
Annex 2: Condition 1.8 – Definition of Designated Project

Condition 1.8, as currently drafted, relies on the description of the Project in Section 3.3 of the Joint Review Panel Report. As noted in Annex 1, the description of the Project in Section 3.3 of the Joint Review Panel Report is not accurate or complete, and reliance on this description for the purpose of defining the Designated Project in the Decision Statement would inadvertently exclude project components and activities described and assessed during the EA and also inadvertently include components that are beyond the care and control of CN. The description of the Project in Section 3.3 of the Joint Review Panel Report also contains errors in the description of certain Project components that were assessed during the EA.

For these reasons, CN suggests revisions to Condition 1.8 (in Annex 1: Comments on Draft Conditions) to ensure the definition of the Designated Project for the purpose of the Decision Statement is based on an accurate description of the Project as described and assessed during the EA, including refinements that were described and assessed in the Information Request (IR) process and the hearing.

This Annex identifies the discrepancies between how the Project has been described and assessed during the EA relative to the description of the Project in Section 3.3 of the Joint Review Panel Report.

Omissions

1. The description in Section 3.3 of the Joint Review Panel Report omits the compressed air building. This building was identified and described in Section 3.3.2 of the EIS and was included in the assessment of effects for the Project.
2. The list of Project activities provided in the Joint Review Panel Report is consistent with the list provided in Section 1.2.2 of the EIS; however, this list is included in Section 3.2.1: *Temporal and Spatial Boundaries* of the Joint Review Panel Report (not Section 3.3 that the draft condition proposes as defining the Designated Project). As such, while these activities were described and assessed as part of the Project to be implemented during construction and operation of the terminal, they would fall outside of the “Designated Project” definition as currently drafted. The most comprehensive list of Project activities is provided in Section 3.4 of the Milton Logistics Hub Environmental Impact Statement (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57).
3. While oil and grit separators (OGS units) were always proposed as part of the stormwater management (SWM) system to manage water quality at the administration building, garage, and gate areas, additional OGS units were committed to by CN in the Updated Consolidated Table of Mitigation Measures and Proponent Commitments provided in advance of the hearing (Canadian Impact Assessment Registry Reference Number 80100, Document Number 799) and during the hearing (CN’s Hearing Presentation for Hydrology and Water Quality (Canadian Impact Assessment Registry Reference Number 80100, Document Number 847)). These additional OGS units were proposed to provide additional water quality treatment for the workpads. Section 3.3.2 of the Joint Review Panel Report acknowledges that CN revised its SWM system design to incorporate oil-grit separators for the work pads; however, the figure included in the Joint Review Panel Report (Figure 1-3) pre-dated this

commitment and therefore does not identify the location of these additional OGS units. No updated figure was provided showing the location of these units, the location of which will be identified during detailed design.

Outside the Care and Control of CN

4. The description of the Project in Section 3.3 of the Joint Review Panel Report, specifically in Section 3.3.7, includes terminal-generated truck traffic that is outside the care and control of the proponent, specifically terminal-generated truck traffic that occurs beyond “the project footprint or awaiting access to the site”. The scope of the Designated Project was established in Section 3.1 of the EIS Guidelines and in Section 1.3 of the Joint Review Panel Terms of Reference and includes the construction and operation of all components that fall within CN’s care and control. The scope of the Designated Project therefore **includes** “vehicular activity within the project footprint or awaiting access to the site” but **excludes** other vehicular traffic. While supplemental information on the effects of truck traffic on area roadways was provided by CN in response to IRs from the Panel, and discussed extensively during the public hearing, such traffic is not part of the Designated Project and cannot properly be included in the definition of the Designated Project in the Decision Statement as it is outside the care and control of CN.

Clarifications

5. The description of the Designated Project provided in the Joint Review Panel Report refers only to noise berms; however, a combination of noise berms and/or walls was proposed and described in the EIS and supporting documents, such as the Noise Effects Technical Data Report (EIS Appendix E.10) (Canadian Impact Assessment Registry Reference Number 80100, Document Number 57). A conceptual design of the berm / wall noise barrier was provided by CN as part of the CN Hearing Presentation for Noise and Vibration (Canadian Impact Assessment Registry Reference Number 80100, Document Number 932), and is included in the Joint Review Panel Report as Figure 6.1. Further, Panel Recommendation 6.2 acknowledges that CN’s proposed mitigation measure to minimize noise effects from the Project would be to “construct vegetated berms or barriers” at this terminal.
6. Section 3.3.4 of the Joint Review Panel Report describes the grade separation at Lower Base Line in accordance with the description provided in the EIS. However, through consultation with the Town of Milton, the design of this grade separation was revised, and the corresponding effects assessed in response to IR3.45 (Canadian Impact Assessment Registry Reference Number 80100, Document Number 613).