



Save the Oak Ridges Moraine

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STORM COALITION

VIA FACSIMILE TO: CHAIR FISCH 905 895-1238

June 20, 2005

Mr Bill Fisch, Chair
Regional Municipality of York

Re: Submission to Regional Council on the 19th Avenue Interceptor Sewer Project

Dear Mr Fisch:

Please accept this as a formal letter of objection, on behalf of Save the Oak Ridges Moraine (STORM) Coalition, to the June 15, 2005 motion of the Transportation and Works Committee. The motion in question deals with the decision to proceed with 19th Avenue as the preferred route for the Interceptor Sewer Project (ISP) and the decision to proceed with the tendering process prior to approval by the Minister of Environment.

Our objections, based on the latest materials and information made available to us by regional staff on June 7, 2005, are based on our opinion that the Region of York has not been able to demonstrate that it has adequately met the requirements imposed on the route selection process and outcome by Section 41 of the Oak Ridges Moraine Conservation Plan (ORMCP).

The relevant Section 41 (2) and (3) provisions are as follows:

"An application for a transportation, infrastructure or utilities use with respect to land in a Natural Linkage Area or Natural Core Area shall not be approved unless the need for the project has been demonstrated and there is no reasonable alternative (emphasis added).

Both the demonstration of need and the demonstration that no reasonable alternative exists must be satisfied before an application can be approved. While STORM did not participate in a review of the 2002 Master Plan update whereby the need for increased sewer capacity was purportedly demonstrated, a restating of a need for the project seems to be a reasonable expectation under the ORMCP framework. This has not been adequately fulfilled in the ISP project but instead members of the public are expected to assume that this requirement has been met. This is an unreasonable expectation.

As for the second requirement that there is no reasonable alternative to a route that crosses a Natural Core or Linkage area, the ISP process from the start has been wholly inadequate. Our reasons for making this statement are as follows:

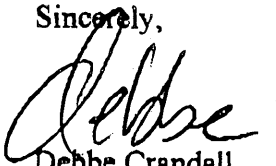
- That the ORMCP requirements were tacked on after the selection criteria and process had been initiated given the very strong impression that mere lip service has been given to the ORMCP;
- A deficiency of critical and spatially-sensitive hydrogeological and geotechnical data to support claims that no reasonable alternative exists;
- An evaluation process including the selection and weighting of criteria that remains opaque and subjective;
- The assumptions underlying the costing of the various route options remains opaque and inaccessible to external examination;
- A peer review process, imposed by the Minister of the Environment, that is wholly inappropriate and inadequate given that the decision to proceed with construction predates the peer reviewing;
- A continuing and unresolved concern regarding the ability of the peer review team to fairly and effectively perform its mandated task; and
- The lack of a mechanism or process to address these legitimate concerns that in and of itself raises serious questions about the ability or will of the Region to fulfill the conditions imposed by the Minister of the Environment.

Please excuse the brevity and lack of substantial explanation underpinning these concerns. However, not unlike the conditions imposed on the output from the ISP project team, the timing on this whole process precludes our being able to produce a thorough and meaningful report at this time. Our intent with this letter was to lodge a formal objection that will grant us the necessary status for further involvement. We will be pleased to follow up with a more substantial report in the near future.

We respectfully request that Regional Council not approve the motion to proceed forward with 19th Avenue as the preferred route.

Thank you for this opportunity to comment.

Sincerely,



Debbe Crandall
Executive Director

Cc: Clerk's office, Region of York