

Ministry of the Environment
and Climate Change

Ministère de l'Environnement
et de l'Action en matière de
changement climatique



Ontario

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MAY - 7 2018

Mr. Jeffrey Reid
Infrastructure Planning & Policy
Halton Region
1151 Bronte Road
Oakville ON L6M9 3L1
jeffrey.reid@halton.ca

Dear Mr. Reid:

Between June 2, 2016 and July 18, 2016, I received four Part II Order requests asking that Halton Region (Region) be required to prepare an individual environmental assessment for the Trafalgar Road (Regional Road 3) Transportation Corridor Class Environmental Assessment Study from north of 10 Side Road (Regional Road 10) to Highway 7, Halton Hills (Project).

I am taking this opportunity to inform you that I have decided that an individual environmental assessment is not required. This decision was made after giving careful consideration to the issues raised in the requests, the Project documentation, the provisions of the Municipal Engineers Association's Municipal Class Environmental Assessment (Municipal Class Environmental Assessment), and other relevant matters required to be considered under subsection 16(4) of the Environmental Assessment Act. The reasons for my decision may be found in the attached letters to the requesters.

Despite not requiring an individual environmental assessment be prepared, in reviewing the request I noted that there are concerns with respect to the Project's potential design of the stormwater management facilities, and water and sediment discharge mitigation measures. Therefore, to ensure that the interests of the public are protected, I am imposing the following conditions on the Project:

1. The Region shall ensure that the design of stormwater management facilities aligns with the ministry's Stormwater Management Planning and Design Manual,

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such that enhanced water quality treatment will be achieved.

2. The Region shall consider thermal impact and mitigation measures during detailed design where stormwater discharges into cold water streams and sensitive cold water fisheries are present.
3. The Region shall ensure that the requesters are kept informed during the detailed design process for the Project and are provided opportunities to discuss the implementation of the related stormwater management features.
4. If a Permit to Take Water is required for construction dewatering activities associated with the Project, the Region shall prepare a report in support of the Permit to Take Water application which includes:
 - a. Details on the management of the discharge of the water;
 - b. Monitoring/mitigation plans; and,
 - c. A contingency plan.
5. The Region shall prepare an Erosion and Sediment Control plan before construction starts for any Project work near surface water bodies. This plan shall be submitted to the ministry for review.

Additionally, I understand that the Region has examined Low Impact Development as part of its stormwater management planning in the area, and that the Region is open to considering Low Impact Development opportunities beyond what has already been planned. I encourage the Region to pursue the use of these Low Impact Development opportunities as it works with private developments on a site-specific basis.

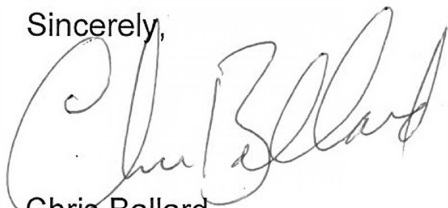
With this decision having been made, the Region can now proceed with the Project, subject to the conditions I have imposed and any other permits or approvals required. The Region must ensure the Project is implemented in the manner it was developed and designed, as set out in the Project documentation, and inclusive of all mitigating measures, and environmental and other provisions therein.

Lastly, I would like to ensure that the Region understands that failure to comply with the act, the provisions of the Municipal Class Environmental Assessment, and failure to implement the Project in the manner described in the planning documents, are contraventions of the act and may result in prosecution under section 38 of the act.

I am confident that the Region recognizes the importance and value of the act and will ensure that its requirements and those of the Municipal Class Environmental Assessment are satisfied.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Ballard". The signature is written in black ink and is positioned above the printed name.

Chris Ballard
Minister

Attachments

c: Requesters

Trafalgar Road Widening (North of 10 Side Road to Hwy 7) Project – Municipal Engineer’s Association Class Environmental Assessment

Minister’s Review of Issues Raised by Requesters

Issue	Response
Stormwater Management	
<p>There are errors in the Environmental Study Report’s proposed stormwater management strategy which don't accurately reflect existing drainage patterns or consider appropriate drainage policies.</p>	<p>All plans for stormwater management were shown for this development during public information centres and stakeholder group meetings. The Region is aware of the planning for the future development for the Vision Georgetown lands. The Environmental Study Report made reference to the future Vision Georgetown development.</p> <p>As the stormwater management strategy is not finalized for Vision Georgetown, an interim stormwater management strategy for the Project has been developed. The Region has committed to reviewing the Vision Georgetown stormwater management strategy during the detailed design prior to finalizing the stormwater management strategy for the Project.</p> <p>Conservation Halton reviewed the hydrologic model used in the Vision Georgetown area and found discrepancies in drainage areas and flows (approximately 10 per cent). The difference in drainage flows in the Project’s Environmental Study Report and Vision Georgetown’s draft Subwatershed Study is likely the result of differences in various parameters (e.g. soil type, drainage area, etc.). Conservation Halton indicated that use of the draft study was sufficient for the Region’s road corridor planning purposes.</p> <p>However, the finalized Vision Georgetown Subwatershed Study is to be used at the Project’s detailed design phase for finalization of the stormwater management strategy for the Project. Conservation Halton, in a letter dated September 26, 2016, supports the interim stormwater management strategy found in the Project’s Environmental Study Report.</p> <p>Following receipt of the Part II Order submissions, this issue was discussed in meetings with the Part II Order requesters on August 8, September 15 and October 28, 2016. The Region presented the interim stormwater management strategy for the Project to the Town of Halton Hills in a March 17, 2016 meeting. The Region has committed to ongoing consultation with</p>

Issue	Response
	<p>Conservation Halton, the Town of Halton Hills and the Vision Georgetown landowners during the Project's detailed design.</p> <p>Permit(s) will be required from Conservation Halton at the detailed design phase of the Project for the implementation of the stormwater management strategy. In addition, the stormwater quality parameters will be set by Conservation Halton and verified by the ministry during the Environmental Compliance Approval application review stage.</p> <p>Ministry of the Environment and Climate Change staff completed a surface water review of the Project. I am imposing a condition on the Project requiring that the design of the stormwater management facilities aligns with the ministry's Stormwater Management Planning and Design Manual, such that enhanced water quality treatment will be achieved.</p>
<p>All temporary stormwater management ponds in the Environmental Study Report are proposed to discharge into Vision Georgetown lands. This is contrary to existing drainage patterns. Currently culverts 10 and 11 do not flow into Vision Georgetown. The Environmental Study Report and proposed location of culverts 10 and 11 causes stormwater flows into Vision Georgetown.</p>	<p>The stormwater flow at Culvert 11 shown in the Environmental Study Report is based on contour information and modeling provided to the Region by Conservation Halton. However, upon review of field photos, the stormwater flow at this culvert appears to be conveyed to the south along the ditch on the east side of Trafalgar Road and will ultimately discharge into Vision Georgetown lands (after convergence with the stormwater flow from Culvert 9/Tributary A5-1). The Region advised the Town of Halton Hills that the ultimate conveyance of the Project's stormwater flow at Culvert 11 will be addressed through the Town's Subwatershed Study.</p> <p>The interim stormwater management strategy identified as part of the Project's Environmental Study Report is not proposing new or additional flow into Vision Georgetown lands. The post development stormwater flows are expected to be less than existing flow conditions, indicating that there will be no anticipated erosion and flood impacts.</p> <p>Following receipt of the Part II Order submissions, these issues were discussed in meetings with the Part II Order requesters on August 8, September 15 and October 28, 2016. The Region has committed to further consultation with the Vision Georgetown landowners and the Town of Halton Hills during the Project's detailed design.</p> <p>Permit(s) will be required from Conservation Halton at the</p>

Issue	Response
	<p>detailed design phase of the Project for the implementation of the stormwater management strategy. This stormwater strategy will be updated based on the most current hydraulic model and stormwater strategy recommended in the final Vision Georgetown Subwatershed Study.</p> <p>Ministry of the Environment and Climate Change staff completed a surface water review of the Project. I am imposing a condition on the Project requiring the Region to consider thermal impacts and mitigation measures during detailed design where stormwater discharges into cold water streams and where sensitive cold water fisheries are present.</p>
<p>Concern regarding the cost, construction, removal of the interim stormwater management facilities and the impacts to the land. In addition, the requester opposes permanent easements for interim stormwater management ponds.</p>	<p>The permanent easement identified in the Environmental Study Report is for the interim stormwater facilities (i.e. interim ponds and associated ditches) until the final stormwater management strategy has been confirmed through the Subwatershed Study for Vision Georgetown. The choice of a “permanent” versus “temporary” easement was used as a naming convention for the interim stormwater management facilities since the Project does not have a clear end date for easement removal and is required by the Region’s land registry office. The Region has confirmed that it will release and abandon these easements in accordance with its easement schedule.</p> <p>The Region will be responsible for the cost of stormwater management facilities construction, oil grit separators, and the maintenance and removal of the interim stormwater ponds. The Region provided the Draft Permanent Easement document outlining the terms of use regarding the temporary stormwater management facilities to the requesters in an email dated September 27, 2016. The email noted that the Region will be responsible for the cost of environmental remediation works required for the easement lands (for the interim stormwater management facilities) if the easement lands become contaminated as a result of the Region’s use of the lands.</p> <p>Any property rights required to implement the interim stormwater management facilities will be negotiated with affected land owners as part of property acquisition and in accordance with Regional policies and practices. The Region has also indicated that it will indemnify impacted property owners against a change in the utility/permitted use of the proposed easement lands occurring as a result of the Region’s use of the easement.</p>

Issue	Response
	<p>The temporary easement along the east side of Trafalgar Road shown in the Environmental Study Report is for grading and construction purposes (i.e. a “transition” of grading area between the road right of way and adjacent lands, as well as for spacing required during construction).</p> <p>I am satisfied that the Region has consulted on the Project in accordance with the Municipal Class Environmental Assessment.</p>
Project Specific	
<p>Concern regarding the Project’s proposed construction schedule and if widening of Trafalgar Road will be completed in stages or all at once.</p> <p>Construction of the Region’s watermain should occur at the same time as the roadworks for the entire length of road from Steeles Ave to Highway 7.</p>	<p>Project information related to the construction schedule and widening strategy was communicated at consultation events, including four stakeholder group meetings, which representatives from Vision Georgetown were invited to attend. The Region’s Roads Capital Program identified the widening of Trafalgar Road between Steeles Avenue and Highway 7 to be completed in stages with Steeles Avenue to 10 Side Road to start in 2018, grade separations at Canadian National Railway and Metrolinx to start in 2019, and 10 Side Road to Highway 7 to start in 2020. This information is available on the Region’s website at:</p> <p>www.halton.ca/cms/one.aspx?portalId=8310&pageId=26557</p> <p>The trunk watermain construction and implementation will be phased. These works will be coordinated with Project construction. The watermain from Steeles Avenue to north of 5 Side Road was tendered in 2016. The watermain on Trafalgar Road is expected to start construction in 2018. The watermain from 10 Side Road to 22 Side Road is expected to start construction in 2020.</p> <p>I am imposing a condition on the Project requiring the Region to complete an Erosion and Sediment Control plan before construction starts for any Project work near surface water bodies. This plan shall be submitted to the Ministry of the Environment and Climate Change for review.</p>
<p>At the stakeholder group meeting the Region stated that the proposed right of way widening</p>	<p>The proposed widening of Trafalgar Road is based on a “best fit” approach with widening along the existing centreline. In localized areas, the road would shift to the east or west to minimize impact to adjacent constraints. This strategy was communicated at stakeholder group meetings, at the public information centres and</p>

Issue	Response
<p>from 10 Side Road to 15 Side Road would be on the west side of Trafalgar Road, while the Environmental Study Report states that there is a permanent right of way widening on the east side.</p>	<p>in the Environmental Study Report, in accordance with the Municipal Class Environmental Assessment.</p> <p>I am satisfied that the Region has considered a road alignment in accordance with the Municipal Class Environmental Assessment requirements.</p>
Mediation	
<p>The requesters have requested mediation regarding their outstanding issues on the Project.</p>	<p>Mediation is used to help parties that are attempting to resolve a dispute but have not been able to reach an agreement by themselves; however, not all disputes are amenable to the mediation process.</p> <p>The Code of Practice entitled Using Mediation in Ontario's Environmental Assessment Process (2007) outlines the opportunities for using mediation and the provisions that enable the Minister to refer a matter to mediation.</p> <p>In determining whether an unresolved issue is a suitable candidate for mediation, several factors should be considered, including: the willingness of the parties to participate in a mediation process; whether other attempts have been made to resolve the issues; whether the issues are identifiable and negotiable; whether the parties are committed to achieving resolution; and whether it is necessary to resolve the dispute to ensure protection, conservation and wise management of the environment.</p> <p>Ministry of the Environment and Climate Change staff acknowledge that the Region has made several attempts to meet with the requesters to resolve their concerns (e.g., parties requested an abeyance to discuss outstanding issues). To date, a solution satisfying both parties could not be met.</p> <p>The Ministry of the Environment and Climate Change met with the Region on March 2, 2018 to discuss the potential for mediation with the requesters. The Region indicated to ministry staff that it was not in favour of entering mediation and that</p>

Issue	Response
	<p>mediation would not be beneficial in this particular instance given that:</p> <ul style="list-style-type: none"> • The subwatershed study has not yet been finalized and as such there is no final product to discuss. • The subwatershed study is part of a local, municipally prescribed planning process under the Planning Act, which culminates in a local official plan amendment. • There are statutory consultation requirements for the subwatershed study and separate appeal provisions under the Planning Act that apply to the subwatershed study. • The stormwater management strategy will be reviewed during detailed design and updated to align with the final subwatershed study. • The Region must ensure that the detailed design of Trafalgar Road stormwater features is consistent with the subwatershed study in order to obtain the required permit from Conservation Halton. • Conservation Halton is leading the subwatershed study and has indicated that the process should be separated from the Municipal Class Environmental Assessment process in order for the conservation authority to appropriately deal with development issues associated with the easterly Vision Georgetown lands. • The Region's detail design process includes a separate public information centre as well as individual property owner meetings to address any questions or concerns. The incorporation of the subwatershed study into the detailed design components of the project will be included in the consultation. <p>I am satisfied that the Region has addressed the requesters' concerns during the Municipal Class Environmental Assessment process and that agency concerns will be addressed by the conditions I am imposing. As such, mediation is not recommended.</p>