

## APPENDIX 'B' – Notice of Filing of Addendum

June X, 2016

### VIA EMAIL

**Subject: Kilally South Storm Water Management Study Class Environmental Assessment – Environmental Study Report (2003)  
Review within the Current Planning Context  
Notice of Filing of Addendum**

The City of London issued the Notice of Completion for the Kilally South Storm Water Management Study, Schedule B Municipal Class Environmental Assessment (Kilally South EA) in 2003. The scope of this study included evaluating stormwater management (SWM) measures to mitigate the impacts of residential development within the subwatershed. The Kilally South EA evaluated several options and recommended construction of a wet pond facility, namely the West Basin, to be located on table lands.

The project recommended by the 2003 Kilally South EA has not been constructed within 10 years. Consequently, in accordance with the guidance document for Municipal Class Environmental Assessments (Municipal Engineers Association (MEA), as amended 2007 & 2011),

*“If the period of time from (i) filing the Notice of Completion of Environmental Study Report (ESR) in the public record or (ii) the MOE’s denial of a Part II Order request(s), to the proposed commencement of construction for the project **exceeds ten (10) years**, the proponent shall review the planning and design process and the current environmental setting to ensure the project and mitigation measures are still valid given the current planning context. The review shall be recorded in an addendum to the ESR which shall be placed on the public record (p. A-74).”*

The scope of this review is limited to *“review [of] the planning and design process and the current environmental setting to ensure the project and mitigation measures are still valid given the current planning context” (MEA, 2011).*

The City presents the following review of the 2003 Kilally South EA to append to the original EA as part of this Notice of Filing of Addendum.

### Stormwater Management Context

#### *Preferred Recommended Alternative*

The 2003 Kilally South EA evaluated seven alternatives for a wet pond facility and screened two alternatives in more detail. The alternatives included constructing components of the facility within the floodplain, which would not meet the objectives within the City’s current planning context. However, the EA ultimately recommended a 2.5 ha wet pond to be constructed on tablelands, setback six (6) meters from the stable slope line, Level 1 water quality controls, as well as at-source controls to provide stormwater management for a 140 hectare drainage area. The EA recommends that most of the detailed work be completed during the subdivision process as follows:

- 3) *“As part of future Draft Plan of Subdivision, the conceptual design for the West Basin will be refined. Refinement will consider a preferred strategy for conveying runoff to the river, an appropriate setback from the valley embankment, and integration of open spaces and recreational linkages. All design works must have regard for the prevailing*

*policies of the City of London, the MOE, and the UTRCA. The basin shall be constructed with the first phase of development that will drain to the basin” (p. 30).*

- 4) *“As part of future Draft Plans of Subdivisions, for all parts of Kilally South, the need for incorporating at-source recharge will be considered. If it is determined that at-source recharge is required, details shall be developed as part of the final design of the future subdivisions (p. 30).”*

As such, the Stormwater Engineering Division finds that the recommended location of the EA facility, and the water quality and quantity objectives are consistent with current stormwater engineering servicing objectives outlined in the 2003 MOE Stormwater Management Planning and Design Manual. The exact location of the pond to mitigate environmental impacts can be refined during the subdivision process.

#### *Legislative Review*

The Environmental Protection Act and the Ontario Water Resources Act regulate Stormwater Management in Ontario by requiring an Environmental Compliance Approval for all sewage works discharging directly or indirectly to an open water course. The requirements to obtain an ECA for a stormwater management facility are outlined in the “Checklist for Technical Requirements for a Complete Environmental Compliance Approval Submission.” The City has confirmed that the recommended West Basin can be designed to satisfy the technical requirements necessary to obtain an ECA.

#### **Environmental Context**

##### *Provincial Policy Statement*

Since the date of the Kilally South EA approval, the Province has adopted a new Provincial Policy Statement (PPS) which modified Section 2.1 Natural Heritage and 2.2 Water. The location and/or design of storm ponds should consider those new policies, in particular under 2.2 as the area of the pond within this draft plan has a Groundwater Recharge Area on Schedule B1 of the City’s Official Plan. The Kilally South EA recommends at-source controls throughout the subdivision, the implementation of which shall be reviewed during the subdivision approvals process.

##### *Outlet of facility*

The outlet for the proposed facility has been approved in concept; however, the final location and design will be finalized during the development approvals process. The latest Environmental Impact Study (EIS) for this outlet was not completed and the base data for its location and design is now out of date. Given the significance of the potential habitat in and along the Thames banks at this location, this information needs to be updated and the EIS completed in concert with the related development application.

##### *Endangered Species Act*

The Endangered Species Act (2007) came into force and effect since the original EA. Compliance with the ESA is regulated by the Ministry of Natural Resources and Forestry (MNRF). The EIS will identify if there are any Species at Risk within the project area and establish an appropriate mitigation strategy to meet legislative requirements.

##### *Future EA Work*

The study area of the 2003 Kilally South EA assessed seven stormwater management options for the 140 ha tributary area to the West Basin. The EA study did not evaluate multiple stormwater servicing options for the 96 hectares shown tributary to the East Basin or other stormwater infrastructure. Therefore, future stormwater management facilities within the Kilally South subwatershed will be subject to a new EA process which will consider the PPS, any new Provincial regulations, major changes in the overall approach to managing stormwater as an asset (infiltration requirements, etc.), London’s current OP policies, Environmental Management Guidelines and up-to-date ecological inventories.

#### **UTRCA Review**

The Upper Thames River Conservation Authority (UTRCA) reviewed the EA and City’s comments (letter attached). UTRCA stated “We concur with the SWM unit’s suggestion that the location of the West Basin and outlet should be informed through up-to-date environmental information. A meeting to review and discuss specifics would be appropriate given the

circumstances and comments received thus far. We would be pleased to participate in such a meeting.”

## **Recommendations**

Based on the comments received during this review, the City concludes that (1) “the project and the mitigation measures are still valid given the current planning context” (MEA, 2011), (2) additional environmental work should be completed as part of the development process, and (3) the 2003 Kilally South EA’s recommendation for a stormwater management facility on table lands would not be modified upon receipt of more environmental information since it is the least impactful option.

It is the City’s recommendation that the following items be completed as part of the City’s File Manager Design Studies process for the Edge Valley subdivision (39T-05505, 1522 Kilally Road):

- A functional stormwater management report with hydrologic modelling to confirm the size and volume of the West Basin, identify at-source controls to ensure groundwater recharge, and ensure appropriate erosion/energy dissipation controls at the facility outlet prior to discharging to the Thames River. This report is necessary to acquire the ECA;
- A scoped Environmental Impact Study (EIS) to satisfy the following objectives:
  - Locate the least disruptive location for the outlet of the facility based on up-to-date ecological inventory collection and related recommendations of the EIS;
  - Recommend appropriate mitigation/compensation in accordance with Official Plan Policy 15.3.3.
  - Consider Section 2.1 Natural Heritage and 2.2 Water in the latest Provincial policy Statement. In particular, under 2.2 as the area of the pond within this draft plan has a Groundwater Recharge Area on Schedule B1 of the City’s OP.
  - Evaluate Species at Risk in accordance with the Endangered Species Act (2007)

## **First Nations Consultation**

As part of this Notice of Filing of Addendum, the 2003 EA report and this review will be circulated to all applicable First Nations.

## **Notice of Filing of Addendum**

The City is appending this review to the original 2003 EA document and circulating the document for the 30-day review period to all external agencies and the public for comment.

Should there be questions on any aspect of the Notice of Filing of Addendum process, please do not hesitate to contact the undersigned and we would be more than willing to meet to clarify the process and EA requirements.

Yours truly,

Scott Mathers, MPA, P.Eng.  
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Stormwater Engineering Division

Attach: UTRCA Letter;  
Kilally South Stormwater Management Study Class Environmental Assessment  
Schedule B