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CORPORATE SERVICES DEPARTMENT

Clerk's Division

Division 905.420.4611

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September 22, 2009

P.M. Madill, Regional Clerk
Region of Durham
605 Rossland Road East
Whitby, ON L1N 6A3

Subject: York/Durham Odour Control Facility
- File: A-2100-001-09

The Council of the Corporation of the City of Pickering considered the above matter at a meeting held on September 21, 2009 and the following recommendations were adopted:

WHEREAS the Region of York has recommended a site under the Environmental Assessment Act to construct an Odour Control Facility (OCF) on the York/Durham Townline south of Concession 5; and

WHEREAS the Region of Durham has passed by unanimous vote that the OCF be moved out of Durham; and

WHEREAS while recommending the construction of the OCF to the West Side of the York/Durham Town Line the Region of York has failed to address the impacts that the OFC on the Pickering community and has failed to address both the location and impacts of the proposed infrastructure fans with-in boundaries of Durham and specifically the urban envelope of Pickering; and

WHEREAS the recommended location for the OCF and its infrastructures will negatively impact the sustainability of Pickering and it's residents; and

WHEREAS the City of Pickering is opposed to any location and it's infrastructure where it continues to impact Pickering residents and our sustainability; and

Subject: York/Durham Odour Control Facility

September 22, 2009

Page 2

WHEREAS residents of Pickering have raised concerns through petition, letters and presentations opposing any facility that may impact their quality of life, social, environmental and economic; and

WHEREAS in bringing forward their recommended location for the OCF, York Region failed to consult and seek input from impacted community members; and

WHEREAS the Region of York failed to expand it's study area for the purpose of consultation to include additional communities who may be impacted by the OCF and it's supporting infrastructure; and

WHEREAS prior to submitting its final recommendations, the residents of Pickering, through their Elected Officials at the City level and the Regional level were not afforded an opportunity to discuss and comment on what York Region was recommending; and

WHEREAS the recommended route and location of the OCF fails to address the concerns raised by the Rouge Park Alliance, which the City of Pickering and Durham Region are both members of. As well the concerns raised by the City of Toronto have also yet to be addressed; and

WHEREAS York Region entered into a Memorandum of Understanding (MOU) to recognize the need for all parties to act in the interest of their respective Municipalities; and

WHEREAS by entering into this MOU, York Region committed to the following:

- Well mitigation for Pickering residents and compensation for adverse impacts
- Full and timely communication with residents on all project issues
- Restoration and/or resurfacing of local roads damaged during construction
- Landscaped and enhanced lands in permanent shaft locations
- Realignment and enhancements to the Waterfront Trail within the limits of the Duffin Creek Water Pollution Control Plant; and

WHEREAS York Region has failed to fulfill the conditions and intent of the MOU with the City of Pickering.

NOW THEREFORE BE IT RESOLVED the Council for the Corporation of the City of Pickering direct staff with a view to commencing legal action against York Region by investigating all legal actions available by law and further that an external expert environmental lawyer be retained as directed and Council to be updated as to the actions to be taken at the next regular meeting; and

Subject: York/Durham Odour Control Facility

September 22, 2009

Page 3

That the City of Toronto and the Rouge Park Alliance be requested to be a partner with the City of Pickering in the legal action including funding;

AND THAT a copy of this resolution and it's attachments be sent to Durham Regional Council, York Region Council, Ministry of the Environment, Rouge Park Alliance, City of Toronto Council, MPP Wayne Arthurs, (Scarborough/Pickering), John O'Toole, MPP Durham and MPP Joe Dickson, (Ajax/Pickering).

Attachments:

- (a) Copy of the MOU as adopted by Pickering Council in 2005;
- (b) Copy of the City of Toronto legal opinion as presented at the Rouge Park Alliance Meeting of May 29, 2009;
- (c) Copy of the Rouge Park Alliance meeting minutes of May 29, 2009.

Please note that Council is requesting endorsement of this resolution at the September 23, 2009 meeting of Regional Council. [Note: there are attachments to the Notice of Motion]

Yours truly



Debi A. Wilcox, CMO, CMM III

City Clerk

DW/lcr

Copy: The Honourable John Gerretsen, Minister
Ministry of the Environment
12th Floor, 135 St. Clair Avenue West
Toronto, ON M4V 1P5

Denis Kelly, Regional Clerk
Regional Municipality of York
Corporate Department, Legal Branch
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Rouge Park Alliance
50 Bloomington Road West
Aurora, ON L4G 3G8

Ulli S. Watkiss, City Clerk
City of Toronto
Metro Hall, 55 John Street
Toronto, ON M5V 3C6

Subject: York/Durham Odour Control Facility

September 22, 2009

Page 4

Wayne Arthurs, MPP, Pickering-Scarborough East
300 Kingston Road, Unit 13
Pickering, ON L1V 6Z9

John O'Toole, MPP Durham
75 King Street East
Bowmanville, ON L1C 1N4

Joe Dickson, MPP Ajax-Pickering
50 Commercial Avenue, Suite 201A
Ajax, ON L1S 2H5

Attachment (a) to
Notice of Motion
7137

ORIGINALS D. BENTLEY

K. SENIOR

JOY L. HULTON, Regional Solicitor
Legal Services Branch
Corporate Services Department

July 4, 2005

BY COURIER

Mr. Everett Buntsma
(Acting) Chief Administrative Officer
City of Pickering
Pickering Civic Complex
One The Esplanade
Pickering, ON L1V 6K7

RECEIVED		JUL 06 2005	
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COPY TO:			
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SIRE DE	SIGAL		
CHIEF OF	PLANNING		

Dear Mr. Buntsma:

Re: City of Pickering
Invoice No. 4799
Your File No. A-2600-001-05

Further to Dan Kuzmyk's letter to you dated June 29, 2005, we enclose two fully executed copies of the settlement documents with respect to the above matter, consisting of the Full and Final Release, together with the Memorandum of Understanding dated June 28, 2005.

Sincerely,

Joy L. Hulton
Regional Solicitor

JHjm

Attachment

Copy to: Bill Fisch, Regional Chair and Chief Executive Officer
Michael Garrett, Chief Administrative Officer

Edocs #132890K

Copies To:
Kristine Senior
Debi Bentley
John Reble
Tom Quinn
Close file.

FULL AND FINAL RELEASE**BETWEEN:****The Corporation of the City of Pickering****("Pickering")****- and -****The Regional Municipality of York****("York Region")**

**Re: The Corporation of the City of Pickering Invoice No. 4799,
dated November 12, 2004
to The Regional Municipality of York**

IN CONSIDERATION of the payment of the sum of Three Hundred and Seventy-One Thousand Nine Hundred and Ten Dollars (\$371,910.00) and other good and valuable consideration including, but not limited to the execution by the Pickering and York Region of the Memorandum of Understanding attached to this Full and Final Release as Schedule "A", the receipt and sufficiency of all consideration being hereby acknowledged, Pickering does hereby release, remise and forever discharge York Region, its Chair of Council, Council members, officers, directors, employees, agents, successors and assigns of and from all manner of actions, causes of action, suits, debts, dues, accounts, bonds, covenants, contracts, claims and demands whatsoever which against them Pickering ever had, now has or may hereafter have, or which its successors or assigns shall, can or may have in relation to the recovery of costs incurred by Pickering with respect to York Region's Long Term Water Supply Environmental Assessment for the periods 1999-2004 generally, and specifically in relation to Invoice No. 4799.

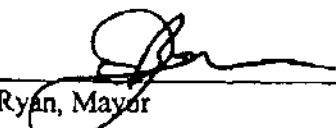
Page 2 of 2

AND FOR THE SAID CONSIDERATION Pickering covenants and agrees:

- a) Not to make any claim or cross-claim or to take proceedings against any other person, partnership, corporation or other entity who or which might claim contribution or indemnity from York Region, for the matters released herein;
- b) That it has not assigned to any persons, partnerships, corporations or other entities any of the matters released herein; and
- c) That it has executed the Memorandum of Understanding attached to this Release as Schedule "A".

DATED this 28th day of June, 2005.

The Corporation of the City of Pickering



David Ryan, Mayor

Thomas J. Quinn
Chief Administrative Officer

York #131816 v1

Schedule "A"**The Corporation of the City of Pickering****("Pickering")****- and -****The Regional Municipality of York****("York Region")****Memorandum of Understanding**

WHEREAS The Regional Municipality of Durham ("Durham Region") and The Regional Municipality of York ("York Region") co-own and jointly manage the York Durham Sewage System ("YDSS") Primary System pursuant to a Co-Ownership Agreement, and Durham Region is responsible for the operation of the Primary System on behalf of both co-owners;

AND WHEREAS the YDSS Primary System consists of the Duffin Creek Water Pollution Control Plant; boundary metre; Regional environmental laboratory; surcharge relief pumping stations, trunk mains and common trunk sewers located within Durham Region, as well as the portion of the South-East Collector Trunk Sewer located within Durham Region;

AND WHEREAS the Regions of York and Durham are co-proponents in a Class Environmental Assessment for the expansion of the Duffin Creek WPCP and an Individual EA for the expansion of the South-East Collector between Ninth Line in the Town of Markham and Valley Farm Road in Pickering;

AND WHEREAS expansion of the South-East Collector Trunk Sewer, although intended to convey sewage generated in York Region, will provide future benefit to the City of Pickering ("Pickering") in the event of urban expansion;

AND WHEREAS York Region wishes to enter into a memorandum of understanding with Pickering to establish a framework of co-operation between the two municipalities in relation to the Duffin Creek plant and South-East Collector projects;

Page 2 of 3

NOW THEREFORE the parties agree as follows:

1. Pickering acknowledges the necessity and benefits of the expansion of the South-East Collector and Duffin Creek WPCP, and supports these projects. Pickering agrees to work co-operatively in good faith with the co-proponents in support of these projects during the Environmental Assessment process, and to facilitate the construction of these projects in the normal course, such as:
 - o Timely site plan and building approvals;
 - o Timely approvals required for construction, including but not limited to traffic detour plans, haul routes for soil removal, tree preservation and removal plans, and topsoil stripping;
 - o Permission for temporary road closures and exemptions to noise and load limit bylaws to facilitate construction;
 - o Relocation and site plan approval for heritage building; and
 - o Co-operation to relocate Squires Beach residents
2. York Region acknowledges that Pickering and its residents should be treated fairly and that it has a responsibility to property owners and residents who may be directly impacted by the construction of the South-East Collector and Duffin Creek WPCP expansion. York Region agrees to provide mitigation and/or compensation to Pickering residents and property owners to the same level provided to residents of York Region, including but not limited to:
 - o Well mitigation for Pickering residents and compensation for adverse impacts;
 - o Full and timely communication with residents on all project issues;
 - o Restoration and/or resurfacing of local roads damaged during construction;
 - o Landscaped and enhanced lands in permanent shaft locations;
 - o Realignment and enhancements to Waterfront Trail within the limits of the Duffin Creek WPCP; and
 - o Compensation to land owners for loss of developable lands that may be required for permanent sanitary sewer right of ways.
3. Pickering will not seek community benefiting projects or other similar forms of compensation from York Region in respect of the South-East Collector and Duffin Creek WPCP expansion except as identified in paragraph 2.

Page 3 of 3

DATED this 28th day of June, 2005.

Authorized by Resolution
No. 94-05 of the Council
of the Town of Pickering
on June 6, 2005

The City of Pickering

David Ryan, Mayor

Thomas J. Quinn
Chief Administrative Officer

Authorized by the Private Report
of the Finance and Administration
Committee dated March 30, 2005
adopted by Regional Council on
April 21, 2005.

The Regional Municipality of York

**Bill Fisch, Regional Chair and
Chief Executive Officer**

Michael Garrett
Chief Administrative Officer

**Attachment (b) to
Notice of Motion**

Anne Kinastowski, B.A., LL.B.*
City Solicitor
Legal Services
Metro Hall, 26th Floor, Stn. 1260
55 John Street
Toronto, ON M5V 3C6
Tel. 416-392-8047
Fax 416-397-5624

** Certified by the Law Society as a Specialist in
Municipal Law: Local Government / Land
Use Planning & Development*

Reply To: Ursula O'Malley
Tel: 416-392-7786
Fax: 416-397-5624
E-Mail: bocallaght@toronto.ca

File No.

VIA - E-MAIL & REGULAR MAIL

January 22, 2009

Ministry of Environment
EA and Approvals Branch
2 St. Clair Avenue West, Floor 12A
Toronto, ON, M4V 1L5

Canadian Environmental Assessment Agency
55 St. Clair Avenue, East, Suite 907
Toronto, ON, M4T 1M2

Attention: Ms. Charlene Cressman

Attention: Louise Knox

Re: Environmental Assessment of the York Region Sewer System, Southeast Corridor

I am the solicitor with the City of Toronto who has carriage of the above-noted matter and I am writing to you with the City of Toronto's comments on the above-noted EA as required by the EA timelines.

The City of Toronto Council has had a long standing concern over the quality and quantity of water in the rivers and tributaries which flow through the City and into Lake Ontario. Because of this concern Toronto City Council, at its meeting of October 2005, authorized the City Solicitor to, among other things, convey Toronto City Council's concerns about the above-noted project to the Ministry of Environment.

One longstanding concern which the City of Toronto and others have had with this project is with York Region's refusal to treat the Big Pipe project as a single undertaking with regard to the EA process, which it clearly is. Over the many years that this project has been undertaken by York Region the approvals process has been inappropriately broken up into smaller components or piecemealed so as to avoid scrutiny as the very substantial undertaking that it is.

This behaviour has made the undertaking much more difficult to assess and for interested parties to understand the potential full impact. To date the Big Pipe undertaking has been broken up into fourteen different projects some of which had additional individually assessed phases. As all of these individual projects are clearly parts of the same single undertaking, there is no question that they should have been assessed as the same scheme.

Individual undertakings should only be considered separate projects if they are initiated to solve distinctly different sets of problems and if the resulting works are stand alone facilities which do

Page #2

not require further components to complete them. That is clearly not the case with the fourteen separately assessed components of the Big Pipe which is really just one project and which should be assessed as a whole and be subject to the most rigorous assessment requirements.

A second concern which the City of Toronto has is with York Region's neglect in its obligation to maintain its existing sewer line which is being twinned with the new Big Pipe proposal. Internal monitoring of the existing sewer line confirms that a lack of maintenance has resulted in very substantial leakage of existing area groundwater into the current sewer line. This existing area groundwater, once it seeps into the sewer is transported to the sewage treatment plant. This lack of maintenance of the existing sewer, therefore, results in four separate but equally negative ecological impacts. Firstly, the seepage serves to lower the water table in the vicinity of the pipe which reduces flow into area streams and rivers (many of which flow into Toronto). This lowering of the water table also results in a loss of pressure and water volume in area wells. Secondly, this seepage has the effect of removing clean groundwater from the soil and area aquifers and mixing it with sewage, all of which is then treated at the sewage treatment plant, thereby resulting in a net loss of clean groundwater. Thirdly, the seepage has the effect of transferring water from the Lake Simcoe basin area to the Lake Ontario basin area, a practice which is discouraged by the Great Lakes Charter and MOE policy. Finally, substantial seepage of clean groundwater into the pipe results in clean groundwater displacing capacity which should be available for its intended use of transporting sewage. In other words, if the existing pipe were to be repaired and properly maintained, there would be far less need for a new Big Pipe altogether.

In addition to the City of Toronto's concerns about the process (piecemealed) and the lack of maintenance on the existing pipe outlined above, the City also has concerns that legitimate alternatives to both the proposed route of the pipe and alternatives to the necessity for the pipe altogether, have not been adequately canvassed.

Firstly, the City of Toronto has concerns with the proposed route of the pipe in that it is proposed to be routed through existing groundwater aquifers which immediately raises two specific problems. Firstly, the construction process will require significant dewatering of the construction area which will serve to temporarily lower the water table within the construction zone for the duration of the construction.

Secondly, the introduction of the new pipe itself will create the opportunity for interbasin groundwater transfer which is currently being caused by the existing sewer pipe.

The City's second main concern regarding the consideration of alternatives is the lack of consideration which seems to have been given to the necessity for the Big Pipe at all. Other jurisdictions have had substantial success with modern and enhanced treatment options for sewage which result in more useable water being reclaimed through the treatment process. Furthermore, other jurisdictions have also had real success in reducing the volume of clean water inflow which ends up in the sewer and which becomes commingled with sewage. The consideration and implementation of some of these more current mitigation measures which have proven to be successful in other jurisdictions may eliminate the need for the Big Pipe altogether.

The following City of Toronto Council requests to the Ministry of Environment were adopted in October of 2005 and remain valid and current.

Page #3

1. The City of Toronto apposes the current proposed design and construction of the York Durham Sanitary Sewer trunk services and associated de-watering practices.
2. The City of Toronto requests that the Province of Ontario, through the Minister of Environment:
 - (a) defers approval of the 19th Avenue sewer which traverses the Oak Ridge Moraine and sensitive aquifers and that alternatives and local sewage solutions be explored as per the Minister of Environment's list of conditions; and;
 - (b) refer the Big Pipe Project to the Federal Minister of Fisheries and Oceans for an assessment under the Canadian Environmental Assessment Act.
3. The City of Toronto requests the Federal Minister of the Environment and Federal Minister of Fisheries and Oceans, to issue an order to stop the massive de-watering and require Fisheries Act authorizations; and that a full Federal Environmental Assessment for current and proposed construction related to the York Durham Sanitary Sewer be conducted for all sections of the project; and that alternative ways of providing sanitary services be examined without contravening the Oak Ridges Moraine Conservation Act, without massive groundwater removal from beneath the watersheds flowing south from the Oak Ridges Moraine into Toronto, and without installing trunk sewers directly into underground aquifers.

The City of Toronto's reasons for making the three above-noted requests are as follows:

1. The Southeast Collector EA by itself is not adequate to properly assess the cumulative impacts of the entire Big Pipe proposal as the various assessments have been proposed and undertaken on an entirely piecemeal basis. This has resulted and will continue to produce, an inaccurate picture of the cumulative impacts of the entire project. In the absence of a full Canadian Environmental Assessment Act evaluation, the cumulative impact of the undertaking on the Oak Ridges Moraine aquifers, Toronto area rivers streams and fish habits and Lake Ontario water quality will never be considered or assessed and understood.
2. The current interbasin transfer of groundwater from the Lake Simcoe Basin to the Lake Ontario Basin is contrary to the provisions of both the Great Lakes Charter and MOE policy. The added potential for even more substantial transfer with the addition of a second pipe is an added concern. York Region needs to provide accurate and up to date information on the volume of this current transfer so that the implications may be properly assessed.
3. The EA's consideration of within region treatment options is inadequate as it has focused on older more traditional treatment technologies and has not considered the most recent developments of treatment, implemented with great success in other jurisdictions.
4. The current volume of clean groundwater which is being permitted to infiltrate into the existing sewer is not acceptable. This infiltration results in both lost capacity in the existing pipe as well as the wasting and transporting away of a substantial volume of clean groundwater. York Region should be required to repair and rehabilitate its existing

Page #4

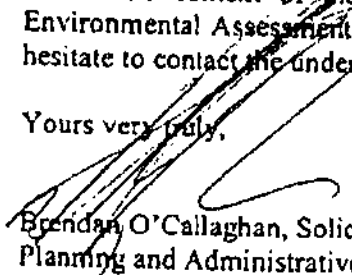
sewer pipe to reduce or eliminate this infiltration.

5. The City of Toronto has concerns that the construction of the proposed additional sewer capacity will only serve to encourage more inefficient suburban style development which will consume precious areas of land and increase pressure to develop portions of the Oak Ridges Moraine.
6. The City of Toronto is concerned that all sewage proposed to be transported in the new pipe will end up in the Duffins Creek Sewage Treatment plant which discharges effluent into Lake Ontario. The City of Toronto has not been provided with any assurances that the water quality along the Lake Ontario shoreline will not be negatively effected by this proposed increase in effluent discharge. The City is not aware of any study which York has undertaken which assesses the impact on lake water quality of the proposed increase in effluent discharge.

These are the City of Toronto's concerns based on the somewhat limited information that has been made available to us as of today's date. The City may have further concerns once some of the requested information has been provided.

The City looks forward to a thorough and positive response to its concerns and recommendations within the context of the Ontario Government's Review and of the Southeast Collector Environmental Assessment. If you have any questions with regard to the above, please do not hesitate to contact the undersigned at 416-392-7786.

Yours very truly,


Brendan O'Callaghan, Solicitor
Planning and Administrative Tribunal Law

c.c. Councillor Glen DeBaeremaeker
Ms. Ulli S. Watkiss, City Clerk
Mr. Mike Guthro, City Legal
Ms. Anna Kinastowski, City Solicitor

*Attachment (c) to
Notice of Motion*



ROUGE PARK ALLIANCE MINUTES - SPECIAL MEETING #4/09 - May 29, 2009

The Rouge Park Alliance met in the Main Boardroom of the Toronto Zoo. Alan Wells, Chair, welcomed everyone and thanked Calvin White, Toronto Zoo, for hosting the meeting. The Chair called the meeting to order at 9:10 a.m.

PRESENT

Members:

Alan Wells, Chair
Hon. Michael Chong, MP, Government of Canada
Councillor David Cohen, Town of Richmond Hill
Glenn De Baeremaeker, Save the Rouge Valley System Inc.
Markham Deputy Mayor Jack Heath, Region of York
Dr. Helena Jaczek, MPP, Province of Ontario
Regional Councillor Bonnie Littley, Region of Durham
Councillor Ron Moeser, City of Toronto
Peter Evans, Toronto Zoo
Councillor Erin Shapero, Town of Markham
Councillor Jennifer O'Connell, City of Pickering
Gerri Lynn O'Connor, TRCA
Councillor Clyde Smith, Town of Whitchurch-Stouffville
Calvin White, Toronto Zoo

Alternates:

Ian Buchanan, Region of York
Brian Denney, Toronto & Region Conservation Authority
Ron Dewell, Toronto & Region Conservation Authority
Jim Robb, Save the Rouge Valley System Inc.
Debbie Pella Keen, Province of Ontario
Carolyn Woodland, TRCA

ABSENT

Members:

Councillor Paul Ainslie, City of Toronto
Hon. Pauline Browes, Waterfront Regeneration Trust Corp.

Alternates:

Councillor Raymond Cho, City of Toronto
Nestor Chornobay, Region of Durham
Mayor Wayne Emmerson, Town of Whitchurch-Stouffville
Tom Farrell, Province of Ontario
Adele Freeman, Toronto & Region Conservation Authority
Mark Graham, Save the Rouge Valley System Inc.
Sue Gunton, Toronto Zoo
Councillor Logan Kanapathi, Town of Markham
Keith Laushway, Waterfront Regeneration Trust Corp.
Councillor Chin Lee, City of Toronto
Tom Melymuk, City of Pickering

Staff:

Bob Clay, Manager, Ecological Restoration
Michelle Holmes, Communications Specialist
Doreen McCarty, Administrative Coordinator

Vicki MacDonald, Biologist
Maria Papoulias, Manager, Natural Heritage
Lewis Yeager, General Manager

Observers:

Ted Bowering, Toronto Water
Gail Crossman, Transport Canada
Jennifer Draper, TRCA
Lilli Duoba, Town of Markham
Bob Goodings
Daniel Kostopoulos, Region of York

Observers (Continued...)

Marvin Macaralg, Dept. Of Geography, U. Of T.
Rick Nicolussi, Cherrywood Resident
Brendan O'Callaghan, City of Toronto, Legal Dept.
Dan Orr, MOE
John Presta, Region of Durham
David Szeptycki, Region of York

ROUGE PARK ALLIANCE

Page 2 of 3

MINUTES of Meeting #4/09, May 29, 2009

CHAIR'S REMARKS

Alan Wells, Chair, welcomed everyone. He introduced Peter Evans, the Acting CEO for Toronto Zoo, who will be replacing Calvin White. Calvin White will be retiring at the end of June 2009.

MINUTES OF MEETING #3/09, MAY 1, 2009MOTION:

Moved by: Ron Moeser

Res. #36/09

Seconded by: Calvin White

THAT the Rouge Park Alliance approve the minutes of Meeting #3/09 held on May 1, 2009.

..... CARRIED

PRESENTATION/DELEGATIONS**Daniel Kostopoulos, Environmental Services Dept., Region of York**

Daniel Kostopoulos presented the history and evolution of the York Durham Sewage System (YDSS), and updated the Alliance on the Southeast Collector truck sewer (i.e., the preferred route endorsed by the Regions of Durham and York Councils in 2007; submission of the IEA to the Ministry of the Environment in November 2008; odour control facility; enhancements in Bob Hunter Memorial Park and Rouge Park, etc.). Currently there is a "time-out", to resolve issues regarding the location of the odour control facility.

Brendan O'Callaghan, Legal Dept., City of Toronto

Brendan O'Callaghan circulated a letter dated January 22, 2009 which was addressed to the Ministry of the Environment and the Canadian Environmental Assessment Agency, regarding the Environmental Assessment of the York Region Sewer System, Southeast Corridor. He discussed the letter which outlined the City of Toronto concerns regarding the York-Durham Sewage System project.

The following motion(Res. #31/09), was deferred at the Rouge Park Alliance meeting on May 1, 2009 and this special meeting (May 29, 2009) was requested to deal with the motion.

MOTION:

Moved by: Glenn De Baeremaeker

Res. #37/09

Seconded by: Jennifer O'Connell

THAT the Rouge Park Alliance requests that York Region further consider an alignment of the York-Durham Sanitary Sewer along 9th Line and Steeles Avenue to avoid piping raw sewage through Bob Hunter Memorial Park and to comply with the Greenbelt Act's direction that infrastructure should be concentrated along major inter-regional corridors such as Steeles Avenue.

..... CARRIED

Councillor Jennifer O'Connell requested a recorded vote.

	<u>YEA</u>	<u>NAY</u>
Hon. Michael Chong	X	
Dr. Helena Jaczek, Province of Ontario		X
Markham Deputy Mayor Jack Heath, Region of York		X
Councillor Erin Shapero, Town of Markham	X	
Councillor Jennifer O'Connell, City of Pickering	X	
Councillor David Cohen, Town of Richmond Hill		X
Glenn DeBaeremaeker, Save the Rouge Valley System Inc.	X	
Councillor Ron Moeser, City of Toronto	X	
Calvin White, Toronto Zoo	X	
Gerri Lynn O'Connor, Toronto & Region Conservation Authority		X
Councillor Clyde Smith, Town of Whitchurch-Stouffville		X
	<u>6</u>	<u>5</u>

6 YEAs and 5 NAYs - Motion was Carried.

ROUGE PARK ALLIANCE

Page 3 of 3

MINUTES of Meeting #4/09, May 29, 2009

Glenn De Baeremaeker requested that the letter dated January 22, 2009, from Brendan O'Callaghan, Solicitor, City of Toronto, be brought back to the Rouge Park Alliance.

ACTION

- Letter to be brought back to the Rouge Park Alliance.
- Alliance members requested:
 - (a) technical report from the City of Toronto regarding their concerns.
 - (b) information on inflow and infiltration into the YDSS from York Region.
- Councillor Moeser requested a presentation on "Smart Growth" and its impacts on municipalities.

Gerri Lynn O'Connor expressed, on behalf of the Alliance, a special thank you to Calvin White, representative for the Toronto Zoo, for all his dedicated work and commitment to Rouge Park over the past years.

Glenn De Baeremaeker also thanked Calvin White for everything that he has done for the Rouge Park Alliance and the Park.

Mr. De Baeremaeker also expressed a special thank you to Lois James for her continued dedication and commitment to Rouge Park.

1. Correspondence**MOTION:**

Moved by: Ron Moeser

Res. #38/09

Seconded by: Jennifer O'Connell

THAT the Rouge Park Alliance receive the following correspondence:

1. Email dated May 8, 2009 to Lewis Yeager, Rouge Park, from Kathleen MacCarthy, re: Illegal Hunting of Deer in Rouge Park.
2. Letter dated May 2009 to Lewis Yeager, Rouge Park, from Bill Fisch, York Region, re: IEA for the SEC Trunk Sewer Project - Odour Control Facility.
3. Letter dated May 1, 2009 to Alan Wells, Rouge Park Alliance, from Kimberley Kitteringham, Town of Markham, re: Rouge River Watershed Plan Implementation Guide.
4. Letter dated May 12, 2009 to Alan Wells, Rouge Park Alliance, from Kathy Stranks, Toronto and Region Conservation Authority, re: Royal Rouge Trail Erosion Control Project, City of Toronto - Class Environmental Assessment.
5. Letter dated May 19, 2009 to Alan Wells, Rouge Park Alliance, from Patricia Newland, Toronto and Region Conservation Authority, re: Nos. 30-48 Royal Rouge Trail Erosion Control Project - Class Environmental Assessment.

..... **CARRIED**

Deputy Mayor Jack Heath updated the Alliance on the following correspondence:

- 1.1.1 re: Illegal Hunting of Deer in Rouge Park - that Markham Council dealt with this issue and passed a resolution to deal with it further in September 2009.
- 1.3.1 re: Rouge River Watershed Plan Implementation Guide - that the issue had gone to staff and will be going to Council to finalize its position.

TERMINATION

ON MOTION, the meeting terminated at 12:00 p.m., on May 29, 2009.

Alan Wells
Chair, Rouge Park Alliance

Lewis Yeager
General Manager, Rouge Park



Pickering Civic Complex
One The Esplanade
Pickering, Ontario
Canada L1V 6K7
Direct Access 905.420.4660
Toll Free 1.866.683.2760
cityofpickering.com

CORPORATE SERVICES DEPARTMENT

Clerk's Division

Division 905.420.4611

Facsimile 905.420.9685

clerks@city.pickering.on.ca

September 22, 2009

The Honourable John Gerretsen, Minister
Ministry of the Environment
12th Floor, 135 St. Clair Avenue West
Toronto, ON M4V 1P5

Subject: Southeast Collector (SEC) Trunk Sewer
Environmental Assessment (EA) & Odour Control Facility
- File: A-2100-001-09

The Council of the Corporation of the City of Pickering considered the above matter at a meeting held on September 21, 2009 and the following recommendations were adopted:

That the Council of the City of Pickering request that the Provincial Minister of the Environment not issue any decision on the Final (Amended) Southeast Collector (SEC) Trunk Sewer Environmental Assessment (EA) Report currently under review until an acceptable location has been found for the Odour Control Facility in York Region;

Further, we request that in order to determine an appropriate location the Minister instruct York Region to expand the study area to include the urban areas south of Finch Avenue in Pickering to assess potential health and social impacts to area residents from the proposed Odour Control Facility and its infrastructure on the Pickering community; and

Further, that in the event this is not granted, that legal action be taken for a judicial review under the Environmental Assessment Act;

Further that the proponent be required to undertake further review of the items noted below and be directed to provide this information to the City and present this information at a public meeting to be arranged by York Region in the City of Pickering;

Subject: Southeast Collector (SEC) Trunk Sewer

September 22, 2009

Page 2

- Review of public consultation undertaken on the pipe related facilities, including the Odour Control Facility, fans and metre facilities,
- Review of options available for the location and design/technology of the proposed Odour Control Facility,
- Review of the proposed location and design/technology of the Odour Control Facility,
- Review of options for and proposed location and design/technology of fans and metres and any other facilities proposed to be located in Pickering,
- Identification and review of potential adverse affects, including health affects, of the pipe, Odour Control Facility and any other related facilities,

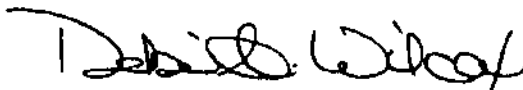
Further that York Region agree to provide sufficient funds to the City of Pickering for the purpose of retaining a professional peer review of the above and any other pertinent information related to the pipe and related facilities, including the Odour Control Facility, and potential adverse affect and prepare a report to MOE and the City of Pickering; and

Further that York Region be requested to cease any expropriations until the final decision;

AND THAT a copy of this resolution be sent to Durham Regional Council, Regional Municipality of York, Ministry of the Environment, Rouge Park Alliance, City of Toronto Council, MPP Wayne Arthurs, (Scarborough/Pickering), John O'Toole, MPP Durham and MPP Joe Dickson, (Ajax/Pickering).

Please note that Council is requesting endorsement of this resolution at the September 23, 2009 meeting of Regional Council.

Yours truly



Debi A. Wilcox, CMO, CMM III
City Clerk
DW/lcr

Copy: Denis Kelly, Regional Clerk
Regional Municipality of York
Corporate Department, Legal Branch
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Subject: Southeast Collector (SEC) Trunk Sewer

September 22, 2009

Page 3

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John O'Toole, MPP Durham
75 King Street East
Bowmanville, ON L1C 1N4

Joe Dickson, MPP Ajax-Pickering
50 Commercial Avenue, Suite 201A
Ajax, ON L1S 2H5



Environmental Services
Environmental Promotion and Protection

MEMORANDUM

TO: Environmental Services Committee

FROM: Erin Mahoney, Commissioner Environmental Services

DATE: October 14, 2009

RE: **Solid Waste Advocacy – Review of Policy Documents**

In July and August 2009, staff from the Environmental Promotion and Protection Branch, Solid Waste Management business unit reviewed and provided comment on four external policy documents advocating for extended producer responsibility.

On July 22, 2009, comments from York Region staff and local municipalities were provided to the Rechargeable Battery Recycling Corporation of Canada on their draft Industry Steward Plan for the collection and processing of all battery types in Ontario. Due to the fact that municipalities currently receive reimbursement for batteries collected at their depots under the Municipal Hazardous or Special Waste Program and Waste Electrical and Electronic Equipment programs, concern was expressed by York Region and local municipal staff on the role of the Rechargeable Battery Recycling Corporation of Canada in the collection of batteries in Ontario. Staff have stressed the need for harmonization of programs to ensure that necessary municipal funding remains intact and that any future services be equal to or better than the services currently being offered to municipalities with respect to battery collection. Once Waste Diversion Ontario has received the Rechargeable Battery Recycling Corporation of Canada's Industry Steward Plan, it will be their decision whether or not the Rechargeable Battery Recycling Corporation of Canada will become involved in Ontario battery collection on their behalf.

On August 7, 2009, York Region staff comments were prepared for two Canadian Council of the Ministers of Environment discussion documents; namely the Canada-wide Strategy for Extended Producer Responsibility and the Canada-wide Strategy for Sustainable Packaging. York Region staff submitted comments and distributed the final comment documents to all 9 local municipalities for their information. York's staff comments stressed the importance of embracing the broadest definition of extended producer responsibility possible to achieve "cradle to grave" producer responsibility for product packaging. Staff also emphasized the need for national packaging standards and implementation of a life cycle assessment protocol to strive for continuous waste prevention. Canadian Council of the Ministers of Environment is comprised of the 14 environment ministers from the federal, provincial and territorial governments that meet annually to discuss national environmental priorities with a focus on issues that are national in scope and that require collective attention by a number of governments. Canadian Council of the Ministers of Environment task groups have produced these documents in an attempt to create a harmonized approach to extended producer responsibility across Canada, including the promotion of more sustainable packaging choices.

On August 7, 2009, comments were submitted to the Ontario Ministry of the Environment on the Revised Phase 1 and 2 Waste Electrical and Electronic Equipment Program Plan as outlined in Report Number 5 of the October 2009 Environmental Services Committee entitled Phase 2 of Ontario's Waste Electronics Stewardship Plan.

On August 28, 2009, comments were submitted to the Ontario Ministry of the Environment on the Consolidated Municipal Hazardous or Special Waste program plan posted for 30 days on the Environmental Registry July 31, 2009. The consolidated program plan primarily targets waste from homes and small businesses and adds additional materials such as rechargeable batteries, fluorescent lamps, pharmaceuticals and syringes to the existing program and wastes that are corrosive, toxic, and flammable in nature. York Region and local municipal staff requested clarification on the role of extended producer responsibility in the short and long term as this initiative has the potential to impact municipal waste management of municipal hazardous or special waste significantly. York Region and local municipal staff are supportive of the core objectives of the consolidated Municipal Hazardous or Special Waste program plan as long as necessary municipal funding remains the same to operate collection depots effectively and programs are harmonized to promote efficiency. The Minister approved the consolidated Municipal Hazardous or Special Waste Plan September 22, 2009 for implementation July 1, 2010.

York Region staff support extended producer responsibility as an environmental policy approach whereby the full life cycle costs of managing product and packaging wastes are the responsibility of the manufacturer or first importer rather than municipalities and taxpayers. York Region staff stressed the importance of clearly defining extended producer responsibility to the broadest extent possible, starting with conception, design, development to production, usage and finally handling of end-of-life goods and packaging. Since extended producer responsibility, including sustainable packaging, has the potential to significantly impact municipal waste management, a request was made to include York Region and our local municipalities in future discussions.

These recent responses were prepared by Solid Waste Management staff and will be the basis for continuation of York Region's advocacy for sustainable waste management services.

Erin Mahoney
Commissioner of Environmental Services

LF/sc