



Impact Assessment
Agency of Canada

Ontario Region
600-55 York Street
Toronto ON M5J 1R7

Agence d'évaluation
d'impact du Canada

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

March 8, 2021

Sent by email

Request for Federal Expert Advice

Jennifer McKay, Environment and Climate Change Canada

Thomas Hoggarth, Fisheries and Oceans Canada

Chantal Roberge, Health Canada

John Clarke, Natural Resources Canada

David Britton, Parks Canada

Vera Haslett, Transport Canada

Dear Colleagues:

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

On February 25, 2021, the Minister of Environment and Climate Change received a request to designate the proposed Erin Wastewater Treatment Plant Project (the Project) under subsection 9(1) of the *Impact Assessment Act* (the IAA).

The designation request from the Coalition for the West Credit River is enclosed (Enclosure 1).

The Proposed Project

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

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

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

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Provincial Process

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

Designation Request

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

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

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

Seeking Federal Authority Advice

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

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

Request 2: Please complete and return the attached Federal Authority Advice Record by **Monday, March 22, 2021**. To facilitate your review of the information beyond the original letter from the requestor (Enclosure 1) and information from the Town of Erin that is publicly available, the Agency has asked the Town of Erin to provide any recent, relevant documents regarding the Project. The Agency will provide you these documents as soon as they are available.

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

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

Important Note: All records produced, collected or received in relation to the designation request process—unless prohibited under the *Access to Information Act* or *Privacy Act*—are considered public and may be released. The Agency's Submission Policy¹ determines which submitted information can be shared publicly, and what should remain private. For further information on how we protect your privacy, please refer to the Privacy Notice.²

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¹ <https://www.iaac-aeic.gc.ca/050/evaluations/participation/conditions>

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

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

Sincerely,

<Original signed by>

Anjala Puvananathan
Director, Ontario Region

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

c.c.: Wesley Plant, Environment and Climate Change Canada
Sara Eddy, Fisheries and Oceans Canada
Jennifer Thomas, Fisheries and Oceans Canada
Kitty Ma, Health Canada
Marie-Eve Lenghan, Natural Resources Canada
Jewel Cunningham, Parks Canada
Erika Taves, Parks Canada
David Zeit, Transport Canada

Enclosure 2 – Federal Authority Advice Record – Designation Request under the IAA – Erin Wastewater Treatment Plant Project

Response due by March 22, 2021

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

1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

If yes, please specify that power, duty or function and its legislative source.

3. If your department or agency will exercise a power or perform a duty or function (including financial assistance) under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

If yes, please specify how public and Indigenous consultation would be undertaken.

4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

Specify as appropriate.

5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

Provide an overview of the information or advice exchanged.

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6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of the IAA?
- Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency?
 - If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?
 - Based on the information provided by the proponent, are the proposed mitigation measures appropriate to address the potential adverse effects?
 - Are there norms that the proponent would be reasonably expected to follow to manage effects (such as standard design features and mitigation, and existing guidance documents)?
- [When responding to these questions, please keep in mind the relevant factors listed in the Operational Guide: [Designating a Project under the Impact Assessment Act - Canada.ca](http://www25.international.gc.ca/iaa-iaa/operational-guide/operational-guide-eng.aspx)]*

Specify as appropriate.

7. Does your department or agency have an oversight mechanism, program or additional authority (or know of any) that may be relevant and could be considered as a potential solution to concerns expressed about the Project?

In particular, consider ways to address any of the following issues that have been raised by the requestor, that fall within your mandate:

- Potential impacts to fish and fish habitat (for instance in the West Credit River and Credit River), including:
 - impacts to Brook Trout and cold water habitat from effluent discharge (such as water temperature increase, dissolved oxygen depletion, ammonia and chloride toxicity);
 - cumulative impacts to Brook Trout and cold water habitat from effluent combined with climate change, population growth and increased groundwater pumping;
 - impacts to reintroduced Atlantic Salmon; and
 - aquatic ecosystems in the Forks of the Credit Provincial Park and UNESCO Niagara Escarpment World Biosphere Reserve;
- Potential impacts to aquatic species at risk and their habitat, including Redside Dace;
- Potential impacts to terrestrial species at risk and migratory birds;
- Potential impacts on social and economic conditions, including related to angling;
- Potential impacts on Indigenous peoples from changes to the environment; and
- Potential cumulative effects, in general.

If yes, please specify the oversight mechanism, program or authority.

8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

If yes, please specify.

9. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

Name of departmental / agency responder

Title of responder

Date