green initiatives by Jane Holmes, Vice President of Corporate Affairs be received and Woodbine Entertainment Group be congratulated for their energy and water conservation initiatives, and their support of Partners in Project Green;

THAT the amended Section 5 of the Terms of Reference for the Partners in Project Green Steering Committee, as outlined in the staff report, be approved;

AND FURTHER THAT the Partners in Project Green Steering Committee members, as listed, be approved.

BACKGROUND

In partnership with the Greater Toronto Airports Authority (GTAA), the Regional Municipality of Peel, the City of Toronto, the City of Mississauga and the City of Brampton, TRCA has been working to develop Partners in Project Green: A Pearson Eco-Business Zone. Partners in Project Green is an initiative to develop North America's largest eco-business zone on the industrial lands surrounding Toronto Pearson International Airport (Toronto Pearson).

At Authority Meeting #6/08, held on July 25, 2008 , Resolution #A184/08 was approved, in part, as follows:

...THEREFORE LET IT BE RESOLVED THAT the key priorities contained in the draft Partners in Project Green Strategy, being eco-efficiency, resource re-utilization, renewable energy and green business development, be approved, in principle;

THAT the attached draft Terms of Reference for the Partners in Project Green Steering Committee be approved and staff be authorized to establish the Steering Committee to begin the implementation of key priorities;...

...THAT the Partners in Project Green Strategy findings and priorities be presented to TRCA's regional and local municipal partners involved in Partners in Project Green and a copy of the Executive Summary be forwarded to all TRCA members;

AND FURTHER THAT the partners and supporters be formally recognized at the official project launch in early October, 2008 at the Toronto Pearson International Airport.

Progress Update and Project Launch

Staff presentations to partner municipalities were very well received and municipal representatives have been appointed to the Partners in Project Green Steering Committee (herein "Steering Committee"). Fourteen businesses have also confirmed their participation on the Steering Committee. The Partners in Project Green: A Pearson Eco-Business Zone Strategy was officially launched on October 9, 2008 and featured a reception with over 250 business and government representatives in attendance. The evening included remarks from project founding partners and greetings from various levels of government including the Honourable John Gerretsen, Ontario Minister of the Environment and the Honourable Donna Cansfield, Ontario Minister of Natural Resources.

The project strategy and findings have been posted on the project website. Over 400 downloads have been reported during the first week. Support continues to grow with new funding commitments from both the government (Natural Resources Canada) and private sector. Woodbine Entertainment Group has recently confirmed their funding support toward a green job development program for the project area.

Amendment to the Terms of Reference

Minor amendment to Section 5 of the Steering Committee Terms of Reference is proposed to reflect the relationship and participation from the Etobicoke-Mimico Watersheds Coalition. Section 5.8 is recommended to be added as follows:

5.8 Relationship to the Etobicoke-Mimico Watersheds Coalition

The Chair of the Etobicoke-Mimico Watersheds Coalition or designate will be invited to attend Committee meetings.

Steering Committee Membership

The following business and municipal representatives have agreed to participate on the project Steering Committee.

Business Representatives

- Toby Lennox, Vice President Corporate Affairs and Communications, GTAA
- John Coyne, Vice President General Counsel & Corporate Secretary, Unilever
- Jane Holmes, Vice President Corporate Affairs, Woodbine Entertainment Group
- Neil Lacheur, Vice President Property Management, Bentall Real Estate
- Ferg Devins, Vice President Government and Public Affairs, Molson
- Ernie Springolo, Country Head, Bayer Material Science, Bayer Inc.
- Anne Tennier, Vice President Environmental Affairs, Maple Leaf Foods
- Eric Lange, President, Lange Transportation
- Mark O'Connor, Director Security and Compliance, Kuehne and Nagel
- Mike Brandt, Chief Financial Officer, Monteco Group, representing Ontario Environment Industry Association
- Blair Wok, Project Manager, Orlando Corporation
- Darryl Neate, Manager of Sustainable Programs, Oxford Properties
- Bob Griesbach, Director of Business Consulting, Hatch Energy, representing Mississauga Board of Trade

- Carmen McClelland, President, Brampton Board of Trade
- Ian Howcroft, Vice President, Canadian Manufacturers and Exporters Association
- Dan Pastoric, Executive Vice President and Chief Operation Officer, Enersource
- Walter Kraus, Senior Director Environmental Affairs, George Weston Ltd.
- Lenard Foster, Vice President Toronto Operations, Canadian Tire Retail

Political/Municipal Representatives

- Suzan Hall, Councillor City of Toronto
- Maja Prentice, Councillor City of Mississauga
- Eve Adams, Councillor Region of Peel/Alternate: Chief Administrative Officer or the Commissioner of Environment, Transportation and Planning Services, Region of Peel.
- Gael Miles, Councillor City of Brampton/Alternate: Sandra Hames Councillor City of Brampton.

TRCA

- Brian Denney, Chief Administrative Officer

Representatives from the federal and provincial governments and two more business representatives are yet to be confirmed. These names will be brought back to the Authority for approval upon confirmation of them as representatives. The first meeting of the Steering Committee is tentatively scheduled for Thursday, January 15, 2009.

DETAILS OF WORK TO BE DONE

- Establish project working groups and initiate implementation of key priorities identified in the Partners in Project Green Strategy with input from the business community and project partners. The key priorities are as follows:
 - Eco-Efficiency - working with the business community to identify and realize savings from energy, water and waste conservation measures;
 - Resource Re-Utilization Initiative - investigating ways for businesses to turn waste into feedstocks and revenue streams;
 - Renewable Energy - identifying and implementing opportunities for renewable energy generation in the Pearson Eco-Business Zone; and,
 - Green Business Development - working with municipal economic development departments on the attraction and retention of green businesses.
- Seek representatives from the federal and provincial governments and four more businesses to participate on the Steering Committee.
- Host the first meeting of the Steering Committee.
- Initiate work on a communication and marketing strategy to promote the Pearson Eco-Business Zone.

Report prepared by: Chandra Sharma, extension 5237

Email: csharma@trca.on.ca

For Information contact: Chris Rickett, extension 5316; Chandra Sharma, extension 5237

Email: crickett@trca.on.ca; csharma@trca.on.ca

Date: October 17, 2008