

APPENDIX 'C'

Ministry of the Environment

Ministère de l'Environnement

Office of the Minister

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City of London
Stormwater Management Unit

Trib C - Class EA
NOV - 8 2013

NOV 05 2013

File No.
Refer To:

ENV1283MC-2013-2598

Ms. Berta Krichker, M. Eng., FEC, P. Eng.
Manager of Stormwater
City of London
300 Dufferin Avenue
London ON N6A 4L9

Dear Ms. Krichker:

On January 29, 2013 I received one Part II Order request, asking that the City of London (City) be required to prepare an individual environmental assessment and/or partake in mediation for the proposed Tributary 'C' Storm/Drainage & Stormwater Management, Transportation and Sanitary Trunk Servicing project (Project).

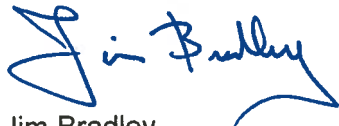
I am taking this opportunity to inform you that I have decided that an individual environmental assessment and/or mediation is not required. This decision was made after giving careful consideration to the issues raised in the request, the Project documentation, the provisions of the Municipal Engineers Association's Municipal Class Environmental Assessment (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 letter to the requester.

With this decision having been made, the City may now proceed with the Project, subject to any other permits or approvals required. The City must implement the Project in the manner it was developed and designed, inclusive of all mitigating measures and environmental and other provisions therein. In accordance with the Class Environmental Assessment, any commitments made to affected agencies or members of the public must be fulfilled and implemented as part of the proposed Project. I trust that you will continue discussions with the requester in regards to any refinements to the stormwater management facility 'A' and related thermal buffer during the detail design phase of the Project.

Ms. Berta Krichker, M.Eng., FEC, P.Eng.
Page 2.

Lastly, I would like to ensure that the City understands that failure to comply with the Act, the provisions of the 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 City recognizes the importance and value of the Act and will ensure that its requirements and those of the Class Environmental Assessment are satisfied.

Yours sincerely,



Jim Bradley
Minister of the Environment

Attachments

c: EA File No. EA02-03 Tributary_C_London
Mr. John Haasen, Project Manager, AECOM
Requester

Ministry of the Environment

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NOV 05 2013

City of London
Stormwater Management Unit
Tributary 'C'
NOV - 8 2013

Class EA
ENV1283MC-2013-2598

File No.
Refer To:

Craig Linton
Land Development Project Manager
West Kains Land Corporation
301-100 Wellington Street
London ON N6B 2K6

Dear Mr. Linton:

Thank you for your interest in the City of London's (City) proposed Tributary 'C' Storm/Drainage & Stormwater Management, Transportation and Sanitary Trunk Servicing project (Project). I welcome your comments on this Project.

On January 29, 2013 you requested that the City be required to prepare an individual environmental assessment for the Project. I am taking this opportunity to inform you that based on my review of the Environmental Study Report, and the issues you raised; an individual environmental assessment is not required.

In making this decision, I have given careful consideration to the Environmental Study Report, the issues raised in your request, the provisions of the Municipal Engineers Association's Municipal Class Environmental Assessment (Class Environmental Assessment), and relevant matters to be considered under Section 16 of the Environmental Assessment Act.

The City has demonstrated that it has planned and developed this Project in accordance with the provisions of the Class Environmental Assessment. I am satisfied therefore that the purpose of the Act, "the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment," has been met for this Project.

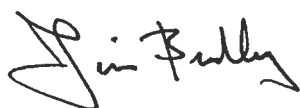
Your concerns together with the reasons for my decision are set out in the attached table. I am satisfied that the issues and concerns have been addressed by the work done to date by the City, or will be addressed in future work that is required to be carried out. I am aware that the City will continue to meet with you to advise you on any design refinements to the stormwater facility or thermal buffer as the Project's design phase progresses.

With this decision having been made, the City may now proceed with the Project, subject to any other permits or approvals required.

Craig Linton
Page 2.

Again, thank you for bringing your concerns to my attention, and please accept my best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jim Bradley". The signature is written in a cursive style with a large initial "J".

Jim Bradley
Minister of the Environment

Attachment

c: EA File No. EA02-03 Tributary_C_London
Mr. Barry R. Card, Barristor & Solicitor

Tributary 'C' Storm/Drainage & Stormwater Management, Transportation and Sanitary Trunk Servicing Project

Ministry's Review of Issues Raised by Mr. Craig Linton:

Issues	Response
Stormwater Management Concerns:	
<p>You are concerned that the preferred option does not provide a confirmation of the size or exact location of stormwater management facility 'A' (pond). You are concerned that the City of London will only determine the size and location of the pond at the detail design phase of the Project. You request that these details are defined in the Environmental Study Report.</p>	<p>The Environmental Study Report identifies the size of the pond to be 2.5 hectares comprising of above and below ground storage.</p> <p>The Environmental Study Report also states that during the detail design phase, additional pre-treatment of flows may be included in the design. However, the City of London has indicated that the proposed size of the facility is unlikely to change.</p> <p>The pond is an integral component of the Project, and I am satisfied that the description provided by the City in the Environmental Study Report is satisfactory to complete the Class Environmental Assessment planning process. The Class Environmental Assessment permits that further design refinements may be contemplated at the detail design phase of the Project.</p>
<p>The preferred option consists of a 79 metre thermal buffer which was previously identified as 30 metres by the City's consultant, but modified due to agency and ministry input. You have expressed concern that the thermal buffer will effectively eliminate the opportunity for you to create residential lots backing onto the pond.</p>	<p>The increase in size of the thermal buffer was recommended by Ministry of Environment technical staff based on scientific considerations in order to protect Tributary 'C' and coldwater aquatic species. The City of London agreed to undertake a thermal impact study to the satisfaction of the Ministry of the Environment during the detail design phase, and this study will identify the actual setback distances required to maintain water quality and temperature. There is a possibility that the setback may be reduced from 79 metres based on the results of the study. This would decrease the amount of your lands affected by the facility.</p> <p>I am satisfied that the thermal impact study proposed to be undertaken by the City of London during the detail design phase will identify the appropriate size and setback distance of the thermal buffer in order to protect the aquatic environment, while potentially decreasing the amount of the your land required for the thermal buffer.</p>
<p>You are concerned that the area reserved for construction of the interim stormwater management facility may be used for further expansion of the pond. You request that should the 79 metre buffer be confirmed during the detail design phase, the pond be expanded into this area and not expanded into the thermal buffer.</p>	<p>The City of London advised that the infiltration component of the pond will not be constructed until development of lands is completed, and the interim facility is to remain in place until the lands are developed and have stabilized. The details on location and size of the interim stormwater management facility cannot be determined until the subdivision planning and phasing is determined and the detail design of the Project is undertaken. Ministry of the Environment technical staff have indicated to the City that a contingency expansion into the thermal buffer would not be acceptable, and the City has accepted this decision.</p> <p>I am satisfied with the approach the City of London has proposed for potential pond expansion, if required to protect water quality</p>

Issues	Response
	and temperature.
<p>You believe that the report by Golder Associates that identifies the groundwater divide is incorrect and that the infiltration area is overstated by as much as 20 percent. You believe that this overstatement will lead to overestimated monitoring requirements and targets, potentially increasing the size of the pond further.</p>	<p>The City indicated that any refinement of the catchment area will not affect the evaluation of stormwater management servicing and that confirmation of the groundwater recharge area will occur during the detail design phase.</p> <p>I am confident that the size of the pond is adequate to achieve the Project's environmental objectives and I do not have any concerns with the consultant's technical studies identifying the groundwater divide or infiltration area for this Project.</p>
Economic Concerns:	
<p>You are concerned that the preferred option makes the development of the surrounding lands unfeasible.</p>	<p>You will still be able to develop the remaining parcel of land in your ownership (21.07 hectares excluding the 2.5 hectares for the pond). The Environmental Study Report identifies that property acquisition will be required for the pond, and includes a cost estimate for purchasing the land.</p> <p>I am satisfied that compensation will be provided through land acquisition, and that any other economic and land use disputes may be resolved under Planning Act approvals.</p>
Request for Mediation:	
<p>You have asked that the Ministry of Environment refer the Project to mediation before the Minister makes a decision on the Part II Order.</p>	<p>Mediation is used to help parties that have not been able to reach an agreement by themselves resolve a dispute; however, not all disputes are amenable to the mediation process.</p> <p>You request that further consultation occurs between the Proponent and yourself, and offer to provide additional technical input through your consulting engineer regarding the Project.</p> <p>I understand that the Proponent has stated that it has conducted several meetings with you during Project planning. I am satisfied that the Proponent has provided adequate opportunities for consultation and that further consultation through mediation is not required.</p> <p>I am also satisfied that the size and location of the pond and related facilities have been adequately researched and</p>

Issues	Response
	determined by the Proponent in consultation with the Ministry of Environment, external agencies and yourself, and that alternatives were sufficiently considered during the Class Environmental Assessment process. As such, I will not defer this Project to mediation.