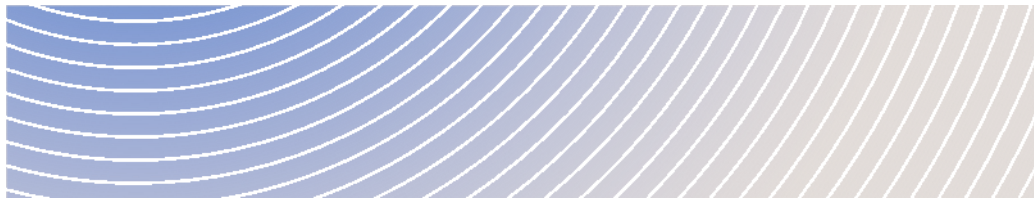




Whole of Government Response – Joint Review Panel Recommendations to Federal Government - Milton Logistics Hub Project



January 21, 2021

WHOLE OF GOVERNMENT RESPONSE TO THE JOINT REVIEW PANEL RECOMMENDATIONS FOR MILTON LOGISTICS HUB PROJECT

Recommendations Directed at Federal Government Department(s)

Rec. Number	Text from Recommendation	Response or Consideration of Supporting Department(s)
<p>5.3 Air Quality</p>	<p>The Panel recommends that Canadian National Railway (CN), in consultation with Environment and Climate Change Canada (ECCC), develop and implement a follow-up program for air quality. The follow-up program should involve air quality monitoring and identify appropriate adaptive management steps to provide additional mitigation in the event that CN’s air quality predictions prove to be exceeded or mitigation measures are not functioning as expected. The requirements should be set out in an Air Quality Monitoring and Adaptive Mitigation Plan that should include the following components:</p> <ul style="list-style-type: none"> • Prior to construction, update the local air quality baseline information by way of a new local monitoring survey to reflect any changes since the baseline was supplemented in 2016. • Develop a monitoring protocol to be followed during the construction phase and for the first five years of operation, and compare estimated emissions and measured air quality levels against the predictions made in CN’s environmental assessment. • During construction, monitor dust (PM2.5 and PM10) levels and meteorological conditions at two locations at or near the property line following National Air Pollutant Surveillance schedule, with continuous visual observations. If complaints are submitted, an adaptive management review should be initiated. • During the first year of operation, at the locations described above, monitor ambient concentrations of NO2, PM2.5, PM10, benzene, benzo(a)pyrene and meteorological conditions with continuous sampling. This monitoring should be repeated for the first year the Project operates at its full capacity, after which time, if results of the follow-up program indicate that CN’s air quality predictions were accurate or overestimated, less frequent monitoring may be conducted to confirm no changes, on a timescale that is satisfactory to ECCC. If complaints are submitted, an adaptive management review should be initiated. 	<p><u>Environment and Climate Change Canada</u></p> <p>ECCC supports this recommendation and is proposing an air quality plan as an additional tool above and beyond the conditions on the proponent to mitigate air pollutant emissions, since the project is proposed in a region of already-stressed air quality, with elevated levels of a number of key air pollutants, impacted by local and transboundary emissions alike.</p> <p>This is a voluntary initiative of the governments of Canada and ON, and is consistent with the way the two governments work under the Air Quality Management System (AQMS), i.e., in collaboration to address air pollution, with each having roles and responsibilities, and the best-placed jurisdiction taking action.</p> <p>While this project is taking place on a regional geographic level within the Province of Ontario, ECCC’s role will also support its responsibility to develop an approach to managing air sheds under the AQMS, which cross more than one jurisdiction and are impacted by transboundary pollution from other provinces/territories, or the U.S.</p> <ul style="list-style-type: none"> • The strategy will look at a number of air pollutants that are of issue in the region, such as PM2.5, PM10, NO2, O3, VOCs such as benzene and polycyclic aromatic hydrocarbons such as benzo(a)pyrene. • With the significant population growth predicted for this region, a reasonable strategy would be to manage growth through adoption of principles around prevention of significant deterioration in air quality. This is an environmental management model long used in the US and can be adapted to this regional context.

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	<ul style="list-style-type: none"> • Compare the monitoring results to the federal National Ambient Air Quality Objectives, Canadian Ambient Air Quality Standards, or, where federal criteria are not available, the Ontario Ambient Air Quality Criteria or if the baseline already exceeds these standards, to the predicted levels. • If the monitored results exceed the applicable standard on more than one day per month or if the results exceed the predicted level on more than one day per month, CN must work with ECCC to investigate the source(s) of the problem. If the exceedance(s) have occurred as a result of terminal operations, the Plan will specify the range of additional mitigation measures that should be considered to bring the results within the acceptable range, up to and including operational changes such as a temporary reduction in terminal operations. <p>Air quality monitoring results should be shared annually with the Impact Assessment Agency of Canada (IAAC), ECCC, Ontario Ministry of Environment, Conservation and Parks, Halton Region, the Town of Milton, the Community Liaison Committee and made public through the CN website.</p>	<ul style="list-style-type: none"> • A goal of this regional air quality strategy would be to address regional contributions to pollutants of concern toward air quality improvements and helping to mitigate local air quality impacts from this project. • For some pollutants, regional contributions are dependent on more long-range transboundary pollution (e.g., PM2.5), while some do not travel as far (e.g., PAHs). • The degree to which the local and regional contributions of these pollutants can be decreased is dependent on the sources, and feasibility (i.e., technological, political, economic) of implementing mitigation measures. • Local air quality levels will be a key consideration when designing the mitigation strategy for the region. <p>ECCC is working with the Province of Ontario to define the scope of the strategy, and how best to involve Indigenous groups, municipalities and other interested partners.</p> <p>Health Canada</p> <p>The authority for Environment and Climate Change Canada (ECCC) to develop and implement risk management instruments stems from the <i>Canadian Environmental Protection Act</i>, as these pollutants are all included in Schedule 1 of the Act.</p> <p>Health Canada (HC) does not have a regulatory role associated with environmental assessments. However, HC has offered its participation, if requested by the Impact Assessment Agency of Canada, as a non-regulatory reviewer for follow-up programs and monitoring activities. HC has also recommended continuous monitoring of NO₂ during construction. This is addressed in detail in potential conditions 4.20 to 4.20.6.</p>



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15.5 Environmental Management	<p>Interagency coordination between IAAC and Conservation Halton and the Town of Milton or Halton Region, for the purposes of compliance and enforcement.</p> <p>The Panel recommends that IAAC consult with Conservation Halton and the Town of Milton or Halton Region as appropriate to support IAAC's review of Project elements during the detailed design stage, and to interpret relevant monitoring and follow-up program information for the purposes of assessing compliance.</p>	<p>The Impact Assessment Agency of Canada is responsible for promoting, monitoring and enabling compliance with any decision statements issued by the Minister of Environment and Climate Change Canada.</p> <p>The Agency will conduct its compliance promotion and enforcement activities in coordination with anybody that has regulatory responsibilities in relation to the project.</p>