

# Milton Logistics Hub Project | REVIEW PANEL

Joint process established under the Canadian Environmental Assessment Act, 2012, and the Canada Transportation Act

May 5, 2017

Normand Pellerin  
Assistant Vice President, Environment and Sustainability  
Canadian National Railway Company  
By email

## **Subject: Information Request Package 2 - Milton Logistics Hub Project Review Panel**

Dear Mr. Pellerin,

The Review Panel established for the joint process for the review of the Milton Logistics Hub Project (the Review Panel) is continuing its review of the information provided by the Canadian National Railway Company (CN) and the comments received during the public comment period between December 20, 2016 and March 13, 2017.

As stated at the beginning of the public comment period, the information from CN that the Panel is reviewing includes the following documents:

- The Environmental Impact Statement (EIS) (CEAR #57);
- The Summary of the Environmental Impact Statement (EIS) (CEAR #58);
- Responses from CN to requirements for additional information (CEAR #72, CEAR #81, CEAR #375);
- CN's application under section 98 of the *Canada Transportation Act* and supporting documents (CEAR #395).

You will find attached the Panel's second package of information requests (Package 2) to CN. Package 2 contains information requests related to the regulatory framework applicable to the Project, the purpose of the Project, alternative means of undertaking the Project, and specific deficiencies in the Project description. The Panel has identified that the information identified in Package 2 is required before the process can proceed to the hearing stage.

Although the Review Panel has included references in the rationale section of each information request, these should not be considered an exhaustive list of where the information may be in the EIS. The Review Panel recommends CN provide complete, stand-alone responses to each information request.

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c/o Canadian Environmental Assessment Agency 160 Elgin St. Ottawa ON K1A 0H3

MiltonHubPanel@ceaa.gc.ca

CEAR registry 80100

Where existing information from several sections or appendices of the EIS may provide an initial response, CN should package that information together along with the relevant new information it is submitting in its response. To help participants differentiate between information that is already on the Review Panel's record, and new information, CN may choose to use a different font or colour.

Please inform the Review Panel of the anticipated response date as soon as possible. CN's response to these information requests will be made available to participants on the public registry.

If you have any questions or concerns, please contact Joseph Ronzio, Panel Manager at (613) 948-1784 or [MiltonHubPanel@ceaa.gc.ca](mailto:MiltonHubPanel@ceaa.gc.ca).

Sincerely,

<Original signed by>

Lesley Griffiths, Review Panel Chair

c.c. William G. McMurray, Review Panel Member  
Isobel Heathcote, Review Panel Member

# **Milton Logistics Hub Project** | REVIEW PANEL

Joint process established under the Canadian Environmental Assessment Act, 2012, and the Canada Transportation Act

## Milton Logistics Hub Project Review Panel Information Request Package 2

May 5, 2017

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## REGULATORY FRAMEWORK

### 2.1 Consideration of non-federal laws

#### Rationale:

In sub-section 6.5.5.2 of the Environmental Impact Statement (EIS), the Canadian National Railway Company (CN) stated that certain provincial laws have been taken into consideration where appropriate to ensure completeness. While CN referenced some non-federal laws in various sections of the EIS, it is not clear which laws CN is referring to in sub-section 6.5.5.2, and what is meant by the phrases “taken into consideration” and “to ensure completeness”.

#### Information request:

- a) Provide a table summarizing all federal, provincial and municipal (regional and town) laws and by-laws that CN has taken into consideration in the planning for the Milton Logistics Hub Project (the Project) and development of its EIS and explain what is meant by “taken into consideration” and “to ensure completeness”. The table must include a description of which laws apply to the Project and which have been “considered to ensure completeness”. Specify how these have been considered in the environmental assessment; for example, whether the laws informed project design, selected mitigation measures, the criteria used to determine the significance of the Project’s effects, methodological approaches used by CN or other relevant matters.

### 2.2 Consideration of additional policies, guidance or other resources

#### Rationale:

In sub-section 6.2.2.1 of the EIS, CN states that certain provincial laws have been taken into consideration where appropriate. CN identified and used some regional and provincial guidelines to inform its design methods and assessment for the Project. Halton Municipalities, Conservation Halton, and representatives of the Province of Ontario identified a number of other plans and guidelines that could be used to inform Project design, mitigation measures, the criteria used to analyze the significance of the Project’s effects, and methodological approaches for all projects in the region. Some of the regulatory documents, environmental standards, guidelines or objectives put forward include:

- Hydrogeological Studies & Best Management Practices for Groundwater Protection Guidelines (Halton Region)
- Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment (Procedure D-5-4) (Ministry of Environment)
- Technical Guideline for Private Wells: Water Supply Assessment (Procedure D-5-5) (Ministry of Environment)
- Bronte Creek Watershed Study, Planning and Engineering Initiatives Ltd. (Schroeter and Associates, October, 2002)
- Indian Creek / Sixteen Mile Creek Sherwood Survey Subwatershed Management Study, Town of Milton, (Phillips Engineering, 2004)
- Functional Stormwater and Environmental Management Strategy, Boyne Survey Secondary Plan Area – Draft Final, Town of Milton (AMEC, March 2013)
- Other Ontario legislation and policy documents, such as the
  - *Ontario Water Resources Act*

- *Safe Drinking Water Act*
- *Clean Water Act*
- Ontario Building Code
- Provincial Policy Statement, 2005 or 2014

**Information request:**

- a) Provide a table summarizing all federal, provincial and municipal (regional and town) plans and guidelines that CN has taken into consideration in the planning for the Project and development of its EIS. Specify how these have been considered in the environmental assessment; for example, whether the laws informed Project design, selected mitigation measures, the criteria CN used to analyze the significance of the Project’s effects, methodological approaches used by CN or other relevant matters.

### 2.3 Core activities of CN and non-federal laws

**Rationale:**

In Section 1.4 of the EIS, CN stated that as a federally regulated railway, CN is subject to applicable federal legislation and that provincial and local legislation that encroaches on CN’s core activities is not applicable to CN. Similarly, CN stated provincial or local legislation inconsistent with federal legislation governing CN’s activities does not apply to CN.

The EIS did not specify which provincial or local legislation CN considers to encroach on its core activities, or whether it considers any to be applicable to the Project. Likewise, the EIS did not specify what CN considers to be core activities.

**Information request:**

- a) Describe what CN considers to be an encroachment of provincial or local legislation on its core activities and provide a rationale.
- b) Provide information on what CN considers to be its core activities and a rationale to support the information. Specifically, differentiate between components and activities of the Project, as described in the EIS, that are core activities to which provincial or local legislation would not apply and those to which provincial or local legislation may apply. Provide a table that summarizes this information.
- c) Specify which provincial or local legislation CN considers to be inconsistent with federal legislation governing its activities and the nature of the inconsistency.

### 2.4 Ontario Environmental Compliance Approval

**Rationale:**

In sub-section 1.4.3.1 of the EIS, CN stated that it will apply for Environmental Compliance Approval certificates from the Ontario Ministry of the Environment and Climate Change for all points of discharge from the Project. During the Panel’s Orientation Session, the Ontario Ministry of the Environment and Climate Change indicated that an Environmental Compliance Approval is normally required for a wide range of point discharges, including air, noise, vibration and odour, as well as waste disposal, and

discharges of stormwater or wastewater into water courses and sewage works. The specific types and points of discharge for which CN intends to seek provincial Environmental Compliance Approvals were not identified in the EIS.

**Information request:**

- a) Provide a description of the specific discharges for which CN intends to apply for Environmental Compliance Approvals from the Ontario Ministry of the Environment and Climate Change.

## **2.5 Characterization of the Project in municipal plans**

**Rationale:**

In sub-section 2.2.1 of the EIS, CN stated that various municipal plans anticipated that industrial rail-based development would occur on the CN owned lands, including the Halton Region Transportation Master Plan (2011). Only the Transportation Master Plan was identified in the EIS.

Halton Municipalities submitted that the Project would constitute a major transportation facility, but is not identified in the Regional Official Plan, which identified only existing railway lines (CEAR #405).

The EIS does not explain how the Project is described or anticipated in the Transportation Master Plan and other municipal plans.

**Information request:**

- a) Specify which regional or municipal plans anticipate the development of the Project, and how each of those plans anticipated, considered and characterized the development.

## PURPOSE

### 2.6 Milton Logistics Hub as a satellite intermodal terminal

#### Rationale:

In Section 3.1 of Appendix F (Site Selection Study) of the EIS, CN stated that the Project would act as a satellite facility to the Brampton Intermodal Terminal. The description of the Project as a satellite intermodal terminal was also used throughout the EIS, including in the definition of the Project in the glossary section.

CN did not describe a satellite intermodal terminal, including specific functions and operations that may be unique to a satellite facility. In describing the purpose of the Project in the EIS, CN also did not provide a clear rationale as to why a satellite intermodal terminal was proposed, rather than an independent facility.

#### Information request:

- a) Describe the functions and operations of a satellite intermodal terminal compared to a non-satellite intermodal terminal.
- b) Provide a rationale for designing the Project as a satellite intermodal terminal.
- c) Describe the operational relationship of the Project with the existing Brampton Intermodal Terminal, including whether the satellite nature of an intermodal terminal would influence the market that it serves.

### 2.7 Summary of Cushman & Wakefield Report (2015)

#### Rationale:

In Section 2.1 of the EIS, CN indicated that after investing over \$50 million to support the growing freight volumes at the existing Brampton Intermodal Terminal, the terminal is now approaching capacity. A land review commissioned by CN confirmed that sufficient suitable land could not be acquired around the Brampton Intermodal Terminal to allow for a significant expansion. The land review report was referenced throughout the EIS as Cushman & Wakefield 2015 – Land Availability Review for Satellite Intermodal Terminal Facility, and in Appendix F as Cushman & Wakefield – Valuation & Advisory 2015 – Land Availability Review for Satellite Intermodal Terminal Facility, by Cushman & Wakefield, 2015.

In sub-section 2.2.1 of the EIS, CN indicated that review of the criteria used for the site selection process confirmed that the South Milton site is the preferred option and that this conclusion is further supported by the conclusions of the Cushman & Wakefield 2015 report.

Further, CN referenced this report to describe the needs of the growing customer base at the Brampton Intermodal Terminal, and to explain that the potential for future growth around that terminal is limited. However, the report was not provided as an appendix to the EIS, and as part of the CN EIS Documents.

**Information request:**

- a) Provide a summary of the Cushman & Wakefield Valuation & Advisory, June 2015 report entitled Land Availability Review for Satellite Intermodal Terminal Facility. The summary should include information about the alternative lands or qualifying sectors considered, and a summary of reasons for excluding the various sectors from further consideration in the site selection process.

## **ALTERNATIVE MEANS – SITE SELECTION PROCESS**

### **2.8 Site selection process Principle 1**

**Rationale:**

In Section 3.1 of Appendix F of the EIS, CN identified two principles for its site selection process. Principle 1 stated that the proposed project site must be located between Bayview Junction in the west (Burlington) and Doncaster Junction in the east (east Toronto) along the CN mainline corridor (Halton Subdivision). CN indicated that Principle 1 was developed to ensure that potential sites for the Project would be able to adequately service CN’s principal market within the western half of the Greater Toronto Hamilton Area and could act as a satellite facility to Brampton Intermodal Terminal. Potential sites located east of the GTHA were discounted as they would require additional time to get products to market, resulting in inefficient service to CN customers and increased travel distance for trucks.

Two sites, the Stuart Street Yard and US Steel are located further west than Bayview Junction. These sites were identified through public and/or municipal consultation, as reported in Table 3.1 of Appendix F of the EIS. However, these sites were disqualified from further consideration because they were not located within the boundaries of Principle 1.

**Information request:**

- a) Provide additional information regarding CN’s rationale for the selection of the boundaries used for Principle 1. To support the response, provide a general description of the anticipated destinations for products that would be entering and exiting the Project.

### **2.9 Site selection process Principle 2**

**Rationale:**

In Section 3.1 of Appendix F of the EIS, CN identified two principles for its site selection process. Principle 2 stated that the site must provide a minimum of 160 hectares (400 acres) directly adjacent and parallel to the CN mainline to meet the construction and operational requirements for an intermodal terminal. CN indicated that potential sites must be large enough to accommodate the installation of tracks and pads parallel to the mainline, which enables a “through” terminal design while reducing its footprint. This design provided direct train access, minimizing the need for switching railcars, and facilitating container handling (loading/unloading) activities while optimizing the land use by providing accessibility to the terminal for trains approaching from either direction.

However, in Figure 2 of Appendix F, the Brampton Intermodal Terminal and the MacMillan yard do not appear to be parallel to the mainline.

### Information request:

- a) Describe whether configurations other than directly adjacent and parallel to the CN mainline are generally acceptable for CN's intermodal terminals. If other configurations are possible, provide a description of the configuration and explain where these configurations are preferred.
- b) Provide a rationale for the requirement that an appropriate site for the intermodal terminal must be directly adjacent and parallel to the existing CN mainline.
- c) If Principle 2 cannot be achieved, describe the implications for the technical or economic feasibility of the Project, including the impact on railway operations and services.

## 2.10 Consideration of slope in the site selection study and alternatives analysis

### Rationale:

In the EIS, CN assessed potential site alternatives based on the application of two principles. CN selected four sites that met both principles (Milton South, Milton North, Halton Hills, and Brampton North).

In its May 18, 2016 and September 30, 2016 responses to the Canadian Environmental Assessment Agency's Additional Information Requirement # 6, CN reported that topography/ slope should have been included in the EIS as a technical requirement because the preferred site must have an overall mainline grade of less than 0.3% for safe operation and access to the terminal. As a result, CN eliminated two sites that had a grade of 0.3% or greater from further consideration; namely the North Milton and Halton Hills sites.

In its September 30, 2016 response, CN explained that grades could be changed, although it would require a larger footprint to do so and upgrades to existing crossings to ensure sufficient slope stabilities for the lead tracks; CN noted that these works would have the potential to further affect communities.

The Canadian Environmental Assessment Agency's Operational Policy Statement on Addressing "Need for", "Purpose of" "Alternatives to" and "Alternative Means" under the Canadian Environmental Assessment Act, indicates that the rationale for the alternative means retained for consideration in the Project EA must provide sufficient detail for an independent reviewer to assess the criteria developed, the nature of the alternative means considered, the approach taken to assess these alternative means against the criteria and the alternative means retained for further analysis.

In Appendix F of the EIS and in its May 18, 2016 response to the Canadian Environmental Assessment Agency's Additional Information Requirement # 6, CN presented inconsistent interpretations of the 0.3% grade threshold. Appendix F stated that the intermodal terminal must be level for a safe and efficient working surface, with *no more than* 0.3% average rise in elevation. In its May 18, 2016 response to the Canadian Environmental Assessment Agency's Additional Information Requirement # 6, CN states that the site selected along the mainline must have an overall mainline grade of *less than* 0.3% (emphasis added). While the meaning between "no more than" and "less than" leads to a minor difference in the criteria, it remains unclear as to whether the Halton Hills site, with an overall grade of 0.3%, should have been excluded from consideration on the basis of this criterion.

In addition, it is also not clear how CN measured the grade for each site in the site selection study; whether the measurement is direct along the mainline or if it includes perpendicular measurements from the track; and whether the 0.3% grade criteria applies to the entire mainline doubling or only to the terminal infrastructure including tracks and workpads.

**Information request:**

- a) Clarify how CN calculated the grades for the four sites identified in the site selection study. Describe whether measurements were made only in the direction of the mainline track, or whether the 0.3% requirement also applies perpendicular to the mainline track. Clarify whether the measurements used for the purpose of evaluating the grade criteria were taken for the entire length of the mainline traversing each site, or whether the measurement applies only where the main terminal infrastructure would be placed. Identify the location of the start and end points used to measure the grade for the four sites.
- b) Clarify whether precisely 0.3% is an acceptable level of grade or if it is too high to ensure a safe and efficient working surface. If it is acceptable, provide additional information for the site selection study, as updated in CN's response to Additional Information Requirement #6 for the Halton Hills site, so the Panel may assess the potential effects of the Project to valued components on that site.
- c) Provide additional information – substantiated using data, modelling or academic literature – on the technical feasibility of reducing grades that are equal to or exceed the 0.3% criterion to an acceptable level to ensure a safe and efficient working surface. Specifically, describe the technical feasibility of reducing the grade of the North Milton and the Halton Hills sites to a grade of less than 0.3%.

## 2.11 Economic feasibility of alternative sites

**Rationale:**

In Table 2.2 of the EIS entitled Summary of alternative means of carrying out the Project, CN identified the South Milton site as being economically feasible because the company owns the property. CN also identified the Brampton North site as being economically feasible, but notes that land ownership would have to be secured.

CN did not identify ownership as a criterion that was considered in the site selection study, although ownership has been a criterion used to determine whether a site is economically feasible.

**Information request:**

- a) Describe whether or how property ownership was weighed in the site selection study in comparison to the other criteria used.
- b) If responses to 2.10 in this package result in the Halton Hills or North Milton sites being technically feasible for consideration as alternatives, discuss the economic feasibility of these sites, including whether land ownership would have to be secured, as in the case of the Brampton North site.

## 2.12 Consideration of potential species at risk at the South Milton site

**Rationale:**

In its EIS and supporting materials, CN reported differing numbers of species at risk that have potential to occur at the South Milton site. Table 4.4 of Appendix F of the EIS identifies five potential species at risk at the South Milton site while Table 5.1 of Appendix E.16 of the EIS (Technical Data Report - Terrestrial), identifies 16 potential species at risk as having habitat in the Local Assessment Area.

Appendix E.16 identifies the chimney swift as the only species from the list that does not have potential habitat in the Local Assessment Area. Appendix E.16 does not mention the shortnose cisco; a species that is listed as a potential species at risk in Appendix F. CN confirmed in its September 30, 2016 response to the Canadian Environmental Assessment Agency's Additional Information Requirement #6 that the South Milton site does not contain shortnose cisco habitat.

Overall, 12 potential species at risk were not included in the species at risk list for the South Milton site as described in the site selection study or in CN's September 30, 2016 response to the Canadian Environmental Assessment Agency's Additional Information Requirement #6. In order to compare the alternative sites using similar information, the potential species at risk for all alternative sites should include all potential species at risk whose habitats are identified in the Local Assessment Area.

In addition, in its September 30, 2016 response to the Canadian Environmental Assessment Agency's Additional Information Requirement #6, CN noted that the presence of the redbside dace at the Brampton North site and its sensitivity to project effects resulted in the preferred site being South Milton, even though South Milton has the potential for a higher number of species at risk.

**Information request:**

- a) For each alternative site that is retained for consideration in phase 2 of the site selection study, provide a consolidated and complete list of potential species at risk, including those whose habitats are present on each site.
- b) Using the methodology of the site selection study, briefly compare the potential environmental effects on all of these potential species at risk at alternative sites retained for consideration in phase 2 of the selection study.
- c) Clarify whether the conclusion that the sensitivity of the redbside dace to Project effects is of higher concern than the number of species at risk identified at the South Milton site, including consideration of the additional 12 potential species at risk at the South Milton site as reported in Appendix E.16 of the EIS. Provide an updated conclusion as to which site is preferred given the potential species at risk on the site and indicate whether any conclusions of the site selection study change as a result.
- d) In developing the response to this information request, consider any changes to the sites selected for phase 2 arising from responses to other information requests, including 2.10.

### **2.13 Alternative site compatibility with existing and future planned land use**

**Rationale:**

In sub-section 4.1.4 of Appendix F of the EIS, CN described the criteria it used to compare the compatibility of the four potential alternative site locations for socio-economic considerations. CN considered the compatibility of each alternative site with existing land use and future planned land use as well as cultural heritage and archaeological resources on each site. For existing and future planned land use compatibility, CN developed qualitative categories of low, medium and high, and specified that high compatibility was preferred.

It is not clear whether the site selection study included a consideration of the compatibility of terminal-generated truck traffic with existing and future planned roadway usages.

In addition, there is a discrepancy between Table 4.5 of Appendix F of the EIS, where CN states that the South Milton site has a high future planned land use compatibility, and information in Table 4.6 and sub-section 4.3.4.2 of that report, where CN states that the South Milton site has a moderate future planned land use compatibility.

**Information request:**

- a) Clarify whether CN considers the South Milton site to have a high or moderate future planned land use compatibility.
- b) For alternative sites that are retained for consideration in phase 2 of the site selection study, describe how the existing and future planned land use compatibility considered the compatibility of terminal-generated truck traffic with existing and future planned roadway usages between the candidate sites and 400-series highways. If the site selection study did not consider terminal-generated truck traffic, provide a qualitative analysis for each site on the compatibility of terminal-generated truck traffic with existing and future planned roadway usages between the candidate sites and 400-series highways. Consider any changes to the sites selected for phase 2 arising from responses to other information requests, including 2.10.

## 2.14 Distance of alternative sites to 400-series highway

**Rationale:**

In Appendix F of the EIS, CN stated that access to a 400-series highway was determined by measuring the shortest potential truck route for each site. This was assumed to be the distance from the closest point of intersection of the site boundary and arterial road to the access point (entrance) of the nearest 400-series highway.

It is not clear that the route measured used designated truck routes. For instance, the shortest route for the South Milton site identified in sub-section 4.3.2.3 of Appendix F is to travel south on Tremaine Road to Burnhamthorpe Road West then to Regional Road 25 to Highway 407. This route is not currently heavy-truck traffic capable nor is it anticipated to be by 2020, as indicated in Figures 1 and 2 of Appendix E.17 of the EIS. Moreover, the BA Group Study presented in Appendix E.17 of the EIS concludes that this is not the most likely route for trucks to use to access a 400-series highway, and in fact, CN will direct CN Transportation Ltd. trucks to follow a longer route along Britannia Road east to the 407.

A comparative evaluation of alternative sites should not focus solely on the shortest potential truck route, but rather the distance between the proposed project site and the nearest 400-series highway along the route most likely to be taken by terminal-generated truck traffic.

For the South Milton site, the distance measurement should consider any information available that would allow for this measurement to be as realistic as possible relative to the actual distance that trucks will have to travel to access a 400-series highway. This includes the preferred location of the entrance, as described in sub-section 2.2.3.1 of the EIS, and the route that is anticipated to be most frequently used based on the conclusions of Appendix E.17.

**Information request:**

- a) For alternative sites that are retained for consideration in phase 2 of the site selection study, recalculate distances from the alternative sites to 400-series highways using the shortest feasible route that is heavy-truck capable either currently or is planned to be by the anticipated start of the

Project. Describe whether these routes provide straight line access to a 400-series highway and what, if any, potential conflicts could exist with existing residences. Consider any changes to the sites selected for phase 2 arising from responses to other information requests in this package, including 2.10.

- b) For the South Milton site, since CN has determined the preferred location for the entrance and the truck route most likely to be used, calculate the shortest truck route distance to a 400-series highway starting at the entrance and using the route that is anticipated to be most frequently used based on conclusions presented in Appendix E.17.

## 2.15 Consideration of traffic criteria for all alternative sites

### **Rationale:**

As stated in Section 4.1 of Appendix F of the EIS, site selection criteria focused on four categories: engineering/technical, traffic, biophysical, and socioeconomic. Sub-section 4.1.2 of that document identifies the criteria that were chosen for the traffic category, which were road crossings, truck routes and highway access.

CN did not provide a rationale as to why other relevant criteria that would be examined in a standard traffic impact study were not considered as traffic related criteria in the site selection study. For example, issues of congestion, potential for collisions and accidents, interaction with non-motorized traffic such as pedestrians and cyclists, impacts associated with the use of roundabouts by larger vehicles, residential/commercial mix along route and operation of intersections, and entrances and exits were not included and no rationale was provided as to why these were not necessary considerations.

### **Information request:**

- a) Compare all alternative sites that are retained for consideration in phase 2 of the site selection study with regards to the typical traffic study criteria including, at a minimum, those provided above. Consider any changes to the sites selected for phase 2 arising from responses to other information requests in this package, including 2.10.

## ALTERNATIVE MEANS- ALTERNATIVES TO PROJECT COMPONENTS AND OPERATIONAL APPROACHES

### 2.16 Project components considered in the alternatives assessment

#### Rationale:

Table 2.2 of the EIS identified key project components for which alternative means were considered for the respective location and design. These project components were:

- truck entrance location
- gate location
- Lower Base Line crossing
- potable water supply
- non-potable water supply
- wastewater management
- stormwater management
- utilities
- Indian Creek realignment

CN did not provide a rationale for why alternative means were considered for these project components, but not for others.

#### Information request:

- a) Provide a rationale for the choice of key project components for which alternative means of undertaking the Project were considered, and why other components were not selected.

### 2.17 Project operational activities considered in the alternatives assessment

#### Rationale:

CN focused its assessment of alternative means of undertaking the Project on site locations, transportation corridors and the location and design of key project components.

In sub-section 3.4.2 of the EIS, CN lists the operations that will be required for the Project. These include truck operations, train operations, lift operations and equipment maintenance. While some of these operations have been explored in the alternative means assessment, alternative means of undertaking train or lift operations were not considered.

For example, in its March 15, 2017 letter (CEAR #547), CN indicated that its Memphis Logistics Park operates primarily using gantry cranes and wheeled storage (containers on chassis), as opposed to the mobile reach stacker crane operation with a mix of ground storage (stacked containers) and wheeled storage as is proposed for the Project. Additionally, Appendix D3 of the EIS stated that, in response to inquiries, CN had informed members of the public that gantry cranes would not be used at the South Milton site. However, the EIS did not contain information regarding the possibility of a gantry crane system being used for the Project, whether this alternative mean is technically or economically feasible for the Project, or whether it would result in different environmental effects as compared to the Project.

**Information request:**

- a) Provide additional information on alternative means of carrying out train and lift operations for the designated project that are technically and economically feasible. For each alternative means identified, describe the operational practice and briefly examine the potential effects of each on the valued components.
- b) Provide information on whether any technically or economically feasible alternative means of carrying out train or lift operations could improve intermodal capacity and/or reduce the Project footprint.

## 2.18 Alternative layout for project components

**Rationale:**

In Section 1.3 of the EIS, CN stated that the Project will be built on approximately 160 hectares (400 acres) of the 400 hectares (1,000 acres) of CN-owned land. It is also stated in the same section that the Project components as they relate to the Project will generally be bounded by Britannia Road to the north, First Line to the east, Tremaine Road to the west, and Lower Base Line to the south.

However, although only approximately 40% of the land owned by CN would be used for the development of the Project, the EIS did not include discussion of alternative means of carrying out the Project specific to potential locations and configurations of the Project components within CN's 400 hectare (1,000 acre) property, with the exception of the gate location, truck entrance location. For instance, there is no description of different positions, locations or lengths of the yard tracks, work pads or other major components of the proposed project. Terminal designs that would offer alternatives to a "through" terminal are also not described.

**Information request:**

- a) Describe any technically and economically feasible alternative means of carrying out the Project specific to potential locations and configurations of project components within CN's 400 hectare property. This should include possibilities of different positions, locations and lengths of the yard tracks. This could include a perpendicular configuration if applicable arising from responses to other information requests in this package, including 2.9 and 2.10. For each alternative means identified, describe the potential effects of each on the valued components, including the potential to avoid watercourses and designated prime agricultural lands on the site. Compare these effects to those of the proposed project, and provide a rationale for why the Project components specified in the EIS were selected.

## 2.19 Alternative truck entrance locations

**Rationale:**

In sub-section 2.2.3.1 of the EIS, CN outlined eight criteria used to evaluate the alternative truck entrances for the Project. Table 2.1 of the EIS showed CN's evaluation of these criteria with checkmarks and Xs to indicate whether an entrance either met or did not meet a criterion. However, CN does not explain how it considered the eight criteria or the rationale used to decide whether or not the criteria were met by each entrance alternative.

Two criteria (limits potential conflict with existing residences and straight line access to a 400-series highway) related to concerns expressed by the surrounding community over safety and the distance from highways of the Project specifically in relation to terminal-generated truck traffic. Additional rationale is needed to understand how the selected entrance locations either met or did not meet these two criteria. This could include describing the method used to determine whether an entrance met this criterion.

In addition, Figure 2 of Appendix B showed the preferred and alternate locations of many project components, but did not show nearby residences and straight line access to 400-series highways.

**Information request:**

- a) Provide a description that explains how the eight criteria were considered and the rationale behind CN's decision that the criteria were met or not met for each entrance alternative.
- b) Include maps that show the five alternative locations for the truck entrance and any criteria that could appropriately be shown, such as CN-owned land, existing residences and straight line access to 400-series highway. In providing this information have regard not only for existing residences but also those that would exist by the time the Project is under construction.

## 2.20 Alternative entrance gate locations

**Rationale:**

In sub-section 2.2.3.2 of the EIS, CN examined two alternative entrance gate locations within the Project on the South Milton site: the first directly off Britannia Road, and the second at the end of a 1.7 km road on CN-owned property. In this section, CN noted that Figure 2 of Appendix B showed that the preferred location of the gate is on the southwest boundary of the work pad. Figure 2 of Appendix B of the EIS showed the preferred and alternate locations of many project components. However, the preferred and alternate locations of the gate were not mapped.

In addition, Table 2.2 in the EIS did not identify the alternative of locating the gate directly off Britannia Road as an alternative.

**Information request:**

- a) Provide a revised version of the Figure 2 map of Appendix B that identifies the preferred and alternate locations of the terminal gate.
- b) Provide a revised version of Table 2.2 to show how CN considered the alternative of locating the gate directly off Britannia Road, and provide information in the remaining columns to describe the technical feasibility, economic feasibility, biophysical and socio-economic effects of this option.

## 2.21 Alternatives for non-potable water during operations

**Rationale:**

In sub-section 2.2.3.4 of the EIS, CN indicated that non-potable water will be required to wash on-site equipment and for on-site irrigation. As there is currently no municipal water service available at the

South Milton site, CN proposed to obtain wash water from alternate sources of water such as rainwater collection and water recycling activities. While CN proposed to use a licensed bulk water delivery contractor to deliver potable water to the site for storage in underground water tanks, the EIS did not contain a description of how CN plans to ensure a sufficient supply of non-potable water, should rainwater collection and water recycling activities provide an insufficient volume of water.

**Information request:**

- a) Assess whether rainwater collection and water recycling would yield sufficient water to wash the vehicles and other non-potable water uses. If not, describe how CN plans to supply the remainder of the required non-potable water.

## 2.22 Alternatives for stormwater management and culvert design

**Rationale:**

In sub-section 2.2.3.6 of the EIS, CN indicated that the stormwater management system proposed for the Project includes a series of culverts, flow channels and stormwater management ponds.

During the Review Panel's orientation session, Conservation Halton indicated that it typically meets with proponents to provide expertise on low-impact development opportunities with regards to watershed management.

In its submission to the Review Panel on the sufficiency of the EIS, Conservation Halton stated that splitting flows into two culverts is not recommended based on channel function and maintenance. It suggested that culverts that have a smaller width compared to the existing conditions would negatively affect channel functions, and that there are alternate designs that correspond more closely with existing watercourse features that could be used for the Project.

While CN considered alternative locations for the stormwater management retention ponds, the EIS does not contain an analysis of alternative means with respect to the design of the culverts and retention ponds.

**Information Request:**

- a) Provide additional rationale, substantiated using data, modelling or academic literature, to discuss alternative approaches to managing the conveyance, storage and treatment of stormwater. Identify which of these (if any) could be considered "low-impact development" technologies.
- b) Describe any technically and economically feasible alternatives means of designing the components of the stormwater conveyance and management system. Specifically, discuss alternative designs for culverts including single cell options and alternative configurations, as well as alternative structures or enclosures for stream crossings.
- c) Briefly describe the potential effects of each of the various alternatives on valued components, and compare these effects with those of the currently proposed stormwater conveyance and management system.

## 2.23 Alternatives to Indian Creek infilling and realignment

### Rationale:

In sub-section 2.2.3.8 of the EIS, CN considered two alternatives to protect the integrity of Indian Creek. The first option was the use of a retaining wall immediately adjacent to Indian Creek, and the second was in-filling and realignment of Indian Creek.

CN noted that the Indian Creek infilling and realignment alternative would provide for a larger work pad area and would also address worker safety concerns that exist for the retaining wall option. The EIS does not contain a description of the specific worker safety concerns related to the retaining wall option, or whether a larger work pad area could be achieved without the need to infill and realign Indian Creek.

### Information request:

- a) Describe worker safety concerns relating to the retaining wall alternative.
- b) Describe any other alternative means to achieve a larger work pad area that are technically and economically feasible and would not involve infilling and realigning Indian Creek. If so, describe the potential environmental effects of such an approach on valued components, and compare these effects with those of the currently proposed Indian Creek realignment.

## 2.24 Alternative transportation corridors for terminal-generated truck traffic

### Rationale:

In Table 2.2 of the EIS, CN described two possible alternative means related to transportation corridors to be used by terminal-generated truck traffic. The first is use of a variety of routes to disperse truck traffic to/from the Project, and the second is directing CN Transportation Ltd. trucks to Highway 407 along Britannia Road, where practicable.

However, sub-section 2.2.2 of the EIS contained only a summary of the report found in Appendix E.17 (Review of Terminal-Generated Truck Traffic), and this summary is only relevant to the first alternative means: use of a variety of routes.

CN identified its preferred alternative means would be to direct CN Transportation Ltd. trucks to highway 407 along Britannia road. Sub-section 2.2.2 of the EIS does not contain a clear description of the technical feasibility, economic feasibility, biophysical and socio-economic effects of this option, nor does it compare those with the other alternatives. In addition, no rationale was provided that explains why the option of taking Britannia to Highway 407 is preferred over allowing trucks to use the full variety of routes available.

### Information request:

- a) Provide a clear description of the technical and economic feasibility of both alternatives considered for the transportation corridors component of the alternatives assessment. For each alternative, describe the biophysical and socio-economic effects expected from CN Transportation Ltd. trucks travelling to 400-series highways. This information should include a clear rationale for why CN prefers to direct CN Transportation Ltd. trucks to Highway 407 along Britannia Road.

## 2.25 Alternatives for terminal-generated truck traffic

### **Rationale:**

In sub-section 2.2.2 of the EIS, CN stated that it has care and control over CN Transportation Ltd. trucks. CN predicted that these trucks would account for approximately 20% of the terminal-generated truck traffic at the Project.

CN retained the BA Group to complete an assessment of the impact of truck traffic generated by the development of the Project. The BA Group identified feasible routes as possibilities for terminal-generated truck traffic. CN stated that, as 20% of the terminal-generated truck traffic would be CN Transportation Ltd. trucks, it would direct these to use Highway 407 via Britannia Road whenever practical and feasible. However, CN did not provide a rationale for why it expected that 20% of the terminal-generated truck traffic would be CN Transportation Ltd trucks, or whether a higher or lower percentage would be a technically and economically feasible alternative means to undertake the Project.

Also, the EIS does not describe additional alternative operational approaches that could also reduce the impact of CN Transportation Ltd. terminal-generated truck traffic generated by operation of the Project; for example, information on whether CN could schedule the arrival of trains or trucks in a manner that would reduce the effects of terminal-generated truck traffic on the community.

### **Information request:**

- a) Provide a rationale for why CN expects that 20% of the terminal-generated truck traffic would be CN Transportation Ltd. trucks, and whether a higher or lower percentage would be a technically and economically feasible alternative means to undertake the Project.
- b) Describe whether any additional alternatives means exist for carrying out the CN Transportation Ltd. terminal-generated truck activities. Provide an analysis as to whether these alternatives are technically and economically feasible. If applicable, arising from responses to other information requests in this package, including 2.34, explain whether it is within CN's care and control to require that CN Transportation Ltd. trucks arrive outside of peak periods, for example.
- c) If feasible alternative means are identified, describe them and briefly examine the potential effects of each alternative on the valued components.

## PROJECT DESCRIPTION

### 2.26 Project components and associated ancillary works

#### Rationale:

In Section 3.3 of the EIS and Figure 3 of Appendix B CN identified the preliminary design and components of the proposed Project. CN stated that some Project details may be refined as engineering studies progress and consultation continues.

In Exhibit 4 of CN's application under section 98 of the *Canada Transportation Act* (CN's s.98 application) to the Canadian Transportation Agency for the construction of certain railway lines (Drawing 01-SK-01, dated January 22, 2016), CN identified the Right-of-Way of the proposed railway line, the property lines and names of the owners of the adjacent land, proposed road and utility crossings, open drains, road allowances (rights-of-way), the approximate location and alignment of the track, and the profile of the proposed line.

Additional detail is required regarding CN's proposed Project components, associated and ancillary works.

#### Information request:

- a) Provide additional details on the design and layout of the following project components that have not been specifically described or labelled in the EIS or CN's s.98 application, including:
  - terminal entrance and exit gate area layouts/plans including container inspection facilities, inbound and outbound truck canopies, Equipment Interchange Report booths and drive assistance buildings (roadway station);
  - terminal refrigerated container operating areas;
  - terminal equipment fueling system;
  - location and configuration of storage tanks used for potable water, non-potable water, fire-suppression water, any water recycling and grey water systems, and sewage;
  - the profile of service tracks 1, 2, 5 and 6; and
  - details of track construction such as track materials, including ballast, ties, rail weight, continuous welded rail or jointed, fastening system, tie plates, high quality ballast and other required track materials.
- b) A plan that includes:
  - a. all cross-sections;
  - b. site topography;
  - c. crossing signage;
  - d. utility support structures (including blow-off valves and other safety measures);
  - e. existing and future land-use and zoning around the site of the proposed rail infrastructure; and
  - f. access points for adjacent landowners.
- c) Provide a description of infrastructure to support operations:
  - existing and proposed bridges, tunnels and other infrastructure;
  - compressors and testing equipment (e.g. brake testing, engine loading);
  - embankments;

- infrastructure necessary to allow the construction of a railway line across a utility line that passes over or under a railway line, and includes a structure supporting or protecting that part of the utility line or facilitating the crossing;
  - berms;
  - existing and proposed drains or conduits into, through or under land adjoining the railway; and
  - alterations to existing infrastructure, including to the position of a water pipe, gas pipe, sewer, drain, telegraph, telephone, electric line, all wires or poles across or along the railway.
- d) Where appropriate or necessary, provide maps, figures or current versions of plans to illustrate the various Project components.

## 2.27 Project activities during construction

### Rationale:

Subsection 3.4.1 of the EIS contains a general description of construction-related activities, and subsections 3.3.8 and 3.3.9 provide some preliminary information on clearing, grading, and construction laydown and stockpile areas. CN's response to the Canadian Environmental Assessment Agency's Additional Information Requirement #4 (May 18, 2016) reiterated information contained in the EIS, and stated that this information was based on conceptual design plans that would be refined and confirmed through detailed design and the contractor procurement processes.

### Information Request:

- a) Provide additional details for the following construction activities that were not fully described in the EIS:
- Erosion and sediment controls planned for use during construction
  - Method and timing for laying new track and realigning existing track
  - Location of temporary construction offices
  - Updated information on the location and footprint of construction laydown areas
  - Details regarding maximum anticipated number of employees to be used and their transportation during the construction phase
  - Location and footprint for construction of administrative buildings, garages and other ancillary facilities during the construction phase

## 2.28 Detailed project construction schedule

### Rationale:

In sub-section 1.1.2 of Appendix E.10 to the EIS, CN stated that a complete construction schedule for the Project was not yet available, but a preliminary schedule indicated that construction would occur in three phases. Major construction activities are summarized in Table 4.6 of Appendix E.10.

On May 18, 2016, CN submitted a conceptual project schedule in response to the Canadian Environmental Assessment Agency's Additional Information Requirement #5 (CEAR #72). While there is a general connection between the activities and timing in the conceptual project schedule, there is not a clear linkage to all phases and activities identified in the Construction Assessment Scenario described in

Section 4.3.2 and Table 4.6 of Appendix E.10. Additionally, given that the projected project schedule is now nearly one year old, it is not clear whether CN has refined its preliminary construction schedule.

**Information request:**

- a) Provide a detailed schedule of major construction activities that indicates all of the Project activities in Attachment IR5, as well as the three phases and sub-activities described in Table 4.6 of Appendix E.10. If there have been any changes or refinements made to the schedule since May 2016, provide this updated information as well.

## 2.29 Project activities during operations

**Rationale:**

In Section 2.4 of Appendix E.1 to the EIS, CN used the current daily average of rail traffic of 26 freight trains for modelling with four trains stopping within the Terminal. CN also stated that 25 to 30 trains per day currently move along the Halton Subdivision. However, CN has not provided the anticipated length, number of locomotives required, and other details related to these trains.

The maximum capacity of the rail line and whether the values used by CN include deadhead runs is also unclear.

**Information Request:**

- a) Provide additional details on:
  - type of locomotives to be in service;
  - existing and proposed daily train volumes by time of day, train lengths, number of cars and locomotives to be used, and speed of operation;
  - lighting and noise emitters, including whistling and bells, and whether any retarders will be installed;
  - yard locomotives to be operated;
  - idling and shunting necessary during train building and marshalling;
  - number of crew working at the yard and timing of crew changes;
  - noise retarders and anti-idling systems to be employed;
  - lighting and noise emitters, including whistling and bells;
  - scheduling of maintenance operations;
  - testing activities (e.g. brakes, locomotive engine load testing, etc.);
  - facilities (e.g. buildings, locations, construction, noise abatement measures, etc.); and
  - whether the proposed railway line will result in railway service changes to either existing customers or others.
- b) Describe whether the Milton Logistics Hub Project, as currently designed, would be capable of accepting more than four trains per day.
- c) Provide additional detail on the anticipated daily maximum number of trains that could use the rail line and clarify whether deadhead runs have been considered by CN in its modelling of train traffic.

## 2.30 Terminal-generated truck traffic description

### Rationale:

In its EIS, CN stated that the Brampton Intermodal Terminal is approaching capacity and the Project is designed to handle approximately 450,000 containers per year. The maximum capacity of the Brampton Intermodal Terminal and whether the Project could exceed 450,000 containers per year is not clear.

In sub-section 2.2.2 of the EIS, CN stated that approximately 800 trucks per day each way would be entering and exiting the Project at full operation. In sub-section 3.4.2 of the EIS, CN stated that the products in an intermodal container vary based on client demand, destination and season. Further, a variety of truck and chassis combinations for different operating conditions are expected to arrive and depart at the Project. In Appendix C of Appendix E.1 to the EIS, the Shipping and Receiving table stated that the maximum number of trucks per day for shipping containers in or out of the Project is 1,233.

In Section 5.0 of Appendix E.17 to the EIS, CN recognizes that daily terminal-generated truck traffic will vary depending on the time of year or the day of the week.

It is not clear whether 800 is a daily average or the anticipated maximum number of trucks entering and exiting the Project and whether this number considered seasonal variability based on demand for containerized goods. It is also not clear what proportion of trucks arriving or departing the Project would be bobcat tractors, pulling a bare chassis, or pulling a chassis with a container (either loaded or empty).

### Information request:

- a) Provide projections for the average and maximum number of trucks that may enter and exit the Project per day, month, and seasonally. Indicate what proportion of trucks arriving or departing the Project is expected to be bobcat tractors, pulling a bare chassis, or pulling a chassis with a container (either loaded or empty).
- b) Describe the relationship between 800 trucks per day entering and exiting the Project and handling 450,000 containers annually. Clarify whether the 450,000 containers are calculated as containers in and out of the Project, or whether it is a total of one-way container traffic. Describe the total number of containers (loaded or empty) that would be transported using an assumed average of 800 trucks per day in each direction.
- c) If the maximum number of trucks entering and exiting the proposed Project could be increased above 800 per day, describe how might this affect the ultimate maximum number of containers handled at the Project on a daily, seasonal and annual basis.
- d) Based on the response to information request 2.44, and if the Project is capable through redesign or efficiencies, of handling more than 450,000 containers annually, provide an estimate for the maximum number of trucks that would be required to serve the Project's ultimate capacity.

## 2.31 Truck origin and destination information

### Rationale:

In Section 3.0 of Appendix E.17 to the EIS, the BA Group reports that trucks intending to drop off or pick up containers from the Project could approach and depart the vicinity of the Project via several routes.

A comprehensive Commercial Vehicle Survey was undertaken by the Ontario Ministry of Transportation at the existing Brampton Intermodal Terminal, and this information was used to predict the directional distribution of terminal-generated truck traffic. It is not clear how the Brampton Intermodal Terminal traffic data from the Ontario Ministry of Transportation Commercial Vehicle Study was applied to the projected Project traffic data, including the truck origin and destination data.

**Information request:**

- a) Provide a summary of key findings from the Ontario Ministry of Transportation Comprehensive Commercial Vehicle Survey undertaken by the Ontario Ministry of Transportation at the Brampton Intermodal Terminal and describe how it was used to inform the BA Group report. The summary should include information on truck origin and destination.

### 2.32 Terminal-generated truck traffic data sources

**Rationale:**

In Section 1.0 of Appendix E.17 to the EIS, CN stated that the Brampton Intermodal Terminal was a suitable proxy for estimating heavy-truck movements at the entry and exit gates of the Project. The estimate of 800 terminal-generated heavy-truck trips per day in each direction was adopted by the BA Group in Appendix E.17. In Section 5.0 of Appendix E.17 of the EIS, CN indicated that the estimate of 800 truck trips each way per day is likely to be in the order of the 90th percentile of the range of weekday terminal-generated truck trips.

It is not clear how the traffic data provided to the BA Group by CN was collected or the assumptions made when relying on this data to estimate terminal-generated truck traffic for the Project.

**Information request:**

- a) Provide relevant details on the source of the truck traffic data that was provided by CN to the BA Group to establish the assumed 800 terminal-generated truck trips per day in each direction. For traffic data that is based on the Brampton Intermodal Terminal, explain any assumptions made in applying the data to the Project.

### 2.33 Information from Traffic Impact Studies conducted for the Project

**Rationale:**

Appendix D6 to the EIS contained a reference to a letter sent on May 25, 2015 from CN's third-party consultant, AECOM, to Halton Region, providing the proposed approach and methodology for a Traffic Impact Study for the Project (Communication ID HR-201505250). On May 27, 2015, CN met with Halton Region and provided a presentation on the Project, which included anticipated traffic flows (Communication ID HR-201505271).

In Appendix D8.6 to the EIS, the letter referred to in Communication ID HR-201505250, from AECOM issued to Mr. Ron Glenn at the Region of Halton, stated that AECOM had been retained by CN to assess the potential traffic impacts and a comprehensive traffic impact assessment would be conducted to assess potential traffic impacts and identify the implications of the Project on the existing road network.

An AECOM Traffic Impact Study was not submitted with the EIS. In addition, it is not clear how and when the road infrastructure required by the Project will be developed, and by whom.

**Information Request:**

- a) Provide the AECOM comprehensive traffic impact study and a summary of how relevant information from that study was incorporated into the EIS and other materials supporting CN's s. 98 application.
- b) In addition to the AECOM comprehensive traffic impact study and BA Group Study (Appendix E.17 to the EIS), provide a summary of the results of other traffic impact analysis CN has undertaken and any other traffic-related information CN has acquired in relation to the Project for terminal-generated truck traffic between the proposed entrance/exit and 400-series highways.
- c) Provide detailed information on the road infrastructure required to implement and support the Project, based on the Traffic Impact Study, and CN's role – if any – in its provision.

### 2.34 Care and control of CN Transportation Ltd. terminal-generated truck traffic

**Rationale:**

In sub-section 2.2.2 of the EIS, CN indicated that in order to reduce the potential impact of terminal-generated truck traffic on the Town of Milton, it would direct trucks within its care and control (i.e., those operated by CN Transportation Ltd.), to utilize Highway 407 when such use would be practical and feasible. CN estimated that CN Transportation Ltd. trucks constitute approximately 20% of the total Project-generated truck trips.

In sub-section 3.4.2.1 of the EIS, CN estimated that approximately 85% of truck movements would occur between 06:00 and 21:00. CN also stated that overall truck movements would be dispersed over a 24-hour period, with the peak arrivals and departures occurring outside of the morning and evening peak traffic periods.

It is unclear to what extent CN can influence terminal-generated truck traffic for both the portion of trucks that are operated by CN Transportation Ltd., and the other 80% that are operated by other entities.

**Information request:**

- a) Describe CN Transportation Ltd.'s corporate governance structure, including its reporting relationship to CN, and how CN would apply its care and control with respect to directing CN Transportation Ltd. trucks to use Britannia Road to access Highway 407.
- b) Describe and clarify the contractual or other relationship between CN and trucks that are not operated by CN Transportation Ltd. that will be accessing the Project. Provide information regarding actions, in addition to implementing the Speed Gate™ system, which CN could take with respect to scheduling arrival or departure times or other matters with respect to non-CN Transportation Ltd. trucks.
- c) Provide additional detail on how CN intends to schedule trains, organize yard pad plans and gate appointment procedures to ensure that truck arrivals and departures occur between 06:00 and 21:00 but outside of peak traffic periods.

### 2.35 Truck gate reservation system description

#### Rationale:

In sub-section 3.4.2.1 of the EIS, CN stated that trucks entering the Project will travel its 1.7km access road, which allows for approximately 140 trucks to queue without backing onto public roads. CN noted that a gate reservation system, Speed Gate™, will regulate truck activity.

It is not clear what the capacity is of the Speed Gate™ system, and whether or how the system may handle changes in terminal-generated truck traffic during seasonal peaks.

#### Information request:

- a) Describe the CN SpeedGate™ system and the Terminal Reservation system to be implemented at the Project and the role of each system in ensuring all trucks would queue on the 1.7km access road and not on any public roads.
- b) Describe whether and how the Speed Gate™ system could adapt to accommodate terminal-generated truck traffic if the number of trucks increased above the anticipated 800 trucks on a particular day. Describe how this would affect queueing of trucks on the property and on nearby roadways.

### 2.36 Non-road equipment operating time

#### Rationale:

In sub-section 7.2.2 of Appendix E.1 to the EIS, CN stated that non-road equipment would operate 24 hours per day and 7 days per week.

In Appendix A to CN's response to the Canadian Environmental Assessment Agency's Additional Information Requirement #10 (June 17, 2016), CN assumed that direct project sources of non-road equipment such as diesel-fired shunters, reach stackers, and domestic heated and reefer containers on-site would operate for 20 hours per day.

#### Information Request:

- a) Clarify how many hours per day CN expects to operate direct Project non-road equipment.

### 2.37 Characteristics of containers and dangerous goods

#### Rationale:

Throughout the EIS, CN stated that the Project is designed to handle approximately 450,000 containers per year. Additionally, in sub-section 3.4.2.1 of the EIS, CN stated that a variety of container types are used for intermodal shipments and trucks entering or leaving intermodal facilities may be pulling a container, either loaded or empty, or have no container at all. However, no description is provided with respect to the anticipated mix of container types and sizes to be handled at the Project.

In sub-section 3.4.2 of the EIS, CN stated that approximately 2.7% of the shipments of intermodal containers may be categorized as dangerous goods and handled in accordance with the *Transportation of Dangerous Goods Act*. During its orientation session in March 2017, the Panel heard from Transport Canada that living organisms could also be transported by rail as a dangerous good, although it would be unlikely. While the EIS contains a general description of the types of dangerous goods that could be

expected to travel through the Project, it is unclear how the types and amounts of dangerous goods may vary throughout operations.

**Information request:**

- a) Provide a breakdown of the characteristics of containers anticipated at the Project including container type, length, likelihood of being full/empty, and travel direction. Describe how various container types will be managed, including an identification of storage areas for those with dangerous goods, and heated or refrigerated containers.
- b) Provide information on the anticipated type and quantity of transported materials, including a breakdown of dangerous goods.
- c) Provide a description of how the quantity or type of dangerous goods through the Project may change over time.
- d) Clarify whether the 2.7% of the shipments of intermodal containers that may be categorized as dangerous goods reflects the number of containers or the volume of goods within containers.
- e) Provide details and mapping showing the expected routes used by trucks moving dangerous goods to and from the Project.
- f) Provide a rationale for any assumptions made in developing responses to the information requested above.

## **2.38 General maintenance of water storage structures**

**Rationale:**

In sub-section 3.4.2.4 of the EIS, CN stated that a rigorous maintenance program ensures that equipment is safe and efficient. CN provided a general description of the maintenance expected for the channel realignment for Indian Creek in Section 8.1 of Appendix E.2 (Channel Realignment). CN noted that as stream banks would naturally adjust for the first few years after realignment, it would be important to inspect the stream several times per year. Long-term maintenance would include the removal of excess tree and shrub growth from the floodplain to ensure flow conveyance capacities are maintained. In sub-section 9.4.4 of the EIS, CN provided a high level description of its proposed follow-up program for surface water in relation to water quality and quantity, and channel stabilization.

No information is provided in the EIS with respect to maintenance plans for storage structures for potable water, non-potable water, sewage or wastewater structures.

**Information request:**

- a) Provide a more detailed description of ongoing maintenance and inspection activities that CN plans to undertake for stormwater management ponds, culverts, and other conveyance and storage structures, including those used for fire suppression, non-potable uses and wastewater. This response should include an expected schedule of these maintenance activities on an annual and multi-year basis.

## 2.39 Channel realignment flows

### Rationale:

In sub-section 6.3.1 of Appendix E.15 of the EIS, CN stated that channel realignment works will predominantly be constructed outside of the existing channels and will be commissioned upon completion of all works to minimize the time period for diversion of flows within the existing channel. However, CN has not provided a description of how these works will proceed. In particular, the length of the time to construct the realignment, and the length of time between construction of the realignment and the introduction of flows to the realigned channel is not clear.

### Information request:

- a) Describe the predicted length of the time for the construction of the realignment, and between construction and the introduction of flows to the realigned channel.

## 2.40 Project water budget

### Rationale:

In sub-section 2.2.3.4 of the EIS, CN concluded that transportation and on-site storage of potable water was the preferred alternative for undertaking the Project. For the non-potable water supply, CN stated it would use a combination of rainwater harvesting/collection and water recycling to meet the needs of the Project for vehicle washing and other non-potable requirements such as landscaping and on-site sewage requirements. Sub-section 3.4.3.3 of the EIS contains a discussion of the sources and location of liquid discharges from the Project, including sewage and stormwater management.

In sub-section 6.4.2 of the EIS, CN discussed changes to groundwater and surface water generally, but does not include a discussion of the anticipated water requirements of the Project.

### Information request:

- a) Provide a detailed water budget for the Project that considers seasonal variability and includes information regarding ranges (i.e., lowest and highest usages) of daily water use; annual use; discharge rates to storage and wastewater facilities, and expected rates of discharge to the environment (e.g. discharge to surface water, ground water, and loss to evaporation).
- b) Describe whether and for what reason there would be any on-site treatment. If so describe types of treatment and volumes treated.

## 2.41 Fire protection water source and management

### Rationale:

In sub-section 3.4.1.5 of the EIS, CN stated that no connection to the municipal water supply is available, and water for fire protection will be stored in a 35,000 gallon steel tank system designated for fire protection at a flow rate of 3,600 litres per minute. The EIS does not provide information on CN's plans to fill these tanks in order to provide fire protection.

**Information request:**

- a) Provide information with respect to the source of the water proposed to fill the 35,000 gallon steel tank system for fire protection, both for the initial filling and ongoing water supply management, if necessary.

## 2.42 Grey water

**Rationale:**

In sub-section 3.4.1.5 of the EIS, CN stated that no connection to the municipal water supply is available, and on-site sanitary sewage containment will be provided by a 10,000-gallon capacity septic tank that will be installed to meet the anticipated wastewater flow of 3,500 gallons per day.

In sub-section 2.2.3.4 of the EIS, sub-section 5.2.3 and Section 5.7 to Appendix B of Appendix E.15, CN stated that rainwater would be collected and would be stored in underground tanks and that the harvested rainwater will be utilized for non-drinking uses including irrigation, wash-water, and grey water systems. In sub-section 2.2.3.4 of the EIS, CN also stated that water generated from washing on-site equipment in the maintenance garage will be collected and treated for re-use as wash water to supplement rainwater and non-potable water supplies.

CN has not described (a) how the grey water system would function, (b) details on how the harvested rainwater and the recycled wash-water will be treated, and (c) whether grey water will be used to meet the wastewater flow or other non-potable water needs for the site.

**Information request:**

- a) Provide additional details on the potential grey water system that CN may use, and clarify the intended end uses of the grey water.
- b) Describe the water treatment for the non-potable water systems, including treatment of the grey water and wash-water recycling. Describe how the potential wash-water recycling system would interact with the rainwater harvesting and grey-water systems described in the EIS. Describe all sources of water that will be recycled.
- c) Clarify whether rainwater harvesting and wash-water recycling are the only source of grey water. Describe any other sources of grey-water and the anticipated amounts that will be generated on a seasonal basis.

## 2.43 Updated map to depict Indian Creek realignment

**Rationale:**

Figure 1 in Appendix A to Appendix E.2 of the EIS depicts the proposed site layout and the legend includes the Indian Creek realignment. However, the realignment is not shown in the figure. Although the proposed realignment is depicted in other sections of the EIS and Appendix E.2, this information is required in appropriate context to understand the relevant details of the proposed Project.

**Information request:**

- a) Provide an update to Figure 1 in Appendix A to Appendix E.2 of the EIS that includes the proposed Indian Creek realignment.

## 2.44 Ultimate potential capacity of the Milton Logistics Hub

**Rationale:**

Throughout the EIS, CN stated that the Project is forecasted to handle approximately 350,000 containers annually at the start of operation and up to 450,000 containers annually at full operation.

As reported in the EIS, CN also operates the Brampton Intermodal Terminal, which handles approximately one million containers per year. In Section 3.1, CN noted that it had undertaken efforts to create additional capacity at the Brampton Intermodal Terminal in 2001 and 2005 which is now reaching capacity.

The potential build-out of the Project, as well as peak traffic flows is unclear. Additional information on the potential ultimate capacity of the Project is required.

**Information Request:**

- a) Generally describe design changes and efficiencies that were applied at the Brampton Intermodal Terminal. Provide an analysis of whether these, or other measures, could be applied to the Project, if market demands require an increase in the capacity of the Project beyond the anticipated maximum of 450,000 containers per year. If so, provide an estimated ultimate capacity of the Project given any improvements that could be undertaken.

## 2.45 Management of non-Project lands owned by CN

**Rationale:**

In Section 1.3 of the EIS, CN stated that the Project will be built on approximately 160 hectares of the 400 hectares of CN-owned land adjacent to CN's existing Halton Subdivision. While CN has presented its plans for the development of the Project, it has not specified which lands are considered in the calculation of the 160 hectares. There is also no information on whether CN plans to develop the remaining 240 hectares of CN-owned land, and if so, the general nature of that development.

**Information request:**

- a) Provide a map that shows the land owned by CN at the South Milton site and also the exact location of the 160 hectares within the property that will constitute the Project.
- b) Describe how CN proposes to manage the remaining 240 hectares of CN-owned land including plans, if applicable, to sell or develop this land.
- c) If CN were to expand the Project in the future, describe what types and size of expansion could occur, and whether such expansion may require an additional environmental assessment or a Canadian Transportation Agency application.