



Impact Assessment
Agency of Canada

Ontario Region
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Agence d'évaluation
d'impact du Canada

Région de l'Ontario
600-55 rue York
Toronto ON M5J 1R7

March 8, 2021

Sent by email

Request for Provincial Input

Kathleen O'Neill, Ministry of Environment, Conservation and Parks
Gavin Downing, Ministry of Heritage, Sport, Tourism and Culture Industries
Ewa Downarowicz, Ministry of Municipal Affairs and Housing
Sharon Rew, Ministry of Natural Resources and Forestry

Dear Colleagues:

Subject: Designation Request for the Proposed Erin Wastewater Treatment Plant Project under the *Impact Assessment Act*

On February 25, 2021, the Minister of Environment and Climate Change received a request to designate the proposed Erin Wastewater Treatment Plant Project (the Project) under subsection 9(1) of the *Impact Assessment Act* (the IAA). The designation request from the Coalition for the West Credit River is enclosed (Enclosure 1).

The Proposed Project

The Town of Erin is proposing to construct, operate and maintain a new wastewater treatment plant located southeast of the Village of Erin in Wellington County, Ontario. The Project would provide wastewater servicing to the Village of Erin and Hillsburgh. Treated effluent would be discharged to the West Credit River at Winston Churchill Boulevard.

The Project as proposed is not a designated project as described in the *Physical Activities Regulations*. The impact assessment process under the IAA only applies to designated projects.

Further information on the Project can be found on the Town of Erin's website at www.wastewater.erin.ca.

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Provincial Process

The Town of Erin has completed a Municipal Class Environmental Assessment for the Project to meet the requirements of Ontario's *Environmental Assessment Act*. In June 2018, the Government of Ontario received three Part II Order requests asking that the Town of Erin be required to prepare an individual environmental assessment. On August 29, 2019, the Government of Ontario decided that an individual environmental assessment is not required and allowed the Town of Erin to proceed with the Project, subject to any other permits or approvals required. The Final Environmental Study Report and the Government of Ontario's approval with reasons are available on the Town of Erin's project website at www.wastewater.erin.ca/study_documents.

The Agency understands that in addition to the Municipal Class Environmental Assessment, further permits and approvals may be required for the Project. The Agency is interested in understanding the full spectrum of regulatory oversight to which the project is subject, including the consultation (both public and Indigenous¹) that would be undertaken in relation to those permits and approvals.

Designation Request

Under subsection 9(1) of the IAA the Minister may, by order, designate a physical activity that is not prescribed in the *Physical Activities Regulations*. The Minister may do this, if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from a federal decision), or public concerns related to those effects warrant the designation. In accordance with subsection 9(4) of the IAA, it is expected that the Minister will respond, with reasons, to the request by May 26, 2021.

The Impact Assessment Agency of Canada (the Agency) will review information about the Project, any concerns expressed by the public and Indigenous groups, expert advice from federal authorities and input from provincial ministries and municipalities to prepare a recommendation to the Minister on whether to designate the Project. If the Project were designated by the Minister, the Town of Erin would be prohibited from carrying out the Project and would be required to submit an Initial Project Description, thereby commencing the planning phase of the IAA. During the planning phase, the Agency would determine whether an impact assessment is required.

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¹ In doing some preliminary analysis, the Agency, based on information readily available on traditional territories, has identified the following Indigenous groups: Métis Nation of Ontario (MNO) Regional Consultation Committee 9; Six Nations of the Grand River; Huron-Wendat Nation; and Mississauga's of the Credit First Nation. The Huron-Wendat Traditional Territory Map is found here: <https://wendake.ca/cnhw/bureau-du-nionwentsio/wendake-sud-ontario/>; and the MNO consultation resources are found here: <https://www.metisnation.org/programs-and-services/lands-resources-consultations/duty-to-consult/> and the MNO's harvesting map: <https://www.metisnation.org/registry/harvesting/harvesting-map/>

Additional information regarding the process for designation requests can be found at the following link: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>

The purpose of this email is to inform your ministry of the designation request and to seek your input regarding provincial regulatory processes in relation to the Project, and any associated assessment of effects and public and Indigenous consultation.

Seeking Provincial Input

Given the legislated timeline to respond to the designation request, the Agency requests that you provide the following information:

Request 1: Please submit a lead contact for the Project to the Agency by **Wednesday, March 10, 2021**.

Request 2: Please complete and return the attached Provincial Regulator Advice Record by **Monday, March 22, 2021**.

To facilitate your review of the information beyond the original letter from the requestor (Enclosure 1) and information from the Town of Erin that is publicly available, the Agency has asked the Town of Erin to provide any recent, relevant documents regarding the Project. The Agency will provide you these documents as soon as they are available.

Responses to the two requests should be emailed to Jeff Balsdon, Project Manager, at Jeffrey.Balsdon@Canada.ca. Jeff can also be reached at 902-219-4228.

In the coming days, a Registry page for the Project will be available on the Canadian Impact Assessment Registry Internet site at www.iaac-aeic.gc.ca/050/evaluations.

Important Note: All records produced, collected or received in relation to the designation request process—unless prohibited under the *Access to Information Act* or *Privacy Act*—are considered public and may be released. The Agency's Submission Policy² determines which submitted information can be shared publicly, and what should remain private. For further information on how we protect your privacy, please refer to the Privacy Notice.³

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² <https://www.iaac-aeic.gc.ca/050/evaluations/participation/conditions>

³ <https://www.iaac-aeic.gc.ca/050/evaluations/protection>

If you have any questions regarding the designation process or the response sheet, please do not hesitate to contact Jeff by telephone or email.

Sincerely,

Anjala Puvananathan
Director, Ontario Region

Enclosures: 1) Designation request letter from the Coalition for the West Credit River
2) Provincial Regulator Advice Record – Designation request under the IAA – Erin Wastewater Treatment Plant Project

c.c.: Andrew Evers, Ministry of Environment, Conservation and Parks
Laurie Miller, Ministry of Municipal Affairs and Housing
Karla Barboza, Ministry of Heritage, Sport, Tourism and Culture Industries
Ian Thornton, Ministry of Natural Resources and Forestry

Enclosure 2 – Provincial Regulator Advice Record – Designation Request under the IAA – Erin Wastewater Treatment Plant Project

Response due by March 22, 2021

Department/Agency	
Lead Contact	
Full Address	
Email	
Telephone	
Alternate Departmental Contact	

1. In general terms, please confirm and describe your ministry's role (if applicable) in the review of the Project. This can include your role in the Municipal Class Environmental Assessment completed on August 29, 2019, and any other role.

2. Please provide the contact information of the person or persons responsible for managing your ministry's oversight of the Project (if different from lead contact above).

3. From the perspective of the mandate and area(s) of expertise of your ministry, does the Project have the potential to cause adverse effects?

- Could any of those effects be managed through legislative or regulatory mechanisms administered by your ministry (see Question 5)?
- Are there norms that the proponent would be reasonably expected to follow to manage effects (such as standard design features and mitigation, and existing guidance documents)?
- If management of the effects has been discussed through the Municipal Class Environmental Assessment process completed on August 29, 2019¹, please refer the Agency to the relevant documents with precise section and page numbers, and provide any additional information you consider relevant.

[When responding to these questions, please keep in mind the relevant factors listed in the Operational Guide: [Designating a Project under the Impact Assessment Act - Canada.ca](#)]

¹ If the relevant rationale, focusing on the issues raised in question 5 or the attached letter from requester, is not in existing documents, please provide a clear rationale to address the matters raised.

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4. Describe the provincial legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of the Project (e.g., Environmental Compliance Approval, Permit to Take Water, other). For each mechanism or approval, please provide information regarding the following:
- Name of the process or authorization (e.g., certificate, license, permit or approval) and the associated legislative framework;
 - Whether (for each) the authorization would set conditions and if yes, what issues would those conditions address;
 - Whether (for each) the authorization would require public and/or Indigenous consultation² and if yes, provide information on the approach to be taken; and
 - Whether (for each) your ministry has guidance material that would be helpful to the proponent or the Agency (please provide these as attachments or hyperlinks in your response).
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5. Confirm whether any authorization listed above would contemplate the following matters and if yes, discuss, in general, the benchmarks or standards to which a project of this nature may be held (be specific in relation to each point below that may be applicable to your ministry's mandate):
- Potential impacts to fish and fish habitat (for instance in the West Credit River and Credit River), including
 - impacts to Brook Trout and cold water habitat from effluent discharge (such as water temperature increase, dissolved oxygen depletion, ammonia and chloride toxicity);
 - cumulative impacts to Brook Trout and cold water habitat from effluent combined with climate change, population growth and increased groundwater pumping;
 - impacts to reintroduced Atlantic Salmon; and
 - aquatic ecosystems in the Forks of the Credit Provincial Park and UNESCO Niagara Escarpment World Biosphere Reserve;
 - Potential impacts to aquatic species at risk and their habitat, including Redside Dace;
 - Potential impacts to terrestrial species at risk and migratory birds;
 - Potential impacts on social and economic conditions, including related to angling;
 - Potential impacts on Indigenous peoples from changes to the environment; and
 - Potential cumulative effects, in general.
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6. Have you received public comments/concerns in relation to the Project, through the Municipal Class Environmental Assessment or another process? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or has addressed), or would normally manage these matters.
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7. Have you received Indigenous community comments/concerns in relation to the Project, through the Municipal Class Environmental Assessment or another process? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or has addressed), or would normally manage these matters.
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² In doing some preliminary analysis, the Agency, based on information readily available on traditional territories, has identified the following Indigenous groups: Métis Nation of Ontario (MNO) Regional Consultation Committee 9; Six Nations of the Grand River; Huron-Wendat Nation; and Mississauga's of the Credit First Nation. The Huron-Wendat Traditional Territory Map is found here: <https://wendake.ca/cnhw/bureau-du-nionwentsio/wendake-sud-ontario/>; and the MNO consultation resources are found here: <https://www.metisnation.org/programs-and-services/lands-resources-consultations/duty-to-consult/> and the MNO's harvesting map: <https://www.metisnation.org/registry/harvesting/harvesting-map/>

8. Do you have any other information about the Project in relation to potential adverse effects or impacts to the public, or Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*? If yes, please specify.

Name of departmental / agency responder

Title of responder

Date