

**Ministry of the  
Environment**

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March 11, 2010

Ms. Darlene Conway  
darleneconway@sympatico.ca

Dear Ms. Conway:

Thank you for your January 18 and January 24, 2010 emails to the Ministry of the Environment (ministry), regarding the Kanata West Class Environmental Assessments and your concerns with the Third Party Review (TPR) model of record for the Carp River Restoration. I am pleased to respond to your concerns.

In your January 18, 2010 email you raised specific concerns with respect to the assignment of roughness values in the post-development model of record in the TPR and you suggest that future flood levels were underestimated in many locations. You urged this ministry to follow up with the appropriate parties. On February 11, 2010, staff from this ministry met with the City of Ottawa (City) and its consultant Greenland to discuss your specific concerns.

In your January 24, 2010 email, you further requested a response to ministry specific questions. Your first question concerned the applicability of sewage works approval requirements under Section 53 of the *Ontario Water Resources Act* (OWRA) for the City's Carp River Restoration Project. In response to your email this ministry has taken the opportunity to examine the applicability of approval requirements under the OWRA.

This ministry will be advising the City that the Carp River Restoration Project is subject to the sewage works approval requirements and will be requesting that the City update its Development Phasing Plan/Implementation Plan accordingly. This ministry will also be requesting that applications for approval be submitted prior to construction of the sewage works in accordance with the OWRA.

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You also raised concern over the appropriateness of the roughness coefficients used in the hydraulic models and the manner in which the selection of the roughness values were documented in the City's TPR.

Following receipt of your emails, ministry staff contacted the City and requested that it provide specific responses to your concerns. City staff and its TPR consultant Greenland met with ministry staff on February 11, 2010 to present a response. The meeting was also attended by the Mississippi Valley Conservation and the Ministry of Transportation. The City provided a formal response to your email in a letter dated February 17, 2010, by Greenland. The City's response was also circulated to the Ministry of Natural Resources. You were provided with a copy of this response by both the City of Ottawa and the ministry. The City's response provides additional rationale on the review and selection of the roughness coefficients and confirmation that the values fall within recommended ranges.

The ministry is also now in receipt of your March 2, 2010 email in response to the City's February 17, 2010 letter. The ministry is currently reviewing your email and will follow-up with the City as needed.

The Minister's Order clearly states that the City and Kanata West Owner's Group (KWOG) must revise the Carp River Restoration Project, the Master Servicing Study and the Transportation Master Plan. It is this ministry's expectation that the City include this information in the revised documentation that will be prepared in accordance with the Minister's Order and made available to the public for comment once revised Notices of Completion are issued. It is also expected that the City will include any agency comments that the City received and, if necessary, how the comments were or are being addressed.

The ministry understands that the City will be including the most recent version of the hydrologic and hydraulic models as part of the updated and revised Project documentation and these will be available for public review and comment. As recommended by the TPR and as documented in its Development Phasing/Implementation Plan for the Kanata West Development Area, the City has established the role of model keeper to oversee and review the models to ensure that the analysis is coordinated and that any changes are properly documented.

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You raised a question about the ministry's thresholds for flood levels and peak flows, and more specifically, how they are considered when reviewing Certificate of Approval (CofA) applications. Ministry staff review sewage works applications on a case by case basis to assess and determine if this ministry's approval requirements and design guidelines are met. While this ministry has no specific thresholds for peak flood levels or peak flows, applications are reviewed to ensure that the proposed works do not constitute a hazard to public health and safety and that the environment is not adversely impacted. The applicant must provide a sufficient rationale and supporting technical documentation demonstrating that the proposed works will not have such an impact before a CofA can be issued.

In your email, you requested information on the process that would be required to correct and update the Fernbank Master Servicing Study if there was uncertainty with respect to the validity of the TPR model of record. This ministry is aware that Official Plan Amendment No. 77, which deals with the proposed Fernbank development, is before the Ontario Municipal Board (OMB). As such, the issues raised in your email, with respect to the application of the TPR to the Fernbank development, should be dealt with as part of the OMB hearing. The City and the developer must determine whether the proposal is consistent with the requirements of the TPR.

If the OMB hearing results in significant changes to the specific servicing projects proposed in the Master Plans for the Fernbank Development, the proponent would need to follow the process in Section A.4 of the Municipal Engineers Association's Municipal Class EA for preparing revisions and addenda. The Municipal Class EA requires preparation of revisions and addenda for significant changes to the project or environmental setting, a minimum 30-day public review period, and the ability to appeal to the Minister of the Environment for a Part II Order.

Finally, you requested this ministry's position with respect to OWRA approvals that have been issued to date on the basis of various versions of the Carp River hydrologic/hydraulic modeling. The ministry has placed special requirements on applications for OWRA sewage works approvals within the Kanata West Development Area and for lands that drain to the Carp River and its tributaries. Ministry staff have been carefully reviewing applications to ensure that these requirements have been addressed.

The Minister's Order to the City and KWOG imposed a number of conditions on 22 Class EA projects. For any interim facilities associated with the 22 Class EA projects, applicants must ensure that all site plan approval/subdivision approval are completed and approved by the City prior to submitting its application. Furthermore, the CofA

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application must include confirmation from the City with an explanation and rationale on how the proposed interim facility does not contravene the Order.

For all projects within the Kanata West Development Area, the City needed to provide a Development Phasing/Implementation Plan in compliance with the Minister's Order demonstrating how the plan accommodates the recommendations in the TPR, and applicants need to include the technical supporting information, including the City's model keeper input on how the TPR recommendations are addressed.

For lands outside of Kanata West but within the Carp River Watershed, applicants must include written confirmation from the City that the lands on which the proposed works are located will not be impacted by any change to future reviews of modeling or update to the Kanata West EA documents, and if appropriate, describe how any pertinent findings or recommendation from the TPR have been incorporated or addressed. For the 22 Class EA projects noted on the Minister's Order, the EA process has to be completed and the Order complied with before an application can be submitted.

All OWRA sewage works applications for lands draining to the Carp River must be made as direct submissions to the ministry and not through the transfer of review process.

Thank you for bringing your concerns to the attention of this ministry. I trust that this helps to provide clarification with respect to your ministry specific questions. You may wish to contact other agencies directly with any questions specific to their mandates.

If you have any questions about the Minister's Order or the Environmental Assessments Please feel free to contact Michael Harrison or Kristina Rudzki. Michael can be reached directly at 416-314-7237. Kristina can be reached at 416-314-8229.

If you have any specific questions about the ministry sewage approvals program please contact Mr. Mansoor Mahmood P.Eng., Supervisor, Wastewater Approvals Unit at 416-314-8573.

If you have any questions about the ministry's regulatory role please contact me at 613-521-3450.

Yours sincerely,



Steve Burns  
District Manager, Ottawa District