

Sent: Monday, November 03, 2008 8:23 AM

Further to their submissions of October 10, 2008 our clients ask you to consider further submissions having regard to the publication on October 30 of the revised SEV for the MOE.

The new SEV states that the Ministry endeavours to have the perpetrator of pollution pay for the cost of clean up and rehabilitation consistent with the polluter pays principle. In the event that significant environmental harm is caused, the Ministry will work to ensure that the environment is rehabilitated to the extent feasible.

Our clients have provided you with sound evidence that significant environmental harm has been done to the Leitrim wetland as a result of successive water takings by the developer pursuant to successive PTTW's issued by the Ministry. Several plant communities, including a stand of 120 year old cedars, have drowned due to backflooding caused by construction of a berm. The area remains flooded. This water must be removed and the area rehabilitated. Forest has been clearcut and should be replanted. The section of Findlay creek, west of Bank Street, described by MNR in 1972 as containing both seasonal and year round trout habitat, is being turned into a sewer. The base flows of Findlay creek have been augmented by groundwater takings, increasing the potential for downstream erosion.

You already have evidence with respect to the alteration of the water table in certain parts of the wetland and corresponding destruction of vegetation. We are sending separately for your review a series of aerial photos demonstrating clear cutting of trees. A replanting program is required. We are also forwarding the 1972 MNR stream survey. A rehabilitation program for Findlay creek needs to be developed.

Our clients have sought, through the MOE and by direct approach to Tartan, a unique opportunity to provide meaningful input into decisions affecting the Leitrim wetland. They have been turned away. They have experts who are able and willing to provide constructive input into assessment of the current state of the wetland and development of a plan of rehabilitation. Our clients would like to work with experts from the MOE and the developer to on a rehabilitation plan consistent with the SEV.

Linda McCaffrey

Director

Environmental Law Clinic - a partnership between Ecojustice and the University of Ottawa Faculty of Law