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Greg Clark Chapter

23 July 2021

The Honourable David Piccini  
Minister of Environment, Conservation and Parks  
2<sup>nd</sup> Floor, Macdonald Block  
900 Bay Street  
Toronto, Ontario  
M7A 1N3

By email to: [Minister.MECP@Ontario.ca](mailto:Minister.MECP@Ontario.ca)

Re: Proposed Erin Wastewater Treatment Plant  
Follow-up Commitments in the Environmental Study Report

Dear Minister Piccini:

The Coalition for the West Credit River (Coalition) would first like to congratulate you and wish you all the best in your recent appointment as Minister of Environment, Conservation and Parks.

We are writing with regards to an urgent matter and respectfully request a response by 2 August 2021. The Town of Erin has informed the Coalition that it has put the Erin Wastewater Treatment Plant Project out to tender for construction to three pre-qualified contractors and plans to make a decision on tendering the Project by mid-August. Consequently, time is of the essence, and for this reason the Coalition is concerned that the Town has not yet fulfilled the commitments it made in its Environmental Study Report (ESR).

On 21 May 2021 the Coalition submitted a detailed letter to Joan Del Villar Cuicas<sup>1</sup>, Environmental Resource Planner & EA Coordinator with your Ministry, asking whether the Town of Erin had fulfilled its commitment to issue an Addendum to the ESR since the Project site was officially chosen, as well as questions pertaining to other commitments made in the ESR to be fulfilled once the final project site was chosen. To date, we have had no response to this letter.

### **Background Information:**

#### **Addendum to the ESR**

The final ESR committed to issuing an Addendum to the ESR to rationalize the site selection decision:

*"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."*<sup>2,3</sup>

<sup>1</sup> Correspondence from CWCR to Joan Del Villar Cuicas, Re: Follow-up Commitments to ESR, dated 21 May 2021.

<sup>2</sup> ESR, Volume 1 of 3, 13.4.3 Results of the Wastewater Treatment Plant Site Alternative Evaluation. P-139/526.

<sup>3</sup> ESR, Volume 3 of 3, Part 2, Ainley Consulting Engineers Planners, 6.0 Conclusion and Recommendations. P-89/384.

The site was officially chosen at the Town of Erin's Council Meeting on 18 August 2020. It's Resolution #20-135 stated,

*"Be it resolved that Site 1 as described in the Environmental Study Report prepared by Ainley Group and published in May 2018, be selected as the site for the new Town Wastewater Treatment Plant, and a corresponding Addendum to the Environmental Study Report be completed, as required;..."*<sup>4</sup>

### **Additional ESR Commitments**

The ESR also made additional commitments, that once the final Project site was chosen, the Town of Erin would prepare the following:

- **Environmental Management Plan and Arborist Report:** A review of the 10 April 2018 Ainley response to Tara McKenna's 16 March 2018 comments revealed that *"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"*<sup>5</sup>; however, there is no confirmation or information to indicate that either were ever done.
- **Additional bird surveys:** The ESR stated, *"Site 1 does provide suitable breeding habitat for the area sensitive Savannah Sparrow, and thus qualifies as significant wildlife habitat under the PPS. As such, development and site alteration are only permitted if there will be no negative impacts on the natural features or their ecological functions. Furthermore, Site 1 contained a rare and uncommon plant species (Wild Geranium) and is located next to the West Credit PSW Complex. Appropriate mitigation measures were therefore recommended to ensure no negative effects on species of conservation concern and important natural heritage features in the vicinity"*<sup>6</sup>. *"Eastern Meadowlark was also heard on the west side of Wellington Road 52 within the third proposed WWTP site (Site 1)."*<sup>7</sup>

However, the ESR also stated, *"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"*<sup>8</sup>.

We found no evidence in the ESR that these *"additional bird surveys"* were ever done, and it is unknown whether they were ever completed after Site 1, the Solmar land, was chosen, and before brush was cleared, trees ripped out by the roots and a coldwater tributary to the west credit river was severely damaged by heavy machinery in December of 2020 in and around the study area. Major damage was done to SARs, SARA, migratory birds and/or sensitive species habitats.

- **Archaeological Study:** It has since come to our attention through the federal Designation Request process that the Archaeological Study – Stage 2 mentioned in our letter to Ms. Del Villar Cuicas has been completed.

As a follow-up to our 21 May 2021 letter, Linda Heron, Chair of the Ontario Rivers Alliance and a member of the Coalition, contacted Ms. Del Villar Cuicas by telephone and email on 31 May 2021<sup>9</sup> to determine when we might expect a response and to ask additional questions arising from a 26

<sup>4</sup> 18 August 2020 Town of Erin Council Meeting, 3.2. Resolution # 20-135, P-4/76

<sup>5</sup> ESR, Volume 2 of 3, Part 2, Hutchinson 11 April 2018 Response to Tara McKenna, Species at Risk, Comment #11, P-234/341.

<sup>6</sup> ESR, Volume 2 of 3, Part 2, Natural Environment Report, 4.3.2 Potential WWTP sites, P-162/341.

<sup>7</sup> ESR, Volume 2 of 3, Part 2, Natural Environment Report, 4.3.2 Potential WWTP sites, P-162/341.

<sup>8</sup> ESR, Volume 2 of 3, Part 2, Hutchinson 11 April 2018 Response to Tara McKenna, Species at Risk, Comment #14, P-234/341.

<sup>9</sup> 31 May 2021 email from Linda Heron, Coalition for the West Credit River to Joan Del Villar Cuicas.

May 2021 Impact Assessment Agency of Canada, Minister's decision, on the Coalition's Designation Request.<sup>10</sup> No answers were provided through the telephone conversation, and it is now two months later, and we have not received any response from Ms. Del Villar Cuicas.

On 13 July 2021, Coalition members met with Mayor Allan Alls and Nick Colucci, Town of Erin, and when asked about the status of an Addendum to the ESR, Mr. Colucci responded "*from the best of my knowledge, it was determined that we don't need one because we picked the preferred site. So, from our discussion with MECP, we don't need one.*"<sup>11</sup> When we asked whether any correspondence in the Project file confirmed this waiving of responsibility, Mr. Colucci responded, "*I'm not sure, I'll have to check*"<sup>9</sup>. We have not heard back from Mr. Colucci on this question.

The Mayor also informed the Coalition that the construction tender has been sent out to a short-list of three contractors, and they expect to award the contract for construction of the project by mid-August 2021.

Minister Jeff Yurek's decision letter<sup>12</sup>, sent to the Town of Erin on 29 August 2019, contained the following condition:

*"The Town must ensure the project is implemented in the manner it was developed and designed, as set out in the project documentation, and inclusive of all mitigating measures, commitments and environmental and other provisions therein. Lastly, I would like to ensure that the Town understands that failure to comply with the Act, the provisions of the Municipal Class Environmental Assessment, and failure to implement the project in the manner described in the planning documents, are contraventions of the Act and may result in prosecution under section 38 of the Act."*

The Coalition is requesting an answer to our question of whether the Minister will ensure that the Town of Erin upholds its commitments made in the ESR, to prepare an Addendum to the ESR, as well an Environmental Management Plan, an Arborist Report for all affected areas, and additional bird surveys.

According to the Municipal Class Environmental Assessment,

*"Any significant modification to the project or change in the environmental setting for the project which occurs after the filing of the ESR shall be reviewed by the proponent and an addendum to the ESR shall be written. The addendum shall describe the circumstances necessitating the change, the environmental implications of the change, and what, if anything can and will be done to mitigate any negative environmental impacts. The addendum shall be filed with the ESR and Notice of Filing of Addendum (see Sample Notice, Appendix 6) shall be given immediately to all potentially affected members of the public and review agencies as well as those who were notified in the preparation of the original ESR. It should be made clear to review agencies and the public that when an Addendum to an ESR is issued, only the items in the addendum (i.e. the changes) are open for review, i.e. only the proposed changes to the recommended undertaking are open for review..."*

*A period of 30 days following the issue of the Notice of Filing of Addendum shall be allowed for review and response by affected parties... During the 30-day addendum review period, no work shall be undertaken that will adversely affect the matter under review. Furthermore, where implementation of a project has already commenced, those portions of the project*

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<sup>10</sup> Minister's Decision and Analysis Report. Whether to Designate the Erin Wastewater Treatment Plant Project in Ontario pursuant to The Impact Assessment Act, May 2021.

<sup>11</sup> Taped recording of 13 July 2021 Meeting between Coalition members, Mayor Alls and Nick Colucci (48:00 min.)

<sup>12</sup> Minister Jeff Yurek's decision letter to the Town of Erin on Part II Order requests for Erin WWTP, dated 29 August 2019.

*which are the subject of the addendum, or have the potential to be directly affected by the proposed change, shall cease and shall not be reactivated until the termination of the review period.”<sup>13</sup>*

If we have not received a response by end of day on 2 August 2021, the Coalition will consider and pursue other options under Ontario’s environmental laws in relation to this matter.

Respectfully,



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

Cc: Joan Del Villar Cuicas, MECP - Joan.DelVillarCuicas@ontario.ca  
Mayor Allan Ails - Allan.Ails@Erin.ca  
Town of Erin Council - Council@Erin.ca  
Nick Colucci, Director of Infrastructure Services – Nick.Colucci@Erin.ca

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<sup>13</sup> Municipal Class Environmental Assessment, Section A.4.3. Revisions and Addenda to Environmental Study Report, Filing of an Addendum, Change in Project or Environment.