



Izaak Walton
Fly Fishing Club



Trout Unlimited Canada



Greg Clark Chapter

25 May 2021

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House of Commons
Ottawa, Ontario
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The Honourable Catherine McKenna
Minister of Infrastructure and Communities
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The Honourable Bernadette Jordan,
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Re: Designation Request: Reference No: 81434
Proposed Erin Wastewater Plant on Solmar Property - County Road 52 and 10th Line
Recommendation: Indirect Infiltration

Dear Sirs and Madams:

The Coalition for the West Credit River (Coalition) is writing further to our 25 February 2021 Designation Request for the Erin Wastewater Treatment Plant ("Project") to be designated as a Project under subsection 9(1) of the *Impact Assessment Act*. We are presenting a viable option to the current design of simply directing discharge of sewage effluent from the proposed Project into the coldwater ecosystem of the West Credit River.

In consideration of the ecosystem benefits of a healthy West Credit River and its sensitive Brook Trout and Redside Dace population, we are recommending that inground indirect infiltration of the final effluent be seriously considered, as a viable alternative to discharging warm sewage effluent directly into the West Credit River. Discharge of treated effluent by way

of indirect infiltration into the ground with slow percolation into the stream is the best way to ensure that the final effluent reaches the stream as natural and cold groundwater.

Background Information:

We ask for a moment of your patience as we once again review the background of this Project's Municipal Class Environmental Assessment (Class EA) process.

As per our previous correspondence, and as part of our request for an independent federal Impact Assessment, we have numerous serious concerns with the proposed Project and its Environmental Study Report (ESR).

One of the chief concerns is that the Town of Erin and their consultants, Ainley Group and WSP, along with the Ministry of Environment, Conservation and Parks (MECP) and the Credit Valley Conservation (CVC), proposed no special or innovative measures to keep the sewage effluent cool. In the case of this particular Project, it is crucial that special and innovative measures are established to protect these sensitive native Brook Trout and Reside Dace populations and their coldwater West Credit River habitat.

We remain very concerned that the ESR clearly spelled out the danger of discharging large volumes of warm effluent to the West Credit River (7,120,000 litres per day) yet the earlier recommendation of an effluent temperature limit of 19°C did not appear in the final version of the ESR. This specific recommendation was deleted from the final ESR without explanation.

Early on in 2017, the Class EA documents prepared by Erin's engineering consultants, as well as the MECP, MNR and CVC representatives, all agreed that the maximum temperature of the effluent should be no warmer than 19°C (and preferably no warmer than 17°C), and that effluent temperature limits and design objectives should be included in the Environmental Compliance Approval, in order to protect the coldwater habitat of the West Credit River. By 12 June 2018, Tara McKenna, MNR, was the only regulator strongly expressing concerns over stream and effluent temperature, climate change and ammonia speciation; however, this comment letter and Ainley Group's 31 October 2018 response to it were not included in the ESR for public review. We received this correspondence by alternate means.

The only hint of an explanation was in response to Barbara Slattery, MECP's 3 August 2017 comments that "*Effluent temperature should be included as an additional parameter to protect the most productive Brook Trout spawning habitat immediately downstream of the proposed discharge. A compliance limit and a design objective for effluent temperature to protect coldwater fishery downstream should be proposed.*"¹ However, Ainley Group responded to her recommendation with, "*There is no economically feasible means to adjust effluent temperature.*"²

The [23 June 2020 submission by the Ontario Rivers Alliance](#) (ORA) included actual effluent temperature measurements from the nearby Shelburne and Orangeville sewage plants. These plants are similar to what is proposed for Erin and currently produce much warmer effluents (i.e. 22°C). However, the ORA predicts that these effluent temperatures will increase lockstep over time with ever rising air temperatures due to climate change. The ORA predicts these effluent temperatures will rise to as much as 25°C within the coming years. Unfortunately, the only allowance made for climate change was to allow for a 10% reduction in stream flow, but

¹ ESR, Volume 2 of 3, Part 1 – P-253-317, Table H1

² ESR, Volume 2 of 3, Part 1, Table H1 Response to MOECC August 3, 2017, Comments. P-256/317

there was nothing to address the cumulative effects of rising ambient air, ground, ground water and effluent temperatures over time in a warming climate.

There was no clear and traceable reason in the ESR for why the MECP, Town of Erin, CVC (and apparently now WSP), were all convinced that the Project will produce effluent temperatures no warmer than 19°C.

Indirect Infiltration:

One highly viable option to keep the effluent cool, as well as providing extra treatment of the effluent, is to discharge the treated effluent to the groundwater table on the treatment plant site using indirect infiltration. This option would further dilute the effluent with background flow of groundwater flowing north and northeast to the West Credit River.

Effluent infiltration systems have been used elsewhere in Ontario where it was important to protect sensitive receiving streams. For instance, the former Village of Markdale uses indirect infiltration of effluent to protect the Rocky Saugeen River, which is also a sensitive, coldwater Brook Trout habitat. Infiltration of effluent also occurs in Lucknow, located at the headwaters of the Nine Mile River (north of Goderich, Ontario).

We provide three marked up drawings from the ESR for Site 1 (Solmar land) for the proposed Project:

- Figure 1 – Ainley drawing showing the general layout of the treatment plant on a 5 Ha parcel on the overall 39 Ha Solmar Site.
- Figure 2 – Overall drawing of the 39 Ha Solmar site on the northeast side of County Road 52, which also shows the 5 Ha Project site parcel.
- Figure 3 showing the overall area around the 39 Ha Project site including lands on the south side of County Road 52.

In all figures we show the schematic locations of a 200 m by 100 m infiltration zone (2 Ha) that could be used to discharge the treated effluent into the groundwater.

The Option 1 location is immediately northeast of County Rd 52 on the 5 Ha Project site parcel. Option 1 takes advantage of the 200 m long by 100 m wide area that appears to be reserved as setback lands from County Rd 52 and provides no other function at the site. This land is therefore available for a large 2 Ha infiltration bed.

Option 2 is a similar sized infiltration bed located just west of the 5 Ha Project site that would also be suitable for inground disposal of the effluent.

We realize the Option 2 location is not on the limited 5 Ha property acquired by Erin from Solmar but given that Solmar sold the 5 Ha plot of land to Erin for a sum of only \$2.00, we assume Erin could easily buy an additional 2 Ha of land from Solmar for the Option 2 location.

The close relationship between Erin's Mayor and the developer (Solmar) has been extensively covered in our local media. Land deals between the parties appear to easily be negotiated.

This Project, and the Project site, appear to be ideally suited for inground disposal of effluent for the following reasons:

- i) The travel time underground of the infiltrated effluent, especially when mixing underground with groundwater flowing toward the West Credit River, will provide the best guarantee that the effluent will be cooled to normal background groundwater temperatures (i.e. 9°C) by the time it emerges from the ground and first enters the small tributary to the West Credit on the north side of the Solmar property.
- ii) The treated effluent should be ultra-clear water with no solids – due to the membrane treatment provided in the sewage treatment plant. There is therefore virtually no risk of clogging of the infiltration bed or the sands and gravel below with solids over time.
- iii) The treated effluent will have very low nitrate levels as de-nitrification of the sewage plant effluent is proposed. We understand nitrate levels less than 10 mg/l must be maintained in groundwater and the proposed treatment effluent limits indicate nitrate levels in the effluent will be no higher than 5 mg/l.
- iv) The treated effluent, in addition to receiving membrane filtration, will feature UV disinfection – guaranteeing virtually no measurable bacteria or viruses in the effluent.
- v) The geotechnical report for the project identifies the soils below the treatment plant site as being largely sand and gravel. This geology would allow the infiltrated effluent to generally flow straight down until it reaches the groundwater table.
- vi) Inground disposal of effluent would also provide additional treatment and removal of ammonia and phosphorus in the effluent.

We offer the following analysis of feasibility to infiltrate the effluent on site:

- i) As above, the geotechnical report for the treatment plant site indicates the underlying soils are sands and gravels.
- ii) We understand the “T time” for sands and gravels would likely be in the range of 6 min to 12 min per cm. For this analysis, let’s assume the T time is 10 min per cm.
- iii) This means that it takes 10 minutes for a cm depth of water to infiltrate into the ground. This means that 6 cm of water could infiltrate into the ground per hour (60 minutes per hour divided by 10 minutes per cm = 6 cm per hour).
- iv) This means that theoretically, 144 cm (or 1,440 mm) of water could be infiltrated per day (24 hours x 6 cm per hour).
- v) However, there would likely be other cautionary measures to consider as the effluent is infiltrated into the ground, but we think it reasonable to assume that 20 cm (or only 14% of the above) could be infiltrated per day. This is equal to only 8.3 mm per hour.
- vi) To determine necessary infiltration bed area, divide 7,120 cmd by 0.2 m/d. Equal to a land area of 35,600 square meters or just under 4 Ha.
- vii) Alternatively, ground water modelling could show that 40 cm per day could be infiltrated, reducing the infiltration area to 17,800 square meters (1.78 Ha). While 40 cm per day is

significant, it is still only 28% of the daily infiltration rate of 144 cm per day based on a T time of 10 min per cm.

While 4 Ha exceeds the 2 Ha parcels shown in Figures 1, 2 and 3, it simply means that both infiltration areas should be used, or that the effective area for infiltration will spread out to say the 4 Ha below each 2 Ha area. Or the higher application rate of 40 cm per day (point vii) could be justified.

Either way, the very sensitive nature of the receiving stream, the location of the treatment plant site adjacent to the river, the very high quality of effluent proposed (via membrane treatment and denitrification) and the gravel and sandy soils beneath the plant, all point to this particular project being a potential, ideal candidate for a large effluent infiltration system.

ESR Review of Subsurface Discharge:

We appreciate that the ESR did include an evaluation of effluent infiltration as an alternative to direct discharge of the Project effluent to the West Credit River. The particular report (Town of Erin Wastewater Class EA – Subsurface Disposal Alternative – May 2017)³ has been reviewed as part of this submission and we provide the following comments.

In particular, Table 7 of this document summarizes the infiltration land area required for different flow scenarios. However, we take a number of exceptions to this table, and the general analysis completed, as summarized below:

- i) The authors use the formula $L = QT/300$ to first determine the tile length or trench length required. This formula results in extreme lengths of tile which then translates to extremely large land areas required for infiltration.

For instance, at the top of Table 7, the tile or trench length calculated for a flow of 4,750 cmd per day (average effluent flow) from just Erin (excluding effluent flows from Hillsburgh) is calculated to be 95,000 m assuming a T time of 6 and is similarly calculated to be 190,000 m assuming a T time of 12.

These extremely long tile lengths are then used to determine the required, surrounding area of land required to accept the effluent from the tiles for infiltration.

For a tile length of 95,000 m, the required area is 385,670 square meters. For a tile length of 190,000 m, the required area is 771,350 square meters. These land areas are based on a T time of 6 and a T time of 12, respectively.

- ii) These land areas appear to be far, far larger than required. For example, the first land area example above assumes 385,670 square meters of land area is required for a tile length of 95,000 m, a T time of 6 min/cm and for the flow of 4,750 cmd.

If one calculates the daily hydraulic loading of the effluent volume over the land area (4,750 cmd divided by 385,670 square meters), the resulting loading is only 12.3 mm per day – or approximately half of one mm per hour! This compares to the T time of 6 minutes per cm, which is equal to a much higher infiltration rate of 10 cm (100 mm) per hour.

³ *ESR, Volume 2, Appendix B to J, Part 2, Town of Erin Wastewater Class EA Subsurface Disposal Alternative, May 2017, Ainley Group, File No. 115157.*

- iii) The cost of infiltration is therefore presented in the May 2017 report as being incredibly expensive essentially because the calculations presented conclude massive land areas are required.
- iv) The calculations have at their root the initial calculation of tile length ($L = QT/300$). We do not dispute the relevance of this calculation when applied to relatively poor quality septic tank effluents that will have high BOD values and high nutrient values – all of which promote biofilms and bacterial slimes around typical septic tank tiles.
- v) However, in the case of the current proposed Project effluent quality, BOD and nutrients will be very low. Solids, as noted, will be very low due to membranes used in the Project. We feel it would be more appropriate to look at the effluent infiltration opportunity as simply the physical ability to absorb clean water (such as rainwater) falling on the same soils.
- vi) As per the previous section, we feel that a 2 Ha or 4 Ha infiltration bed, using application rates of only 8 to 16 mm per hour, could be reasonably considered for the Project.

The effluent will become part of the groundwater inflow to the West Credit and in doing so becomes an environmental asset compared to an environmental liability when the effluent is simply discharged into the river in a warm state and with very little dilution.

The Mayor of Erin is on record as saying the plant effluent will be good enough to drink. The engineer (WSP) says the effluent will be of the very highest quality...and perhaps one of the best in North America.

As such, all parties continue to guarantee that the effluent is so good there is absolutely no problem with discharging large volumes of the effluent directly to the very small and sensitive West Credit River. If the effluent is good enough to drink, and of the very best quality (other than the fact that the effluent will be warm) then surely it is an ideal candidate to infiltrate into the local groundwater directly on the Project site so it can slowly flow underground into the West Credit River tributary.

We note the lands across the road from County Road 52 are also gravel pit lands and a similar infiltration system could be located there. Overall, many of the adjacent lands near Erin feature existing and/or proposed gravel pits - attesting to the overall favourable geology available on site for inground (infiltrated) disposal of effluent.

Conclusion:

The Coalition submits that the only way to escape damaging thermal impacts of the effluent on the small and sensitive West Credit River is to infiltrate all effluent to the groundwater.

We appreciate that the design of the sewage plant is underway – but the extremely high value of the sensitive West Credit River suggests that a proper solution to this environmental challenge requires a carefully considered and well thought out solution – not a rushed solution done simply to expedite the growth of Erin and favour the wealthy collective of 10 eager land developers.

Afterall, this quote from a Ministry of Environment staff representative during a 2013 LPAT hearing says it all:

“By way of necessary background, the Town of Erin has approached the MOE several times in the past to discuss the potential of a municipal sewage treatment plant that would discharge to the West Credit River. Proposals have not been supported by MOE, due in large part to consideration of the need to protect the high-quality aquatic ecosystem in this branch of the Credit River. This branch of the Credit River provides cold water habitat to one of the few remaining self-sustaining wild brook trout populations in southern Ontario. The Credit River above Inglewood up to the bottom of the Niagara Escarpment World Biosphere Reserve is home to a thriving population of resident brown trout. Rainbow Trout and Atlantic Salmon are also at the Forks Provincial Park. Water quality in this branch of the Credit River is exceptional.”⁴

Therefore, a careful assessment of the feasibility of infiltrating the effluent is in order. We realize the size of the infiltration system is quite large at 7,120 cubic meters per day and is perhaps unprecedented in Ontario; however, so many elements of this Class EA are also unprecedented, being that:

- i) Erin and the MECP all believe they can discharge very large volumes of warm effluent to one of very best remaining coldwater brook trout habitats in Southern Ontario - without damaging this very sensitive ecosystem.
- ii) The province approved a public Class EA process that featured closed door, back-room decision making to eliminate effluent temperature limits in the final ESR and Environmental Compliance Approval, and all without explanation to the public.
- iii) This ESR failed to take into account climate change impacts over time on both the temperature of the treatment plant effluent and on the background temperatures of the West Credit River – even though Class EA standard procedures in 2019 and before required the proponent to consider climate change impacts on the project.
- iv) That Erin features a municipal Council and Mayor with very close ties to land developers that raises serious questions the about arm’s length independence of elected politicians in this case.
- v) The ESR inexplicably didn’t adequately consider the cumulative effects of the Project, i.e., never considered the impact of much greater groundwater pumping to service a population of over 18,000 persons on local groundwater resources. Such increased groundwater pumping for potable water requirements would logically come at the expense of baseflow (summertime low flow) in the West Credit River. If summer stream flows decline due to greatly increased groundwater pumping, and a warming climate, the negative impact of the large volumes of warm effluent on the small West Credit River will be greatly increased.
- vi) The ESR approved by Minister Yurek committed to completing the following:
 1. An Addendum to the ESR: *“In carrying forward two recommended alternatives for the WWTP site through to the final ESR, it is recognized that the municipality will need to prepare an Addendum to this ESR to make a final site selection. The addendum will need to provide details of the events that have occurred and the rationale for making the final location decision”⁵*. A Notice of Addendum, should

⁴ LPAT, Wellington County Hearing Documents, 22 February 2013 letter from Dwayne Evans, Municipal Services Office-Western, Ministry of Municipal Affairs & Housing to Mark Van Patter, County of Wellington Planning and Development. P-174/653.

⁵ ESR, Volume 1 of 3, 13.4.3 Results of the Wastewater Treatment Plant Site Alternative Evaluation. P-139/526.

have also featured public input and review; however, to our knowledge no Addendum was ever filed.

2. An Environmental Management Plan: *“An arborist report of all affected areas will be prepared as part of an overall Environmental Management Plan for the project during the design stage.”*⁶
3. An Arborist Report for all affected areas (see above).
4. An additional Bird Survey: *“Once the exact location is known we propose conducting additional bird surveys in the affected habitat to document whether any species at risk and sensitive species are present (such as Eastern Meadowlark, Bobolink, Savannah Sparrow) and formulate potential mitigation plans should they be required”*⁷. The owner of the Solmar land has already removed and burned a large tract of brush and trees from the land surrounding Project site.
5. An Archaeological Assessment Stage 2: The ESR noted that *“based on the findings of the Stage 1 Archaeological Assessment (Background Research and Property Inspection), the following mitigation measures are required to protect/preserve archaeological interests. A stage 2 archaeological assessment is to be performed on the selected WWTP site 1 (Solmar).”*⁸

Instead of fulfilling its ESR commitments, the Mayor completed his now famous \$2 land deal with a private developer for the 5 Ha parcel of Solmar land for the Project site.

As such, the Coalition’s position is that since no Notice of Addendum was ever filed that the Town of Erin is now out of compliance with its commitments made in the ESR.

Hence the Coalition’s request to the federal Minister of Environment and Climate Change Canada to designate the Erin Wastewater Treatment Plant as a Project under the Impact Assessment Act.

We respectfully recommend that Indirect Infiltration of all sewage effluent be seriously explored as an alternative that would protect the sensitive West Credit River habitat and its resident Brook Trout and Redside Dace.

Designation of this Project would also provide an independent review to address the numerous serious breaches in the level of environmental protection and public and Indigenous consultation that have been the hallmark of this Class EA process right from the Project’s inception.

Respectfully,



Judy Mabee
President, Belfountain Community Organization
Chair, Coalition for the West Credit River

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⁶ *ESR, Volume 2 of 3, Part 2, Hutchinson 11 April 2018 Response to Tara McKenna, Species at Risk, Comment #11, P-234/341.*

⁷ *ESR, Volume 2 of 3, Part 2, Hutchinson 11 April 2018 Response to Tara McKenna, Species at Risk, Comment #14, P-234/341.*

⁸ *ESR, Volume 1 of 3, 14.2 Archaeological, P-172/526.*

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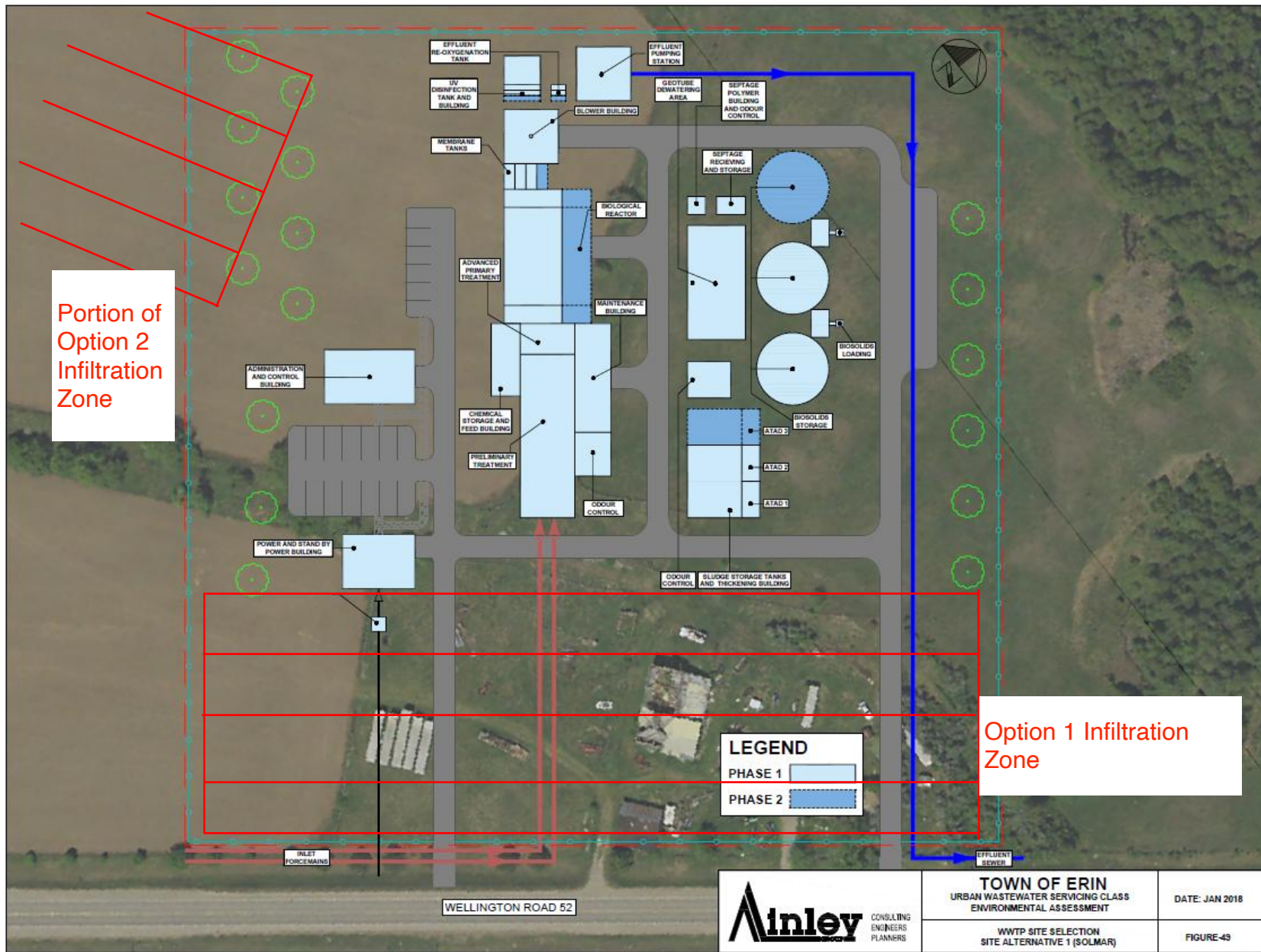


Figure 1 - Approximately 200 m x 100 m Infiltration Zone (option 1 and option 2)



TOWN OF ERIN URBAN WASTEWATER SERVICING CLASS ENVIRONMENTAL ASSESSMENT		DATE: JAN 2018
WWTP SITE SELECTION SITE ALTERNATIVE 1 (SOLMAR)		FIGURE-49

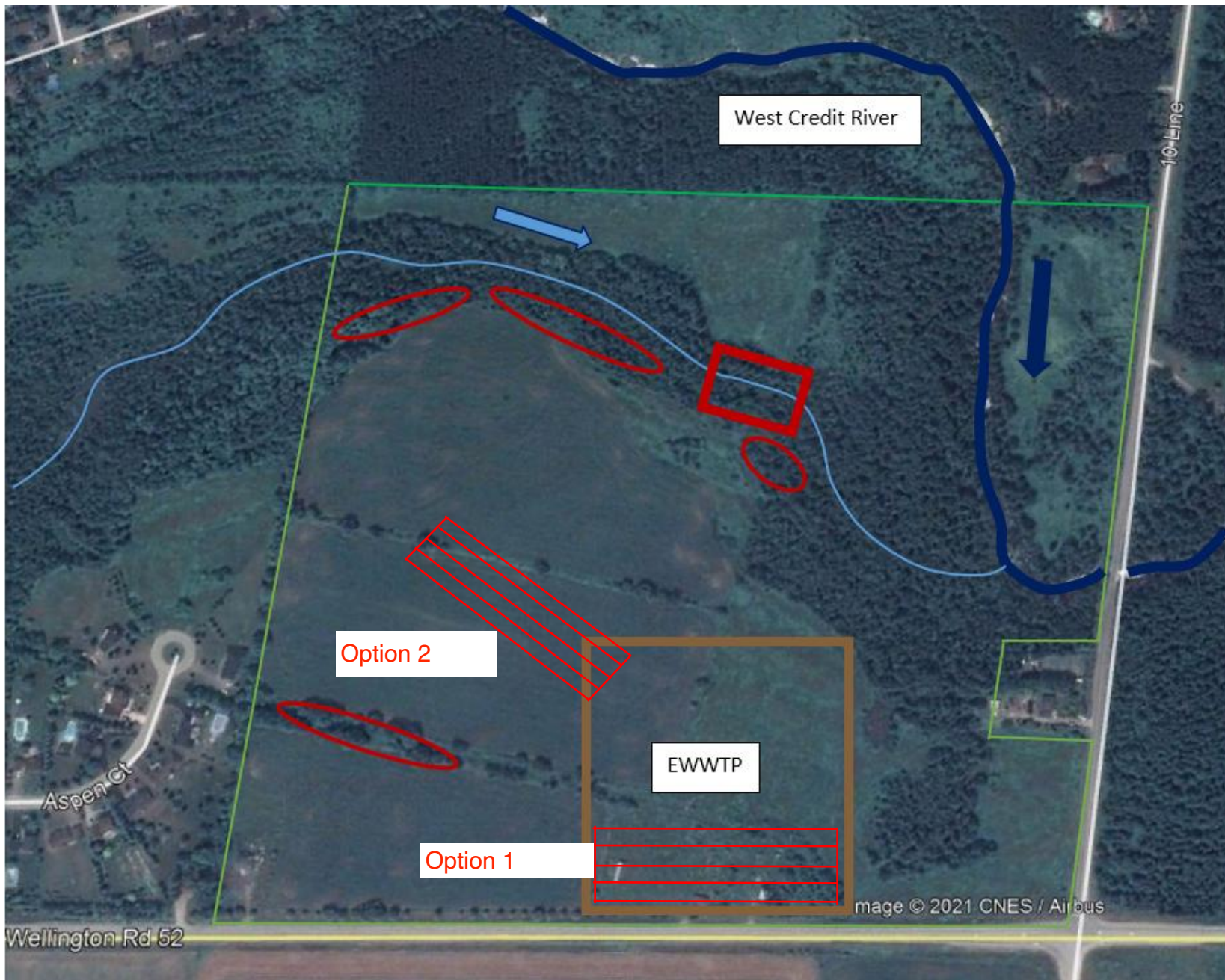


Figure 2 - Option 1 and Option 2
Infiltration zones on or adjacent to Erin WWTTP

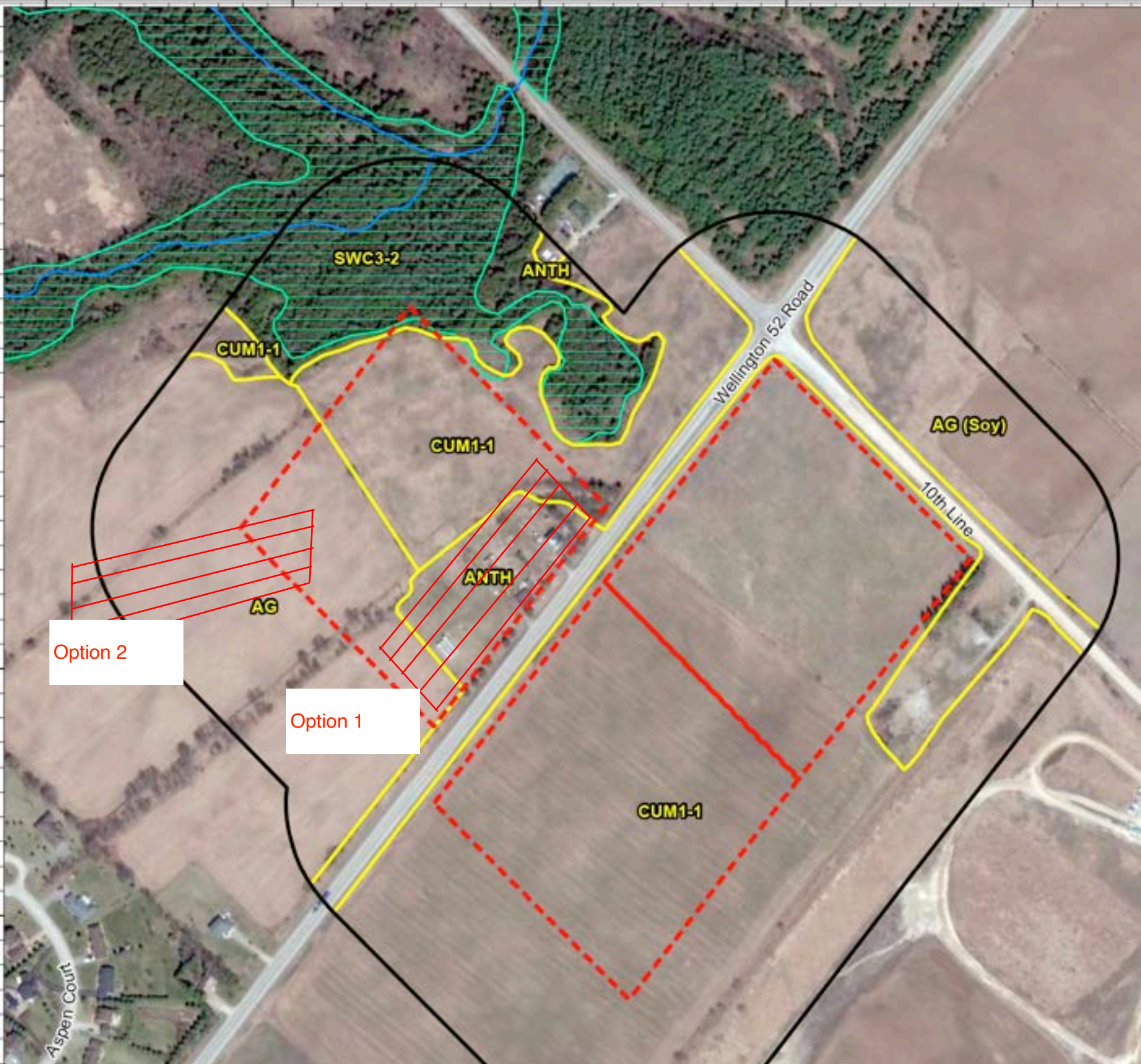
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Option 2

Option 1

Figure 3 - Erin WWTP Site Relative to County Road 52 and the 10th Line