

Ministry of the Environment,  
Conservation and Parks

Ministère de l'Environnement, de  
la Protection de la nature et des Parcs

Central Region

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July 31, 2019

File No.: EA 01-06-02

Luis Carvalho (BY EMAIL ONLY)  
Project Manager  
York Region  
17250 Yonge Street  
Newmarket ON L3Y 6Z1

Re: **Mount Albert Water Supply Upgrades  
York Region  
Municipal Class EA – Schedule B, water  
Response to Notice of Commencement**

Dear Mr. Carvalho,

This letter is in response to the Notice of Commencement for the above noted project. The Ministry of the Environment, Conservation and Parks (MECP) acknowledges that York Region has indicated that the study is following the approved environmental planning process for a Schedule B project under the Municipal Class Environmental Assessment (Class EA).

The attached "Areas of Interest" document provides guidance regarding the ministry's interests with respect to the Class EA process. Please identify the areas of interest which are applicable to the project and ensure they are addressed. Proponents who address all of the applicable areas of interest can minimize potential delays to the project schedule

The Crown has a legal duty to consult Aboriginal communities when it has knowledge, real or constructive, of the existence or potential existence of an Aboriginal or treaty right and contemplates conduct that may adversely impact that right. Before the proponent may proceed with this project, the Crown must ensure that its duty to consult has been fulfilled, where such a duty is triggered. Although the duty to consult with Aboriginal peoples is a duty of the Crown, the Crown may delegate procedural aspects of this duty to project proponents while retaining oversight of the consultation process.

The proposed project may have the potential to affect Aboriginal or treaty rights protected under Section 35 of Canada's *Constitution Act 1982*. Where the Crown's duty to consult is triggered in relation to the proposed project, **the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter**. The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Based on information provided to date and the Crown`s preliminary assessment the proponent is required to consult with the following communities who have been identified as potentially affected by the proposed project:

- Chippewas of Georgina Island
- Chippewas of Mnjikaning (Chippewas of Rama First Nation)
- Beausoleil First Nation
- Huron-Wendat Nation, if there are potential archeological impacts
- Métis Nation of Ontario - Georgian Bay Métis Community Council
  - o Please cc Métis Nation of Ontario (MNO) on any correspondence going to the Council

Nothing in the above guidance should prevent York Region from reaching out to share information on this study with other Indigenous communities and organizations if they choose. Please be aware that the above community list may change as new information becomes available on project impacts and/or communities' areas of interest.

Steps that the proponent may need to take in relation to Aboriginal consultation for the proposed project are outlined in the "Code of Practice for Consultation in Ontario's Environmental Assessment Process" which can be found at the following link: <https://www.ontario.ca/document/consultation-ontarios-environmental-assessment-process>

Additional information related to Ontario's Environmental Assessment Act is available online at: [www.ontario.ca/environmentalassessments](http://www.ontario.ca/environmentalassessments)

Please also refer to the attached document "A Proponent's Introduction to the Delegation of Procedural Aspects of consultation with Aboriginal Communities" for further information.

The proponent must contact the Director of Environmental Assessment and Permissions Branch under the following circumstances subsequent to initial discussions with the communities identified by MECP:

- Aboriginal or treaty rights impacts are identified to the proponent by the communities;
- The proponent has reason to believe that the proposed project may adversely affect an Aboriginal or treaty right;
- Consultation has reached an impasse;
- A Part II Order request or elevation request is expected.

The Director can be notified either by email, mail or fax using the information provided below:

<b>Email:</b>	enviropermissions@ontario.ca Subject: Potential Duty to Consult
<b>Fax:</b>	416-314-8452
<b>Address:</b>	Environmental Assessment and Permissions Branch 135 St. Clair Avenue West, 1 <sup>st</sup> Floor Toronto, ON, M4V 1P5

The MECP will then assess the extent of any Crown duty to consult for the circumstances and will consider whether additional steps should be taken, including what role the proponent will be asked to play should additional steps and activities be required.

**A Part II Order Request Form** must be used to request a Part II Order. The Part II Order Request Form is available online on the Forms Repository website (<http://www.forms.ssb.gov.on.ca/>) by searching "Part II Order" or "012-2206E" (the form ID number). Please include reference to this in the Notice of Completion for this project.

Please note that there is a new long-term temporary address for the Minister of the Environment, Conservation and Parks. The new address is as follows:

Office of the Minister of the Environment, Conservation and Parks  
777 Bay Street, 5th Floor  
Toronto ON M7A 2J3  
Tel.: 416-314-6790  
[minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)

**A draft copy of the Project File should be sent to this office prior to the filing of the final report, allowing a minimum of 30 days for the ministry's technical reviewers to provide comments. Please also forward the Notice of Completion and final Project File to me when completed.**

Should you or any members of your project team have any questions regarding the material above, please contact me at [emilee.oleary@ontario.ca](mailto:emilee.oleary@ontario.ca) or 416-326-3469.

Yours truly,



Emilee O'Leary  
Regional Environmental Assessment Coordinator  
Air, Pesticides and Environmental Planning

cc: Paul Martin, Supervisor, Technical Support Section, MECP  
Celeste Dugas, Manager, York Durham District Office, MECP  
Tessa Villeneuve, Supervisor, Water Compliance Unit, Toronto York Durham District Office, MECP

Central Region EA File  
A & P File

Attach: Areas of Interest  
A Proponent's Introduction to the Delegation of Procedural Aspects of consultation with  
Aboriginal Communities

## AREAS OF INTEREST

*It is suggested that you check off each applicable area after you have considered / addressed it.*

### **Species at Risk**

- The Ministry of the Environment, Conservation and Parks has now assumed responsibility of Ontario's Species at Risk program. For any questions related to subsequent permit requirements, you may contact SAROntario@ontario.ca.

### **Planning and Policy**

- Ontario has released "A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)" which replaces the "Growth Plan for the Greater Golden Horseshoe (2017)". More information, including the Plan, is found here: <https://www.placestogrow.ca/>.
- Parts of the study area may be subject to [the A Place to Grow: Growth Plan for the Greater Golden Horseshoe \(2019\)](#), [Oak Ridges Moraine Conservation Plan \(2017\)](#), [Niagara Escarpment Plan \(2017\)](#), [Greenbelt Plan \(2017\)](#) or [Lake Simcoe Protection Plan \(2014\)](#). Applicable policies should be referenced in the Project File/ESR, and the proponent should describe how the proposed study adheres to the relevant policies in these plans.
- The [Provincial Policy Statement \(2014\)](#) contains policies that protect Ontario's natural heritage and water resources. Applicable policies should be referenced in the Project File/ESR, and the proponent should describe how this proposed project is consistent with these policies.

### **Source Water Protection (all projects)**

The Clean Water Act, 2006 (CWA) aims to protect existing and future sources of drinking water. To achieve this, several types of vulnerable areas are delineated around surface water intakes and wellheads for every municipal residential drinking water system that is located in a source protection area. These vulnerable areas are known as a Wellhead Protection Areas (WHPAs) and surface water Intake Protection Zones (IPZs). Other vulnerable areas that can be delineated under the CWA for municipal drinking water systems include Event-based modelling areas (EBAs), and Issues Contributing Areas (ICAs).

Per the recent amendments to the Municipal Engineers Association (MEA) Class EA parent document approved October 2015, proponents undertaking a Municipal Class EA project must identify early in the process whether a project is occurring within a source water protection vulnerable area. This must be clearly documented in a Report. Given this requirement, the proponent should include a section in the project file or environmental study report on source water protection. Specifically, the proponent should identify the source protection area and should discuss whether or not the project is located in a vulnerable area or has the potential to change or creates new vulnerable areas, and provide applicable details about the area.

MEA Class EA projects may also include activities that, if located in a vulnerable area, may be considered a threat to sources of drinking water (i.e. have the potential to adversely affect the quality or quantity of drinking water sources) and could be subject to policies in a source protection plan. Where an activity poses a risk to drinking water, policies in the local source protection plan may impact how or where that activity is undertaken. Policies may prohibit certain activities, or they may require risk management measures for these activities. Municipal Official Plans, planning decisions, Municipal Class EA projects (where a project includes a drinking water risk) and prescribed instruments must conform with policies that address significant risks to drinking water and must have regard for policies that address moderate or low risks.

\*Proponents that are proposing drinking water projects that expand the use of existing, or intend to develop a new source of municipal drinking water, should also be aware that the project may result in the delineation of new, or require the amendment of existing, WHPAs / IPZ and other vulnerable areas. In addition, the completion of other technical work to assess source water vulnerability scores within the new or expanded vulnerable areas may be necessary. **This technical work should be completed during the EA to inform the study and be documented in the EA report.** Further, the addition of new or amendment of existing WHPAs /IPZ and other vulnerable areas may result in the development/extension of source protection policies to areas where they previously did not apply. **If source protection plan policies may apply to new geographic areas as a result of any of the alternatives considered in a Class EA project, this information should be documented and used to inform sections of the project file or environmental study report, such as the identification of net positive/ negative effects of alternatives, mitigation measures, evaluation of alternatives etc. The proponent should also consult with affected land owners about the impacts of the project as it relates to any new source protection plan policies that may apply to them.**

**\*For assistance in determining whether the proposed project will require new technical work and potentially require amendments to the source protection plan for this area please contact the Project Manager for Drinking Water Source Protection at the local source protection authority.** The source protection authority can also provide you with assistance in determining whether an activity associated with the construction or operation of the project may be considered to be a drinking water threat as per the CWA and will be able to help determine whether there are policies in the source protection plan that may apply. **The contact for this project is Bill Thompson at B.Thompson@lsrca.on.ca. Please document the results of that consultation within the Project File and include all communication documents/correspondence.**

#### More Information

For more information on the Clean Water Act, source protection areas and plans, including specific Information on the vulnerable areas and drinking water threats, please refer to Conservation Ontario's website where you will also find links to the local source protection plan/assessment report.

A list of the prescribed drinking water threats can be found in section 1.1 of Ontario Regulation 287/07 made under the Clean Water Act. In addition to prescribed drinking water threats, some source protection plans may include policies to address additional "local" threat activities, as approved by the MOECC.

#### **Climate Change**

A guide has now been finalized: "Considering Climate Change in the Environmental Assessment Process" (Guide), which is found online at: <https://www.ontario.ca/page/considering-climate-change-environmental-assessment-process>

The Guide is now a part of the Environmental Assessment program's Guides and Codes of Practice. The Guide sets out the ministry's expectation for considering climate change in the preparation, execution and documentation of environmental assessment studies and processes. The guide provides examples, approaches, resources, and references to assist proponents with consideration of climate change in EA. Please review this Guide in detail.

• We expect proponents to:

1. Take into account during the assessment of alternative solutions and alternative designs, the following:
  - a. the project's expected production of greenhouse gas emissions and impacts on carbon sinks (climate change mitigation); and
  - b. resilience or vulnerability of the undertaking to changing climatic conditions (climate change adaptation).

2. Include a discrete section in the Project File/ESR detailing how climate change was considered in the EA.

How climate change is considered can be qualitative or quantitative in nature, and should be scaled to the project's level of environmental effect. In all instances, both a project's impacts on climate change (mitigation) and impacts of climate change on a project (adaptation) should be considered. **Please ensure climate change is considered in the report.**

- The ministry has also prepared another guide to support provincial land use planning direction related to the completion of energy and emission plans. The "[Community Emissions Reduction Planning: A Guide for Municipalities](#)" document is designed to educate stakeholders on the municipal opportunities to reduce energy and greenhouse gas emissions, and to provide guidance on methods and techniques to incorporate consideration of energy and greenhouse gas emissions into municipal activities of all types. We encourage you to review the Guide for information.

#### □ Air Quality, Dust and Noise

- If there are sensitive receptors in the surrounding area of this project, a quantitative air quality/odour impact assessment will be useful to evaluate alternatives, determine impacts and identify appropriate mitigation measures. The scope of the assessment can be determined based on the potential effects of the proposed alternatives, and typically includes source and receptor characterization and a quantification of local air quality impacts on the sensitive receptors and the environment in the study area. The assessment will compare to all applicable standards or guidelines for all contaminants of concern. A quantitative study is not required for this project.
- If a quantitative Air Quality Impact Assessment is not required for the project, the Project File/ESR should still contain:
  - A discussion of local air quality including existing activities/sources that significantly impact local air quality and how the project may impact existing conditions;
  - A discussion of the nearby sensitive receptors and the project's potential air quality impacts on present and future sensitive receptors;
  - A discussion of local air quality impacts that could arise from this project during both construction and operation; and
  - A discussion of potential mitigation measures.
- Assessments for NO<sub>x</sub> emissions from diesel generators are required for permitting of municipal residential water systems. If the new pumping station will have a diesel generator system for standby power, please include the NO<sub>x</sub> POI assessment as supporting documentation for the EA.
- As a common practice, "air quality" should be used as an evaluation criterion for all road projects.
- Dust and noise control measures should be addressed and included in the construction plans to ensure that nearby residential and other sensitive land uses within the study area are not adversely affected during construction activities.
- The ministry recommends that non-chloride dust-suppressants be applied. For a comprehensive list of fugitive dust prevention and control measures that could be applied, refer to *Cheminfo Services Inc. Best Practices for the Reduction of Air Emissions from Construction and Demolition Activities*. Report prepared for Environment Canada. March 2005. <http://www.bv.transports.gouv.qc.ca/mono/1173259.pdf>
- The Project File/ESR should consider the potential impacts of increased noise levels during the operation of the completed project. The proponent should explore all potential measures to mitigate significant noise impacts during the assessment of alternatives.

## □ Ecosystem Protection and Restoration

- Any impacts to ecosystem form and function must be avoided where possible. The Project File/ESR should describe any proposed mitigation measures and how project planning will protect and enhance the local ecosystem.
- All natural heritage features should be identified and described in detail to assess potential impacts and to develop appropriate mitigation measures. The following sensitive environmental features may be located within or adjacent to the study area:
  - Areas of Natural and Scientific Interest (ANSIs)
  - Rare Species of flora or fauna
  - Watercourses
  - Wetlands
  - Woodlots

We recommend consulting with the Ministry of Natural Resources and Forestry (MNR), Fisheries and Oceans Canada (DFO) and your local conservation authority to determine if special measures or additional studies will be necessary to preserve and protect these sensitive features. In addition, you may consider the provisions of the Rouge Park Management Plan if applicable.

## □ Surface Water

- The Project File/ESR must include a sufficient level of information to demonstrate that there will be no negative impacts on the natural features or ecological functions of any watercourses within the study area. Measures should be included in the planning and design process to ensure that any impacts to watercourses from construction or operational activities (e.g. spills, erosion, pollution) are mitigated as part of the proposed undertaking.
- Additional stormwater runoff from new pavement can impact receiving watercourses and flood conditions. Quality and quantity control measures to treat stormwater runoff should be considered for all new impervious areas and, where possible, existing surfaces. The ministry's [Stormwater Management Planning and Design Manual \(2003\)](#) should be referenced in the Project File/ESR and utilized when designing stormwater control methods. **A Stormwater Management Plan should be prepared as part of the Class EA process** that includes:
  - Strategies to address potential water quantity and erosion impacts related to stormwater draining into streams or other sensitive environmental features, and to ensure that adequate (enhanced) water quality is maintained
  - Watershed information, drainage conditions, and other relevant background information
  - Future drainage conditions, stormwater management options, information on erosion and sediment control during construction, and other details of the proposed works
  - Information on maintenance and monitoring commitments.
- Ontario Regulation 60/08 under the Ontario Water Resources Act (OWRA) applies to the Lake Simcoe Basin, which encompasses Lake Simcoe and the lands from which surface water drains into Lake Simcoe. If the proposed sewage treatment plant is listed in Table 1 of the regulation, the Project File/ESR should describe how the proposed project and its mitigation measures are consistent with the requirements of this regulation and the OWRA.
- Any potential approval requirements for surface water taking or discharge should be identified in the Project File/ESR. In particular, a Permit to Take Water (PTTW) under the OWRA will be required for any water takings that exceed 50,000 L/day, with the exception of certain water taking activities that have been prescribed by the Water Taking EASR Regulation – *O. Reg. 63/16*. These prescribed water-taking activities require registration in the EASR instead of a PTTW. Please review the [Water Taking User Guide for EASR](#) for more information. Additionally, an Environmental Compliance Approval under the OWRA is required for municipal stormwater management works.

## □ Groundwater

- The status of, and potential impacts to any well water supplies should be addressed. If the project involves groundwater takings or changes to drainage patterns, the quantity and quality of groundwater may be affected due to drawdown effects or the redirection of existing contamination flows. In addition, project activities may infringe on existing wells such that they must be reconstructed or sealed and abandoned. Appropriate information to define existing groundwater conditions should be included in the Project File/ESR.
- If the potential construction or decommissioning of water wells is identified as an issue, the Project File/ESR should refer to Ontario Regulation 903, Wells, under the OWRA.
- Potential impacts to groundwater-dependent natural features should be addressed. Any changes to groundwater flow or quality from groundwater taking may interfere with the ecological processes of streams, wetlands or other surficial features. In addition, discharging contaminated or high volumes of groundwater to these features may have direct impacts on their function. Any potential effects should be identified, and appropriate mitigation measures should be recommended. The level of detail required will be dependent on the significance of the potential impacts.
- Any potential approval requirements for groundwater taking or discharge should be identified in the Project File/ESR. In particular, a Permit to Take Water (PTTW) under the OWRA will be required for any water takings that exceed 50,000 L/day, with the exception of certain water taking activities that have been prescribed by the Water Taking EASR Regulation – *O. Reg. 63/16*. These prescribed water-taking activities require registration in the EASR instead of a PTTW. Please review the [Water Taking User Guide for EASR](#) for more information.

## □ Contaminated Soils

- Since the removal or movement of soils may be required, appropriate tests to determine contaminant levels from previous land uses or dumping should be undertaken. If the soils are contaminated, you must determine how and where they are to be disposed of, consistent with *Part XV.1 of the Environmental Protection Act (EPA)* and Ontario Regulation 153/04, Records of Site Condition, which details the new requirements related to site assessment and clean up. Please contact the ministry's District Offices for further consultation if contaminated sites are present.
- Any current or historical waste disposal sites should be identified in the Project File/ESR. The status of these sites should be determined to confirm whether approval pursuant to Section 46 of the EPA may be required for land uses on former disposal sites.
- The location of any underground storage tanks should be investigated in the Project File/ESR. Measures should be identified to ensure the integrity of these tanks and to ensure an appropriate response in the event of a spill. The ministry's Spills Action Centre must be contacted in such an event.
- The Project File/ESR should identify any underground transmission lines in the study area. The owners should be consulted to avoid impacts to this infrastructure, including potential spills.

## □ Excess Materials Management

- Activities involving the management of excess soil should be completed in accordance with the MECP's current guidance document titled "Management of Excess Soil – A Guide for Best Management Practices" (2014) available online (<http://www.ontario.ca/document/management-excess-soil-guide-best-management-practices>).
- All waste generated during construction must be disposed of in accordance with ministry requirements.



## □ Servicing and Facilities

- Any facility that releases emissions to the atmosphere, discharges contaminants to ground or surface water, provides potable water supplies, or stores, transports or disposes of waste must have an Environmental Compliance Approval (ECA) before it can operate lawfully. Please consult with the Environmental Assessment and Permissions Branch to determine whether a new or amended ECA will be required for any proposed infrastructure.
- We recommend referring to the ministry's "D-Series" guidelines – Land Use Compatibility to ensure that any potential land use conflicts are considered when planning for any infrastructure or facilities related to wastewater, pipelines, landfills or industrial uses.

## □ Mitigation and Monitoring

Contractors must be made aware of all environmental considerations so that all environmental standards and commitments for both construction and operation are met. Mitigation measures should be clearly referenced in the Project File/ESR and regularly monitored during the construction stage of the project. In addition, we encourage proponents to conduct post-construction monitoring to ensure all mitigation measures have been effective and are functioning properly.

- Design and construction reports and plans should be based on a best management approach that centres on the prevention of impacts, protection of the existing environment, and opportunities for rehabilitation and enhancement of any impacted areas.
- The proponent's construction and post-construction monitoring plans must be documented in the Project File/ESR, as outlined in Section A.2.5 and A.4.1 of the MEA Class EA parent document.

## □ Consultation

- The Project File/ESR must demonstrate how the consultation provisions of the Class EA have been fulfilled, including documentation of all stakeholder consultation efforts undertaken during the planning process. This includes a discussion in the Project File/ESR that identifies concerns that were raised and **describes how they have been addressed by the proponent** throughout the planning process. The Class EA also directs proponents to include copies of comments submitted on the project by interested stakeholders, and the proponent's responses to these comments.

## □ Class EA Process

- The Project File/ESR should provide clear and complete documentation of the planning process in order to allow for transparency in decision-making.
- If this project is a Master Plan: there are several different approaches that can be used to conduct a Master Plan, examples of which are outlined in Appendix 4 of the Class EA. The Master Plan should clearly indicate the selected approach for conducting the plan, in particular by identifying whether the levels of assessment, consultation and documentation are sufficient to fulfill the requirements for Schedule B or C projects. Please note that any Schedule B or C projects identified in the plan would be subject to Part II Order Requests under the *Environmental Assessment Act* (EAA), although the plan itself would not be.
- The Class EA requires the consideration of the effects of each alternative on all aspects of the environment. The Project File/ESR should include a level of detail (e.g. hydrogeological investigations, terrestrial and aquatic assessments) such that all potential impacts can be identified and appropriate mitigation measures can be developed. Any supporting studies conducted during the Class EA process should be referenced and included as part of the Project File/ESR.

- Please include in the Project File/ESR a list of all subsequent permits or approvals that may be required for the implementation of the preferred alternative, including but not limited to, MECP's PTTW, EASR Registrations and ECAs, conservation authority permits, species at risk permits, and approvals under the *Canadian Environmental Assessment Act* (CEAA).
- Ministry guidelines and other information related to the issues above are available at <http://www.ontario.ca/environment-and-energy/environment-and-energy>. We encourage you to review all the available guides and to reference any relevant information in the Project File/ESR.

## A PROPONENT'S INTRODUCTION TO THE DELEGATION OF PROCEDURAL ASPECTS OF CONSULTATION WITH ABORIGINAL COMMUNITIES

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### DEFINITIONS

The following definitions are specific to this document and may not apply in other contexts:

**Aboriginal communities** – the First Nation or Métis communities identified by the Crown for the purpose of consultation.

**Consultation** – the Crown's legal obligation to consult when the Crown has knowledge of an established or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. This is the type of consultation required pursuant to s. 35 of the *Constitution Act, 1982*. Note that this definition does not include consultation with Aboriginal communities for other reasons, such as regulatory requirements.

**Crown** – the Ontario Crown, acting through a particular ministry or ministries.

**Procedural aspects of consultation** – those portions of consultation related to the process of consultation, such as notifying an Aboriginal community about a project, providing information about the potential impacts of a project, responding to concerns raised by an Aboriginal community and proposing changes to the project to avoid negative impacts.

**Proponent** – the person or entity that wants to undertake a project and requires an Ontario Crown decision or approval for the project.

### I. PURPOSE

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that may adversely impact that right. In outlining a framework for the duty to consult, the Supreme Court of Canada has stated that the Crown may delegate procedural aspects of consultation to third parties. This document provides general information about the Ontario Crown's approach to delegation of the procedural aspects of consultation to proponents.

This document is not intended to instruct a proponent about an individual project, and it does not constitute legal advice.

## **II. WHY IS IT NECESSARY TO CONSULT WITH ABORIGINAL COMMUNITIES?**

The objective of the modern law of Aboriginal and treaty rights is the *reconciliation* of Aboriginal peoples and non-Aboriginal peoples and their respective rights, claims and interests. Consultation is an important component of the reconciliation process.

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. For example, the Crown's duty to consult is triggered when it considers issuing a permit, authorization or approval for a project which has the potential to adversely impact an Aboriginal right, such as the right to hunt, fish, or trap in a particular area.

The scope of consultation required in particular circumstances ranges across a spectrum depending on both the nature of the asserted or established right and the seriousness of the potential adverse impacts on that right.

Depending on the particular circumstances, the Crown may also need to take steps to accommodate the potentially impacted Aboriginal or treaty right. For example, the Crown may be required to avoid or minimize the potential adverse impacts of the project.

## **III. THE CROWN'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS**

The Crown has the responsibility for ensuring that the duty to consult, and accommodate where appropriate, is met. However, the Crown may delegate the procedural aspects of consultation to a proponent.

There are different ways in which the Crown may delegate the procedural aspects of consultation to a proponent, including through a letter, a memorandum of understanding, legislation, regulation, policy and codes of practice.

If the Crown decides to delegate procedural aspects of consultation, the Crown will generally:

- Ensure that the delegation of procedural aspects of consultation and the responsibilities of the proponent are clearly communicated to the proponent;
- Identify which Aboriginal communities must be consulted;
- Provide contact information for the Aboriginal communities;
- Revise, as necessary, the list of Aboriginal communities to be consulted as new information becomes available and is assessed by the Crown;
- Assess the scope of consultation owed to the Aboriginal communities;
- Maintain appropriate oversight of the actions taken by the proponent in fulfilling the procedural aspects of consultation;
- Assess the adequacy of consultation that is undertaken and any accommodation that may be required;
- Provide a contact within any responsible ministry in case issues arise that require direction from the Crown; and
- Participate in the consultation process as necessary and as determined by the Crown.

#### **IV. THE PROPONENT'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS**

Where aspects of the consultation process have been delegated to a proponent, the Crown, in meeting its duty to consult, will rely on the proponent's consultation activities and documentation of those activities. The consultation process informs the Crown's decision of whether or not to approve a proposed project or activity.

A proponent's role and responsibilities will vary depending on a variety of factors including the extent of consultation required in the circumstance and the procedural aspects of consultation the Crown has delegated to it. Proponents are often in a better position than the Crown to discuss a project and its potential impacts with Aboriginal communities and to determine ways to avoid or minimize the adverse impacts of a project.

A proponent can raise issues or questions with the Crown at any time during the consultation process. If issues or concerns arise during the consultation that cannot be addressed by the proponent, the proponent should contact the Crown.

##### **a) What might a proponent be required to do in carrying out the procedural aspects of consultation?**

Where the Crown delegates procedural aspects of consultation, it is often the proponent's responsibility to provide notice of the proposed project to the identified Aboriginal communities. The notice should indicate that the Crown has delegated the procedural aspects of consultation to the proponent and should include the following information:

- a description of the proposed project or activity;
- mapping;
- proposed timelines;
- details regarding anticipated environmental and other impacts;
- details regarding opportunities to comment; and
- any changes to the proposed project that have been made for seasonal conditions or other factors, where relevant.

Proponents should provide enough information and time to allow Aboriginal communities to provide meaningful feedback regarding the potential impacts of the project. Depending on the nature of consultation required for a project, a proponent also may be required to:

- provide the Crown with copies of any consultation plans prepared and an opportunity to review and comment;
- ensure that any necessary follow-up discussions with Aboriginal communities take place in a timely manner, including to confirm receipt of information, share and update information and to address questions or concerns that may arise;
- as appropriate, discuss with Aboriginal communities potential mitigation measures and/or changes to the project in response to concerns raised by Aboriginal communities;
- use language that is accessible and not overly technical, and translate material into Aboriginal languages where requested or appropriate;

- bear the reasonable costs associated with the consultation process such as, but not limited to, meeting hall rental, meal costs, document translation(s), or to address technical & capacity issues;
- provide the Crown with all the details about potential impacts on established or asserted Aboriginal or treaty rights, how these concerns have been considered and addressed by the proponent and the Aboriginal communities and any steps taken to mitigate the potential impacts;
- provide the Crown with complete and accurate documentation from these meetings and communications; and
- notify the Crown immediately if an Aboriginal community not identified by the Crown approaches the proponent seeking consultation opportunities.

## **b) What documentation and reporting does the Crown need from the proponent?**

Proponents should keep records of all communications with the Aboriginal communities involved in the consultation process and any information provided to these Aboriginal communities.

As the Crown is required to assess the adequacy of consultation, it needs documentation to satisfy itself that the proponent has fulfilled the procedural aspects of consultation delegated to it. The documentation required would typically include:

- the date of meetings, the agendas, any materials distributed, those in attendance and copies of any minutes prepared;
- the description of the proposed project that was shared at the meeting;
- any and all concerns or other feedback provided by the communities;
- any information that was shared by a community in relation to its asserted or established Aboriginal or treaty rights and any potential adverse impacts of the proposed activity, approval or disposition on such rights;
- any proposed project changes or mitigation measures that were discussed, and feedback from Aboriginal communities about the proposed changes and measures;
- any commitments made by the proponent in response to any concerns raised, and feedback from Aboriginal communities on those commitments;
- copies of correspondence to or from Aboriginal communities, and any materials distributed electronically or by mail;
- information regarding any financial assistance provided by the proponent to enable participation by Aboriginal communities in the consultation;
- periodic consultation progress reports or copies of meeting notes if requested by the Crown;
- a summary of how the delegated aspects of consultation were carried out and the results; and
- a summary of issues raised by the Aboriginal communities, how the issues were addressed and any outstanding issues.

In certain circumstances, the Crown may share and discuss the proponent's consultation record with an Aboriginal community to ensure that it is an accurate reflection of the consultation process.

### **c) Will the Crown require a proponent to provide information about its commercial arrangements with Aboriginal communities?**

The Crown may require a proponent to share information about aspects of commercial arrangements between the proponent and Aboriginal communities where the arrangements:

- include elements that are directed at mitigating or otherwise addressing impacts of the project;
- include securing an Aboriginal community's support for the project; or
- may potentially affect the obligations of the Crown to the Aboriginal communities.

The proponent should make every reasonable effort to exempt the Crown from confidentiality provisions in commercial arrangements with Aboriginal communities to the extent necessary to allow this information to be shared with the Crown.

The Crown cannot guarantee that information shared with the Crown will remain confidential. Confidential commercial information should not be provided to the Crown as part of the consultation record if it is not relevant to the duty to consult or otherwise required to be submitted to the Crown as part of the regulatory process.

### **V. WHAT ARE THE ROLES AND RESPONSIBILITIES OF ABORIGINAL COMMUNITIES' IN THE CONSULTATION PROCESS?**

Like the Crown, Aboriginal communities are expected to engage in consultation in good faith. This includes:

- responding to the consultation notice;
- engaging in the proposed consultation process;
- providing relevant documentation;
- clearly articulating the potential impacts of the proposed project on Aboriginal or treaty rights; and
- discussing ways to mitigate any adverse impacts.

Some Aboriginal communities have developed tools, such as consultation protocols, policies or processes that provide guidance on how they would prefer to be consulted. Although not legally binding, proponents are encouraged to respect these community processes where it is reasonable to do so. Please note that there is no obligation for a proponent to pay a fee to an Aboriginal community in order to enter into a consultation process.

To ensure that the Crown is aware of existing community consultation protocols, proponents should contact the relevant Crown ministry when presented with a consultation protocol by an Aboriginal community or anyone purporting to be a representative of an Aboriginal community.

### **VI. WHAT IF MORE THAN ONE PROVINCIAL CROWN MINISTRY IS INVOLVED IN APPROVING A PROPONENT'S PROJECT?**

Depending on the project and the required permits or approvals, one or more ministries may delegate procedural aspects of the Crown's duty to consult to the proponent. The proponent may contact individual ministries for guidance related to the delegation of procedural aspects of consultation for ministry-specific permits/approvals required for the project in question. Proponents are encouraged to seek input from all involved Crown ministries sooner rather than later.

**From:** [Pellegrino, Maika /TOR](#)  
**To:** [O'Leary, Emilee \(MECP\)](#)  
**Cc:** [Carvalho, Luis](#); [Munro, Courtney Rose](#); [Jones, Lee Anne/TOR](#)  
**Subject:** RE: Community Update and Survey: Mount Albert Water Supply Upgrades Schedule 'B' Municipal Class EA  
**Date:** Wednesday, November 18, 2020 6:01:00 AM

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Good Morning Emilee,

We confirm the receipt of your email. The project documentation was updated with the information provided.

Thank you,

Maika

**Maika Pellegrino, M. Eng., P. Eng., PMP**  
Jacobs | Sr. Project Manager | Water & Wastewater  
C: 647.518.8945 | [Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)

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**From:** O'Leary, Emilee (MECP) <Emilee.OLeary@ontario.ca>  
**Sent:** Friday, October 2, 2020 5:58 PM  
**To:** Pellegrino, Maika /TOR <Maika.Pellegrino@jacobs.com>  
**Cc:** Carvalho, Luis <Luis.Carvalho@york.ca>; Munro, Courtney Rose <CourtneyRose.Munro@york.ca>; Jones, Lee Anne/TOR <LeeAnne.Jones@jacobs.com>; O'Leary, Emilee (MECP) <Emilee.OLeary@ontario.ca>  
**Subject:** [EXTERNAL] Re: Community Update and Survey: Mount Albert Water Supply Upgrades Schedule 'B' Municipal Class EA

Hi Maika,

Thank you for the information and update, much appreciated. I would offer that there have been some updates to our Areas of Interest document found in our response to the Notice of Commencement for this project (attached) that the project team should be aware of for this project:

Planning and Policy

- The Provincial Policy Statement was updated in 2020 and is now in effect.
- The Growth Plan for the Greater Golden Horseshoe was updated in 2020 and is now in effect.

Excess Materials Management

- In December 2019, MECP released a new regulation under the Environmental Protection Act, titled "[On-Site and Excess Soil Management](#)" (O. Reg. 406/19) to support improved management of excess construction soil. This regulation is a key step to support proper management of excess soils, ensuring valuable resources don't go to



waste and to provide clear rules on managing and reusing excess soil. New risk-based standards referenced by this regulation help to facilitate local beneficial reuse which in turn will reduce greenhouse gas emissions from soil transportation, while ensuring strong protection of human health and the environment. The new regulation is being phased in over time, with the first phase set to come into effect on January 1, 2021. Please visit <https://www.ontario.ca/page/handling-excess-soil>.

- Activities involving the management of excess soil should be completed in accordance with O. Reg. 406/19 and the MECP's current guidance document titled "[Management of Excess Soil – A Guide for Best Management Practices](#)" (2014).

## **Changes to Environmental Assessment Act through Bill 197, Covid-19 Economic Recovery Act, 2020**

The Environmental Assessment Act was recently amended through the Covid-19 Economic Recovery Act, 2020. These amendments to the Environmental Assessment Act are the next steps in implementing the government's vision for a modernized environmental assessment program that protects the environment and gets important infrastructure projects off the ground without delay. Among other things, the amendments focus the Part II Order request process to issues relating to Aboriginal and treaty rights and set timelines for when the Minister can intervene on his/her own initiative to impose conditions on or bump-up a class environmental assessment project.

### Information on Process

Once the Project File/ESR is finalized, the proponent must issue a Notice of Completion providing a minimum 30-day period during which documentation may be reviewed and comment and input can be submitted to the proponent. In accordance with the EAA, this notice must be submitted to MECP via the appropriate regional email address ([eanotification.cregion@ontario.ca](mailto:eanotification.cregion@ontario.ca)).

A Part II Order may only be requested if there are outstanding concerns that a project may adversely impact constitutionally protected Aboriginal and treaty rights. In addition, the Minister may issue an order on his or her own initiative within a specified time period.

The Director will issue a Notice of Proposed Order to the proponent if the Minister is considering an order for the project within 30 days after the conclusion of the comment period on the Notice of Completion. At this time, the Director may request additional information from the proponent.

Once the requested information has been received, the Minister will have 30 days within

which to make a decision or impose conditions on your project.

This means the proponent cannot proceed with the project until at least 30 days after the end of the comment period provided for in the Notice of Completion. Further, the proponent may not proceed after this time if:

- a Part II Order request has been submitted to the ministry regarding potential adverse impacts to constitutionally protected Aboriginal and treaty rights, or
- the Director has issued a Notice of Proposed Order regarding the project.

#### Notices of Completion

The Notice of Completion should advise that outstanding concerns are to be directed to the proponent for a response, and that in the event there are outstanding concerns regarding potential adverse impacts to constitutionally protected Aboriginal and treaty rights, Part II Order requests on those matters should be addressed in writing to:

Minister Jeff Yurek

Ministry of Environment, Conservation and Parks

777 Bay Street, 5th Floor

Toronto ON M7A 2J3

[minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)

and

Director, Environmental Assessment Branch

Ministry of Environment, Conservation and Parks

135 St. Clair Ave. W, 1st Floor

Toronto ON, M4V 1P5

[EABDirector@ontario.ca](mailto:EABDirector@ontario.ca)

Note – the Part II Order form no longer needs to be used).

I trust this information is helpful.

Thank you,  
Emilee

**Emilee O'Leary**

Regional Environmental Assessment Coordinator/Planner - Central Region  
Project Review Unit | Environmental Assessment Branch | Ministry of the Environment, Conservation and Parks  
[emilee.oleary@ontario.ca](mailto:emilee.oleary@ontario.ca)

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**From:** Pellegrino, Maika /TOR <[Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)>  
**Sent:** October 1, 2020 10:47 AM  
**To:** O'Leary, Emilee (MECP) <[Emilee.OLeary@ontario.ca](mailto:Emilee.OLeary@ontario.ca)>  
**Cc:** Carvalho, Luis <[Luis.Carvalho@york.ca](mailto:Luis.Carvalho@york.ca)>; Munro, Courtney Rose <[CourtneyRose.Munro@york.ca](mailto:CourtneyRose.Munro@york.ca)>; Jones, Lee Anne/TOR <[LeeAnne.Jones@jacobs.com](mailto:LeeAnne.Jones@jacobs.com)>  
**Subject:** RE: Community Update and Survey: Mount Albert Water Supply Upgrades Schedule 'B' Municipal Class EA

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Hello Emilee,

As we advance into further developing and evaluating the alternative solutions identified in our July project update, the potential impact on Source Water Protection vulnerable areas will be assessed for each of the alternatives.

As background, we have consulted with Lake Simcoe Region Conservation Authority and have delineated areas of concerns in the Study Area including Recharge Management Area (WHPA-Q), Highly Vulnerable Aquifer (HVA), LSRCA Significant Groundwater Recharge Area (SGRA) and the Wellhead Protection Areas (WHPA) for the existing municipal wells.

Implementation of the alternative solutions may involve construction at the existing well sites, as well as off-site for disposal of process residuals. This analysis will be documented through the Project File for the Class EA. A preliminary assessment identifies no threats to sources of drinking water, and consultation with the Region's Source Water Protection, Risk Management Office confirms compliance with the policies of the York Region Source Protection Area.

We have added Bill Thompson to the contact list of the Study, and additional consultation will be scheduled with LSRCA as we near closer to completion of the alternative analysis of the alternatives. Scott Liester, York Region's Source Water Protection Program Manager, forms part of the Project Team and can assist with future concerns.

Let me know if you have any other concerns.

Maika Pellegrino

Maika Pellegrino, M. Eng., P. Eng., PMP  
Jacobs | Sr. Project Manager | Water & Wastewater  
C: 647.518.8945 | [Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)

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**From:** O'Leary, Emilee (MECP) <[Emilee.OLeary@ontario.ca](mailto:Emilee.OLeary@ontario.ca)>  
**Sent:** Monday, July 20, 2020 11:24 AM  
**To:** Pellegrino, Maika /TOR <[Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)>; Carvalho, Luis <[Luis.Carvalho@york.ca](mailto:Luis.Carvalho@york.ca)>  
**Cc:** O'Leary, Emilee (MECP) <[Emilee.OLeary@ontario.ca](mailto:Emilee.OLeary@ontario.ca)>  
**Subject:** [EXTERNAL] Re: Community Update and Survey: Mount Albert Water Supply Upgrades Schedule 'B' Municipal Class EA

Dear Luis and Maika,

Thank you for the update email re: Mount Albert Water Supply Upgrades Class EA.

In reviewing your alternative solutions, the MECP wishes to re-iterate it's guidance regarding source water protection provided in our response letter to the Notice of Commencement for this project.

### **Source Water Protection (all projects)**

Per the MEA Municipal Class EA (MCEA, 2015) proponents undertaking a Municipal Class EA project must identify early in the process whether a project is occurring within a source water protection vulnerable area. This must be clearly documented in an EA Report. Given this requirement, the proponent should include a section in the project file or environmental study report on source water protection. Specifically, the proponent should identify the source protection area and should discuss whether or not the project is located in a vulnerable area or has the potential to change or creates new vulnerable areas, and provide applicable details about the area.

Municipal Class EA projects may also include activities that, if located in a vulnerable area, may be considered a threat to sources of drinking water (i.e. have the potential to adversely affect the quality or quantity of drinking water sources) and could be subject to policies in a source protection plan. Where an activity poses a risk to drinking water, policies in the local source protection plan may impact how or where that activity is undertaken. Policies may prohibit certain activities, or they may require risk management measures for these activities. Municipal Official Plans, planning decisions, Municipal Class EA projects (where a project includes a drinking water risk) and prescribed instruments must conform with policies that address significant risks to drinking water and must have regard for policies that address moderate or low risks.

**\*Proponents that are proposing drinking water projects that expand the use of existing, or intend to develop a new source of municipal drinking water,** should also be aware that the project may result in the delineation of new, or require the amendment of existing, WHPAs / IPZ and other vulnerable areas. In addition, the completion of other technical work to assess source water vulnerability scores within the new or expanded vulnerable areas may be necessary. **This technical work should be completed during the EA to inform the study and be documented in the EA report.** Further, the addition of new or amendment of existing WHPAs /IPZ and other vulnerable areas may result in the development/extension of source protection policies to areas where they previously did not apply. If source protection plan policies may apply to new geographic areas as a result of any of the alternatives considered in a Class EA project, this information should be documented and used to inform sections of the project file or environmental study report, such as the identification of net positive/ negative effects of alternatives, mitigation measures, evaluation of alternatives etc. **The proponent should also consult with affected land owners about the impacts of the project as it relates to any new source protection plan policies that may apply to them.**

\*For assistance in determining whether the proposed project will require new technical work and potentially require amendments to the source protection plan for this area please contact the Project Manager for Drinking Water Source Protection at the local source protection authority. The source protection authority can also provide you with assistance in determining whether an activity associated with the construction or operation of the project may be considered to be a drinking water threat as per the CWA and will be able to help determine whether there are policies in the source protection plan that may apply. **The contact for this project is Bill Thompson at [B.Thompson@lsrca.on.ca](mailto:B.Thompson@lsrca.on.ca). Please document the results of that consultation within the Project File and include all communication documents/correspondence.**

Thank you,

**Emilee O'Leary**

Regional Environmental Assessment Coordinator/Planner - Central Region  
Project Review Unit | Environmental Assessment Branch | Ministry of the Environment, Conservation and Parks  
[emilee.oleary@ontario.ca](mailto:emilee.oleary@ontario.ca)

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**From:** Pellegrino, Maika /TOR <[Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)>

**Sent:** June 30, 2020 7:18 PM

**To:** O'Leary, Emilee (MECP) <[Emilee.OLeary@ontario.ca](mailto:Emilee.OLeary@ontario.ca)>

**Subject:** Community Update and Survey: Mount Albert Water Supply Upgrades Schedule 'B'  
Municipal Class EA

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good morning,

The Regional Municipality of York is undertaking a Schedule 'B' Municipal Class Environmental Assessment (EA) for the Mount Albert Water Supply Upgrades. You are invited to visit the project website and provide feedback on the alternative solutions and supply input on the criteria we are using to evaluate and identify the preferred solution. The project information and survey will be posted on [york.ca/ea](http://york.ca/ea) on July 2, 2020, and will be available until July 15, 2020. For your information, please see attached the Notice of Community Update and Survey for this Class EA.

As part of the study's consultation program, you are currently included in the contact list. If you wish to be removed or would like to suggest an alternative representative, please contact the undersigned. Should we not hear from you, you will continue to be notified of all future consultation opportunities throughout the rest of the EA study.

Should you have any questions, please do not hesitate to contact me.

Thank you for your input,

On behalf of  
Luis Carvalho, P. Eng.  
Senior Project Manager  
Environmental Services  
The Regional Municipality of York  
17250 Yonge Street  
Newmarket, Ontario L3Y 6Z1  
[luis.carvalho@york.ca](mailto:luis.carvalho@york.ca)  
1-877-464-9675 ext. 75015  
Fax 905-830-6927

**Dear Pellegrino, M. Eng., P. Eng., PMP**  
Jacobs | Sr. Project Manager | Water & Wastewater  
C: 647.518.8945 | [Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)

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**From:** [Pellegrino, Maika /TOR](#)  
**To:** [O'Leary, Emilee \(MECP\)](#)  
**Cc:** [Carvalho, Luis](#)  
**Subject:** RE: Notice of Online Open House: Mount Albert Water Supply Upgrades Schedule 'B' Municipal Class EA  
**Date:** Wednesday, November 18, 2020 6:08:00 AM

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Good Morning Emilee,

We confirm the receipt of your email. The Stakeholder Contact List was updated with the information provided.

Thank you,

Maika Pellegrino

**Maika Pellegrino, M. Eng., P. Eng., PMP**  
Jacobs | Sr. Project Manager | Water & Wastewater  
C: 647.518.8945 | [Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)

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**From:** O'Leary, Emilee (MECP) <Emilee.OLeary@ontario.ca>  
**Sent:** Monday, November 2, 2020 11:38 AM  
**To:** Pellegrino, Maika /TOR <Maika.Pellegrino@jacobs.com>; Carvalho, Luis <Luis.Carvalho@york.ca>  
**Subject:** [EXTERNAL] Re: Notice of Online Open House: Mount Albert Water Supply Upgrades Schedule 'B' Municipal Class EA

Dear Maika and Luis,

It has come to my attention that your notification email below has gone to several contacts through the MECP. Please note for future reference on this project and all other Class EA projects that the MECP has developed regional email address system to avoid notices being sent to multiple contacts in the MECP. Through the new mandatory notification process, you are required to provide at minimum Notices of Commencement, Completion and Addendum to the regional email address. For all other notices (such as Notice of Open Houses etc.), they can be sent to the regional email address for consistency or provided directly to the Regional Environmental Assessment Coordinator who is responsible for the project (we must be notified in one of those two ways for all other notices). The notices do NOT need to be sent to any other contacts in MECP.

Going forward, please follow the new notification procedure by providing notices only to the appropriate MECP Regional address (for York Region it goes to the Central Regional Address: [eanotification.cregion@ontario.ca](mailto:eanotification.cregion@ontario.ca)) and the Regional Environmental Assessment Coordinator (me).

Thank you,  
Emilee

**Emilee O'Leary**

Regional Environmental Assessment Coordinator/Planner - Central Region  
Project Review Unit | Environmental Assessment Branch | Ministry of the Environment, Conservation and Parks  
[emilee.oleary@ontario.ca](mailto:emilee.oleary@ontario.ca)

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**From:** Pellegrino, Maika /TOR <[Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)>

**Sent:** October 30, 2020 12:17 PM

**To:** O'Leary, Emilee (MECP) <[Emilee.OLeary@ontario.ca](mailto:Emilee.OLeary@ontario.ca)>

**Subject:** Notice of Online Open House: Mount Albert Water Supply Upgrades Schedule 'B' Municipal Class EA

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good morning,

The Regional Municipality of York is undertaking a Schedule 'B' Municipal Class Environmental Assessment (EA) for the Mount Albert Water Supply Upgrades. You are invited to participate in an online open house to review the project information and provide feedback on the preferred solution. The online open house and survey will be posted on [york.ca/ea](http://york.ca/ea) under the East Gwillimbury dropdown on October 30, 2020, and will be available until November 13, 2020. For your information, please see attached the Notice of Online Open House for this Class EA.

As part of the study's consultation program, you are currently included in the contact list. If you wish to be removed or would like to suggest an alternative representative, please contact the undersigned. Should we not hear from you, you will continue to be notified of all future consultation opportunities throughout the EA study.

Should you have any questions, please do not hesitate to contact me.

Thank you for your input,

On behalf of

Luis Carvalho, M.Sc.(Eng.), P.Eng., PMP

Senior Project Manager

Environmental Services

The Regional Municipality of York

17250 Yonge Street

Newmarket, Ontario L3Y 6Z1

[luis.carvalho@york.ca](mailto:luis.carvalho@york.ca)

1-877-464-9675 ext. 75015

Fax 905-830-6927

**Maika Pellegrino, M. Eng., P. Eng., PMP**

Jacobs | Sr. Project Manager | Water & Wastewater

C: 647.518.8945 | [Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)



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**Ministry of Heritage, Sport,  
Tourism and Culture Industries**

Programs and Services Branch  
401 Bay Street, Suite 1700  
Toronto, ON M7A 0A7  
Tel: 416.314.7147

**Ministère des Industries du Patrimoine,  
du Sport, du Tourisme et de la Culture**

Direction des programmes et des services  
401, rue Bay, Bureau 1700  
Toronto, ON M7A 0A7  
Tél: 416.314.7147



July 14, 2020

EMAIL ONLY

Luis Carvalho P. Eng.  
Senior Project Manager  
The Regional Municipality of York  
17250 Yonge Street  
Newmarket, Ontario L3Y 6Z1  
[luis.carvalho@york.ca](mailto:luis.carvalho@york.ca)

**MHSTCI File : 0012713**  
**Proponent : The Regional Municipality of York**  
**Subject : Community Update and Survey**  
**Project : Mount Albert Water Supply**  
**Location : Community of Mount Albert, Town of East Gwillimbury,  
Municipality of York**

---

Dear Luis Carvalho:

Thank you for providing the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) with the Notice of Community Update and Survey for the above-referenced project. MHSTCI's interest in this Environmental Assessment (EA) project relates to its mandate of conserving Ontario's cultural heritage, which includes:

- Archaeological resources, including land and marine;
- Built heritage resources, including bridges and monuments; and,
- Cultural heritage landscapes.

Under the EA process, the proponent is required to determine a project's potential impact on cultural heritage resources.

### **Project Summary**

The Regional Municipality of York is identifying improvements to the water supply system and water quality in the community of Mount Albert by conducting a Schedule B Municipal Class Environmental Assessment (Class EA) study.

### **Identifying Cultural Heritage Resources**

While some cultural heritage resources may have already been formally identified, others may be identified through screening and evaluation. Indigenous communities may have knowledge that can contribute to the identification of cultural heritage resources, and we suggest that any engagement with Indigenous communities includes a discussion about known or potential cultural heritage resources that are of value to these communities. Municipal Heritage Committees, historical societies and other local heritage organizations may also have knowledge that contributes to the identification of cultural heritage resources.

### **Archaeological Resources**

This EA project may impact archaeological resources and should be screened using the MHSTCI [Criteria for Evaluating Archaeological Potential](#) to determine if an archaeological assessment is needed. MHSTCI archaeological sites data are available at [archaeology@ontario.ca](mailto:archaeology@ontario.ca). If the EA project area exhibits archaeological potential, then an archaeological assessment (AA) should be undertaken by an archaeologist licenced under the *OHA*, who is responsible for submitting the report directly to MHSTCI for review.

### **Built Heritage and Cultural Heritage Landscapes**

The MHSTCI [Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes](#) should be completed to help determine whether this EA project may impact cultural heritage resources. If potential or known heritage resources exist, MHSTCI recommends that a Heritage Impact Assessment (HIA), prepared by a qualified consultant, should be completed to assess potential project impacts. Our Ministry's [Info Sheet #5: Heritage Impact Assessments and Conservation Plans](#) outlines the scope of HIAs. Please send the HIA to MHSTCI for review, and make it available to local organizations or individuals who have expressed interest in review.

### **Environmental Assessment Reporting**

All technical cultural heritage studies and their recommendations are to be addressed and incorporated into EA projects. Please advise MHSTCI whether any technical cultural heritage studies will be completed for this EA project, and provide them to MHSTCI before issuing a Notice of Completion or commencing any work on the site. If screening has identified no known or potential cultural heritage resources, or no impacts to these resources, please include the completed checklists and supporting documentation in the EA report or file.

Thank you for consulting MHSTCI on this project and please continue to do so throughout the EA process. If you have any questions or require clarification, do not hesitate to contact Dan Minkin.

Sincerely,

Joseph Harvey  
*On behalf of*

Dan Minkin  
Heritage Planner  
Heritage Planning Unit  
[Dan.Minkin@ontario.ca](mailto:Dan.Minkin@ontario.ca)

Copied to: Maika Pellegrino, Sr. Project Manager, Jacobs

It is the sole responsibility of proponents to ensure that any information and documentation submitted as part of their EA report or file is accurate. MHSTCI makes no representation or warranty as to the completeness, accuracy or quality of the any checklists, reports or supporting documentation submitted as part of the EA process, and in no way shall MHSTCI be liable for any harm, damages, costs, expenses, losses, claims or actions that may result if any checklists, reports or supporting documents are discovered to be inaccurate, incomplete, misleading or fraudulent.

Please notify MHSTCI if archaeological resources are impacted by EA project work. All activities impacting archaeological resources must cease immediately, and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*.

If human remains are encountered, all activities must cease immediately and the local police as well as the Registrar, Burials of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the *Ontario Heritage Act*.

**From:** [Pellegrino, Maika /TOR](#)  
**To:** ["Harvey, Joseph \(MHSTCI\)"; Minkin, Dan \(MHSTCI\)](#)  
**Cc:** [Barboza, Karla \(MHSTCI\)](#); [luis.carvalho@york.ca](mailto:luis.carvalho@york.ca); [Jones, Lee Anne/TOR](#); [Munro, Courtney Rose](#)  
**Subject:** RE: Community Update and Survey: Mount Albert Water Supply Upgrades Schedule 'B' Municipal Class EA  
**Date:** Tuesday, December 1, 2020 12:52:00 PM

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Good Morning Dan and Joseph,

We confirm the receipt of your email. The final Stage 1 archeological assessment will be submitted shortly by our licensed archeologist.

In addition, we have initiated the Cultural Heritage Evaluation Report study as requested. A copy of the study will be submitted when available and it will be documented in the Study Project File.

Let me know if you have any other concerns.

Maika

**Maika Pellegrino, M. Eng., P. Eng., PMP**  
Jacobs | Sr. Project Manager | Water & Wastewater  
C: 647.518.8945 | [Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)

---

**From:** Harvey, Joseph (MHSTCI) <Joseph.Harvey@ontario.ca>  
**Sent:** Wednesday, October 7, 2020 5:12 PM  
**To:** Pellegrino, Maika /TOR <Maika.Pellegrino@jacobs.com>  
**Cc:** Barboza, Karla (MHSTCI) <Karla.Barboza@ontario.ca>; [luis.carvalho@york.ca](mailto:luis.carvalho@york.ca); Jones, Lee Anne/TOR <LeeAnne.Jones@jacobs.com>; Munro, Courtney Rose <CourtneyRose.Munro@york.ca>; Minkin, Dan (MHSTCI) <Dan.Minkin@ontario.ca>  
**Subject:** [EXTERNAL] RE: Community Update and Survey: Mount Albert Water Supply Upgrades Schedule 'B' Municipal Class EA

Maika Pellegrino,

Thank you for providing us with the update on the status of technical cultural heritage studies for this project.

All archeological assessments should be submitted to MHSTCI by an archaeologist licensed under the OHA prior to the completion of the EA or any ground disturbing activities. We acknowledge your commitment to undertaking additional AAs (i.e. stage 2, 3, 4) where recommended by the previous archaeological assessment reports for areas to be impacted by the proposed undertaking. The recommendations of the archaeological assessment reports should be documented and recorded in your project file report.

Please note that a Cultural Heritage Evaluation Report (CHER) will still need to be completed to address known and potential built and Cultural heritage resources and cultural heritage landscapes the study area. This is outside the scope of an archaeological assessment. Depending on the results of the CHER, specific Heritage Impact Assessments (HIA) may need to be undertaken. These technical cultural

heritage studies are to be undertaken by a qualified person who has expertise, recent experience, and knowledge relevant to the type of cultural heritage resources being considered and the nature of the activity being proposed. Please notify MHSTCI of any additional technical cultural heritage studies being completed for the project and provide them to MHSTCI before any ground disturbing activities or issuing a Notice of Completion.

Joseph Harvey

*On behalf of*

Dan Minkin

Heritage Planner

Heritage Planning Unit

[Dan.Minkin@ontario.ca](mailto:Dan.Minkin@ontario.ca)

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**From:** Pellegrino, Maika /TOR <[Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)>

**Sent:** October 1, 2020 10:47 AM

**To:** Harvey, Joseph (MHSTCI) <[Joseph.Harvey@ontario.ca](mailto:Joseph.Harvey@ontario.ca)>; Minkin, Dan (MHSTCI) <[Dan.Minkin@ontario.ca](mailto:Dan.Minkin@ontario.ca)>

**Cc:** Barboza, Karla (MHSTCI) <[Karla.Barboza@ontario.ca](mailto:Karla.Barboza@ontario.ca)>; [luis.carvalho@york.ca](mailto:luis.carvalho@york.ca); Jones, Lee Anne/TOR <[LeeAnne.Jones@jacobs.com](mailto:LeeAnne.Jones@jacobs.com)>; Munro, Courtney Rose <[CourtneyRose.Munro@york.ca](mailto:CourtneyRose.Munro@york.ca)>

**Subject:** RE: Community Update and Survey: Mount Albert Water Supply Upgrades Schedule 'B' Municipal Class EA

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Hello Dan and Joseph,

Thank you for recapping the need to determine the potential impact on cultural heritage resources as part of the Class EA Process for the Mount Albert Water Supply Upgrades Class EA Study.

A Stage 1 Archeological Assessment (AA) was conducted to establish the archaeological potential of the areas to be potentially impacted by alternative solutions. A copy of the final Stage 1 AA is attached and will be documented in the Study Project File. The following heritage and archeological features were identified in the community:

- Two designated heritage resources: the Mount Albert Methodist (Wesleyan) Pioneer Cemetery at 19015 Center Street and the George Haigh House at 5716 Mt. Albert Road
- Four early cemeteries: Franklin Pioneer Cemetery at 5548 Herald Road; Mount Albert Cemetery at 19675 Centre Street; the Mount Albert Wesleyan Methodist Pioneer Cemetery, and Birchard Family Burying Ground at 5590 Mount Albert Road
- Five registered archeological sites

In addition, some areas were identified as retaining archaeological potential requiring further archaeological investigation (Stage 2 AA) in case construction activities or other soil disturbing activities occur within these areas.

As we proceed through the development of the alternatives solutions, every effort will be taken to locate new infrastructure to minimize impacts on these identified areas; however, where this is not feasible, a Stage 2 AA will be undertaken to assess any impact.

Let me know if you have any other concerns.

Maika Pellegrino

**Maika Pellegrino, M. Eng., P. Eng., PMP**  
Jacobs | Sr. Project Manager | Water & Wastewater  
C: 647.518.8945 | [Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)

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**From:** Harvey, Joseph (MHSTCI) <[Joseph.Harvey@ontario.ca](mailto:Joseph.Harvey@ontario.ca)>  
**Sent:** Tuesday, July 14, 2020 10:03 AM  
**To:** [luis.carvalho@york.ca](mailto:luis.carvalho@york.ca)  
**Cc:** Barboza, Karla (MHSTCI) <[Karla.Barboza@ontario.ca](mailto:Karla.Barboza@ontario.ca)>; Minkin, Dan (MHSTCI) <[Dan.Minkin@ontario.ca](mailto:Dan.Minkin@ontario.ca)>; Pellegrino, Maika /TOR <[Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)>  
**Subject:** [EXTERNAL] Community Update and Survey: Mount Albert Water Supply Upgrades Schedule 'B' Municipal Class EA

Luis Carvalho,

Please find attached MHSTCI's comments for the above referenced project. Contact Dan Minkin with any further questions or concerns.

Joseph Harvey

*On behalf of*

Dan Minkin  
Heritage Planner  
Heritage Planning Unit  
[Dan.Minkin@ontario.ca](mailto:Dan.Minkin@ontario.ca)

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**From:** [Taylor Stevenson](#)  
**To:** [Carvalho, Luis](#); [Ashlea Brown](#)  
**Cc:** [Munro, Courtney Rose](#); [McNeice, Jeff](#); [Jones, Lee Anne/TOR](#); [Pellegrino, Maika /TOR](#)  
**Subject:** [EXTERNAL] RE: Mount Albert Water Upgrade Schedule B EA  
**Date:** Tuesday, March 10, 2020 6:05:35 AM

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Good morning Luis:

If there is any development proposed within areas that are regulated by the LSRCA under Ontario Regulation 179/06 than please keep us informed on the project.

Development cannot affect the control of flooding, erosion, pollution or the conservation of land.

Regards,

**Taylor Stevenson, B.A., CAN-CISEC**

Senior Environmental Regulations/Capital Projects Analyst

**Lake Simcoe Region Conservation Authority**

120 Bayview Parkway,

Newmarket, Ontario L3Y 3W3

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**From:** Carvalho, Luis <Luis.Carvalho@york.ca>

**Sent:** March 4, 2020 10:47 AM

**To:** Taylor Stevenson <T.Stevenson@lsrca.on.ca>; Ashlea Brown <A.Brown@lsrca.on.ca>

**Cc:** Munro, Courtney Rose <CourtneyRose.Munro@york.ca>; McNeice, Jeff <Jeff.McNeice@york.ca>; Lee Anne Jones, P. Eng. (LeeAnne.Jones@jacobs.com) <LeeAnne.Jones@jacobs.com>; Pellegrino, Maika /TOR <Maika.Pellegrino@jacobs.com>

**Subject:** Mount Albert Water Upgrade Schedule B EA

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Good Morning Taylor and Ashley,

In July, 2019, we forwarded the attached communication to advise that we had commenced the Mount Albert Water Supply Upgrade Class Environmental Assessment.

We have completed background studies and analysis and are currently in the process of identifying alternative solutions. We anticipate meeting with the public in May, 2020 to seek input on alternatives and evaluation criteria.

As we move in to this phase, we wish to confirm if the Lake Simcoe Region Conservation Authority has an interest in this undertaking and if there are specific details we should be considering in the development of alternatives.

We are available to meet to provide additional background on the project and discuss any concerns.

Please contact the undersigned to confirm your continued interest in this project.

Thank you,

Luis Carvalho

**Luis Carvalho M.Sc. P.Eng. PMP** | Senior Project Manager, Capital Planning and Delivery,  
Environmental Services

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
**O:** 1-877-464-9675 ext. 75015 | **C:** 905-806-5536 | [Luis.Carvalho@york.ca](mailto:Luis.Carvalho@york.ca) | [www.york.ca](http://www.york.ca)

Our Mission: **Working together to serve our thriving communities – today and tomorrow**



**From:** [Hollett, Larry](#)  
**To:** [Pellegrino, Maika /TOR](#)  
**Cc:** [Luis Carvalho \(luis.carvalho@york.ca\)](#); [Jones, Lee Anne/TOR](#); [Munro, Courtney Rose](#); [Hemmingway, Matthew](#); [Dodwell, David](#); [Coulter, Dave](#); [Hughson, Greg](#)  
**Subject:** [EXTERNAL] RE: Mt. Albert Water Supply EA - Discharge to Sanitary Sewer Authorization  
**Date:** Monday, August 17, 2020 7:48:40 AM

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Good morning Maika,

I have talked with the Town's w/ww team and confirm that the Town has no objections to the discharge of residual water from the Region's treatment process into the Town's wastewater collection system if this becomes the preferred alternative as an output from the Mount Albert water supply EA.

The Town will require the Region to provide appropriate engineering (i.e. drawings, design sheets, etc.) confirming capacity of the local collection system during detailed design.

Larry

Larry B. Hollett, C.E.T.  
Director of Operations  
Office # 905-478-4283, x3850  
Community Infrastructure & Environmental Services

***Please Note: The Town continues to monitor and respond to the evolving COVID-19 situation. Currently, Town facilities are closed to the public, however, employees remain at work focusing on the provision of essential services. To stay up to date about these and other Town updates visit [our website](#).***

---

**From:** Pellegrino, Maika /TOR <Maika.Pellegrino@jacobs.com>  
**Sent:** August 15, 2020 11:39 AM  
**To:** Hollett, Larry <lhollett@eastgwillimbury.ca>  
**Cc:** Luis Carvalho (luis.carvalho@york.ca) <luis.carvalho@york.ca>; Jones, Lee Anne/TOR <LeeAnne.Jones@jacobs.com>; Munro, Courtney Rose <CourtneyRose.Munro@york.ca>  
**Subject:** Mt. Albert Water Supply EA - Discharge to Sanitary Sewer Authorization

Hello Larry,

Thank you for all the information your team has provided regarding the Mt Albert sewer collection system.

As discussed before, the iron and manganese removal technology generates a residual (spent backwash water) that needs to be disposed of. The anticipated residual volume is 60 to 100 m<sup>3</sup>/d. The residual characteristics are very similar to the groundwater water quality, with elevated concentrations of particulate iron and manganese (suspended solids). However, the residual constituent concentrations are expected to be within the Region By-law No. 2011-56 "Discharge of

Sewage, Storm Water and Land Drainage Bylaw”.

We have developed and evaluated the alternatives for EA. The preliminary evaluation indicates the preferred alternative is to provide iron and manganese removal treatment and to dispose of the residuals directly into the sanitary system (to be treated at Mt Albert WRRF).

The residuals volume represents 8% of the average daily flow received at Mt. Albert WRRF. From our assessment based on the information received from the Town, the sewer collection system seems to have sufficient capacity to convey the residuals to the Mt. Albert WRRF.

Therefore, we are reaching out to you to request authorization to discharge the residuals into Mt. Albert sewer collection system and discuss its considerations in order to confirm the preferred alternative is viable.

Thank you,

Maika

**Maika Pellegrino, M. Eng., P. Eng., PMP**  
Jacobs | Sr. Project Manager | Water & Wastewater  
C: 647.518.8945 | [Maika.Pellegrino@jacobs.com](mailto:Maika.Pellegrino@jacobs.com)

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<b>Subject</b>	<b>Pre-Consultation with MECP</b>		
<b>Project</b>	Mount Albert Water Supply System Upgrades Class EA		
<b>Project No.</b>	CE731500	<b>File</b>	20200629_PreConsultationMECP_MtgSummary.docx
<b>Prepared by</b>	Maika Pellegrino	<b>Phone No.</b>	Teams Meeting
<b>Location</b>	Conference Call	<b>Date/Time</b>	June 29, 2020/ 11:00 AM
<b>Participants</b>	York Region: Luis Carvalho, Courtney Munro, Natalie Paradis, Alec Cranmer, Laura Meter, Edward Skarjak Jacobs: Lee Anne Jones, Maika Pellegrino, Enoch Nicholson MECP: Ghassan Ghali		
<b>Copies to</b>	<b>Apologies</b> York Region: Alain Laplume		

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The objective of this meeting is to introduce the Mount Albert Water Supply Upgrades Schedule B Class EA project and review approval requirements, primarily related to iron and manganese removal technology, for consideration in the evaluation of alternatives.

## 1. Introductions

Introductions were made, and the roles of team members discussed.

## 2. Class EA Study Overview

### 2.1 Background

Luis explained the Groundwater Strategy Study, and the design approach for Mt. Albert will be most likely replicated to other facilities that require iron/manganese removal. Ghassan is familiar with the discoloured water complaints within the Region.

### 2.2 Purpose and Progress

The Class EA contact at MECP is Emillee O'Leary. She is on the stakeholder contact list and will receive the notice for the upcoming community update.

### 2.3 Mount Albert Water Supply System

Background studies have demonstrated the sequestration is not holding iron and manganese in dissolved form in the laboratory tests and the distribution system.

## **2.4 Short-listed Alternative Solutions**

Ghassan commented that to continue with sequestration may not solve the aesthetic concerns, and the residual management is the main challenge to implement removal technology.

## **3. Development of Alternatives**

### **3.1 Key Considerations**

It was highlighted the alternatives were developed to address aesthetic water quality, minimize deposition in the distribution system, improve customer satisfaction, and improve the system maintenance while maintaining and exceeding the regulatory requirements.

### **3.2 Design Approach & Configuration**

To minimize process residuals is key since Mt Albert facilities and other Region's facilities don't have a connection to the sanitary sewer collection system.

Mount Albert wells are non-GUDI. Ghassan highlighted no pathogen removal is granted for the presented technology.

At Mt. Albert, the pressure in the system is controlled by the North Elevated Tank water level. Typically, all filters will operate at the same time in on/off cycles according to the demand and the water level in the elevated tank.

The 3-way valves are fast open/close. To adjust the speed of the start/stop of the backwash process, the backwash control valve opening and closing duration can be adjusted. Ghassan recommends adjusting the speed of opening to avoid impact on the distribution system (pressure) since the wells pumps also act as HLPs.

There is always the potential of media loss with high flow backwash. The BW flow is controlled by the BW control valve and confirmed by a flowmeter in the BW line. The BW control valve is adjusted with a safety factor to mitigate this risk of media loss.

The current average chlorine residual is approx. 1.5 mg/L. To ensure the media regeneration, it is required to maintain the chlorine residual at > 0.5 mg/L after filters. Ghassan highlights the importance of ensuring the existing chlorinators can achieve the required higher dose with the iron/manganese process.

Ghassan has indicated he is familiar with the oxidation/filtration technology, especially GreenSand+, he is supportive of multiple filter configuration.

### **3.3 Residual Management**

In many facilities, the residual management system limits the facility's capacity. Ghassan highlighted the permit might be rejected or conditional if the residual management system is not appropriate, even if not related to compliance.

The impact on surface water caused by the discharge of the on-site treatment is being discussed with the conversation authority LSRCA.

### **3.4 Anticipated Permits/Approvals**

Ghassan reinforced he and the MECP team is always available for pre-consultation.

Alternative “Continue Sequestration at Wells 1&2 Facility and Well 3 Facility, and Upgrade Systems to Optimize Operations and Maintenance” may not require a DWWP amendment.

If the pilot will direct treated water to the supply, a permit is required. It is anticipated the pilot water will be directed to waste.

#### **4. Next Steps**

No further questions or comments.

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<b>Subject</b>	<b>Pre-Consultation with LSRCA</b>		
<b>Project</b>	Mount Albert Water Supply System Upgrades Class EA		
<b>Project No.</b>	CE731500	<b>File</b>	20200702_PreConsultationLSRCA_MtgSummary.docx
<b>Prepared by</b>	Maika Pellegrino	<b>Phone No.</b>	Teams Meeting
<b>Location</b>	Conference Call	<b>Date/Time</b>	July 2, 2020/ 11:00 AM
<b>Participants</b>	York Region: Luis Carvalho, Courtney Munro, Jeff McNeice Jacobs: Lee Anne Jones, Maika Pellegrino, Mark Spanjers LSRCA: Taylor Stevenson, Dave Lembcke		
<b>Copies to</b>	<b>Apologies</b>		

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The objective of this meeting is to introduce the Mount Albert Water Supply Upgrades Schedule B Class EA project to LSRCA and review approval requirements, primarily related to iron and manganese removal technology and its residual management, for consideration in the evaluation of alternatives.

## 1. Introductions

Introductions were made, and the roles of team members discussed.

## 2. Class EA Study Overview

Taylor leads the SLA with York Region.

## 3. Alternatives with Removal Technology

### 3.1 Residual Management

The volume of the spent backwash water (BW) is relatively small, but it is charged with iron and manganese particulates (which also generates suspended solids).

Mt. Albert facilities don't have a connection to the sanitary sewer collection system. Connection to the system is one alternative, but Mt. Albert sanitary collection system, sewage pumping station (SPS) and wastewater recovery facility (WRRF) have capacity limitations.

Another alternative is to treat the spent BW on-site and discharge the treated water (supernatant to Vivian Creek. The implementation of the discharge pipe and outfall may need to enter LSRCA regulated area.

There is a stormwater system available near Wells 1/2 Facility that might be an option for the discharge and avoid construction in the regulated area. The evaluation of the stormwater system capacity is ongoing and would include a review of the ECA. It was mentioned that using the stormwater system may push water with poor quality out of the pond. There is no stormwater system near Well 3 Facility.

### **3.2 Receiving Body**

Currently, there is limited available data to assess the degree of on-site treatment required for the spent BW.

Dave mentioned there is flow measurement stations on the west branch of the Black Creek (downstream of Vivian Creek) and in the Baldwin main channel. Since there is a dam between the Black Creek flow monitoring station and the discharge points at Vivian Creek, this data is not appropriate.

Dave highlighted the importance of considering temperature data, especially in the presence of brook trout. Dave mentioned that LSRCA may have temperature logger data for Vivian Creek and could provide it to the Region.

Black Creek Subwatershed Report indicates Fish/ Benthic/Invertebrate sampling stations on Vivian Creek. Dave will verify what data is available and send it to Jeff and Maika.

Dave mentioned the Upper York RO demonstration pilot might have chemistry information from the local tributary near Mt Albert WRRF. Jeff informed there is no data for receivers.

### **3.3 Anticipated Permits/Approvals**

The ideal solution is to install the discharge pipe and outfall to be at least 30 m from the watercourse (but ideally 40 m) and outside of the wetland and floodplain if the terrain allows. There is also significant woodland near Well 3 Facility.

If avoiding these natural features and staying outside the regulated area and no permitting will be required from LSRCA. Taylor to provide Sheila's contact, she can provide details regarding the floodplain and HEC-RAS modelling, which can inform the grade.

If the grade does not allow to avoid these features, mitigation and/or compensation is required.

For discharge quality itself, the MECP would be the lead agency, and LSRCA would likely align with MECP requirements.

## **4. Next Steps**

No further questions or comments.

Technical Memorandum No. 2 - Identification and Assessment of Alternative Solutions will be sent for LSRCA review and comment at the end of August or beginning of September.

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<b>Subject</b>	<b>Pre-Consultation with LSRCA/MECP</b>		
<b>Project</b>	Mount Albert Water Supply System Upgrades Class EA		
<b>Project No.</b>	CE731500	<b>File</b>	20201015_PreConsultationLSRCA_MtgSummary.docx
<b>Prepared by</b>	Maika Pellegrino	<b>Phone No.</b>	Teams Meeting
<b>Location</b>	Conference Call	<b>Date/Time</b>	October 15, 2020/ 15:00 AM
<b>Participants</b>	York Region: Luis Carvalho, Courtney Munro, Jeff McNeice, Erin Wilson Jacobs: Lee Anne Jones, Maika Pellegrino, Mark Spanjers LSRCA: Ben Longstaff, David Lembcke, Rob Wilson MECP: Ghassan Ghali		
<b>Copies to</b>	LSRCA: Taylor Stevenson	<b>Apologies</b>	

---

The objective of this meeting is to review approval requirements, primarily related to iron and manganese removal technology and its residual management, especially the Environmental Discharge Parameters, for consideration in the evaluation of alternatives.

### 1. Introductions

- Introductions were made, and the roles of team members discussed.

### 2. Class EA Study Overview

- No questions/comments.

### 3. Alternatives with Removal Technology

#### 3.1 Residual Management

- The volume of the backwash wastewater (BWW) is relatively small, but it is charged with iron and manganese particulates (which also generates suspended solids).
- One of the residual management alternatives is to treat the BWW on-site and discharge the treated water (supernatant) to Vivian Creek, directly or via the stormwater system near Wells 1 & 2 Facility. In case of direct discharge (for Well 3 Facility), the implementation of the discharge pipe and outfall may need to enter LSRCA regulated area. There is no stormwater system near Well 3 Facility.
- Gravity settling is anticipated as on-site treatment due to limited space available. There is some opportunity for on-site storage to equalize the flow. Discharge requirements will drive the sizing of storage, but limited space is available.



### 3.2 Receiving Body and Environmental Discharge Parameters

- LSRCA team has reviewed the draft Surface Water Study and confirms there is limited data available to properly assess the impacts for discharging the supernatant to the creek, especially concerning base flow for development of flow models such as 7Q20 and representative iron and manganese levels at Vivian Creek.
- LSRCA staff mentioned LSRCA does not set limits based on the assimilative capacity, which is the MECP responsibility. LSRCA staff mentioned LSRCA only comment/review ECA for Stormwater, not Wastewater.
- The effluent discharge requirements will ultimately be part of the Drinking Water License, including maximum flowrate and water quality limits.
- It is recognized that limited data is available to assess the creek's assimilative capacity. Data collected for Vivian Creek only includes a few samples and may be skewed, resulting in a lower level of confidence.
- To understand the assimilative capacity of the creek and allow for the relaxation of PWQO, it is important to understand the impact of iron and manganese discharge, based on how the guidelines were developed and the species present. However, it would be expected that the supernatant concentrations would be below the creek median concentrations.
- For the assimilative capacity study, it is also important to understand the flow regime, base flow, and mixing zone.
- It was agreed that the stormwater system, which includes a pond, may mitigate the impacts. The pond is oversized and the volume impact is negligible, but the water quality aspects cannot be quantified. Therefore, effluent discharge limits cannot be set counting with the additional removal at the pond.
- It was highlighted that timing to address the current discoloured events is critical for the residents. It is also understood no decisions can be made at this moment with the limited data available, and more firm quantitative data is required to evaluate the effluent discharge limits that would be applicable for alternatives R2 and R3. One possibility is to proceed with alternative R1 (discharge to sanitary sewer) while gathering additional data.

### 4. Next Steps

- Ghassan to provide feedback on MECP role in setting effluent discharge limits for water treatment facilities by the beginning of next week.
- David to provide feedback from LSRCA Planning on which extent LSRCA comment on ECA permits, in case of discharge through stormwater system and direct discharge, by the beginning of next week.
- PCC2 will be launched by the end of October 2020. LSRCA to review Project File in early 2021.

#### **Post-Meeting Notes:**

- *MECP has confirmed on October 16, 2020 that it is their responsibility to set effluent targets for discharge.*
- *The preliminary preferred alternative to residual management is to discharge the backwash wastewater directly to the sanitary sewer system based on the alternatives evaluation. This alternative does not impact the LSRCA regulated area.*