**Stantec Consulting Ltd.**
100-300 Hagey Boulevard
Waterloo ON N2L 0A4

October 8, 2024

Project/File: CIAR# 80100

**Julie Buron**
Impact Assessment Agency of Canada
postdecision@iaac-aeic.gc.ca

Dear Ms. Buron,

**Reference: CN Milton Logistics Hub July 15th Incident 90-Day Report**

The purpose of this correspondence is to provide the Impact Assessment Agency of Canada (IAAC), in accordance with Condition 14.5.5 of the amended Decision Statement issued July 26, 2022, with the 90-Day Report following the incident that occurred on July 15, 2024. This correspondence is provided as follow-up to the *CN Milton Logistics Hub July 15th Incident 30-Day Report* (30-Day Report) dated August 13, 2024.

## Changes Made to Avoid Subsequent Occurrences

As outlined in the 30-Day Report, an alternate, more robust, form of slope protection for the spillway was designed by AECOM and implemented by Dufferin Construction Company (DCC), to avoid subsequent occurrences of this incident. The remediation work included the following actions, completed between August 13 and 20, 2024:

- Erosion and sediment control measures, specifically silt fencing, were installed along the edge of the temporary access route, adjacent to the diversion ditch, and across the top of the slope to direct flows towards vegetated portions of the slope and away from the channel to allow additional filtering before reaching Indian Creek.
- A temporary access ramp was cut into the side of the spillway to allow for heavy equipment access to the base of the slope to complete the work.
- A temporary coffer dam and pump system (active 24hrs/day) was installed at the inlet of Culvert 3 as a precautionary control measure to prevent any flows during a rain event from entering the diversion ditch and work area. This system included a filter bag to control any pumped flows being collected and diverted away from Culvert 3 and into Culvert 7, which was installed 30m away from Culvert 7 to manage any sediment transfer. Of note, there was no flow within the diversion ditch during this period, so pumping did not occur.

- A temporary meter bag coffer dam at the outlet of the spillway was installed within the backwater channel to isolate the work area. Dewatering of the work area occurred within the coffer dam to gain access for the remediation work. A fish salvage was conducted by Stantec biologists within the isolated portion of the backwater channel of Indian Creek (in accordance with Condition 7.2).
- Rip-rap material within the Indian Creek backwater area was removed and the outer portion of the plunge pool was reconstructed. Once completed – and after no further in-water work was required - the coffer dam was removed.
- Existing rip-rap was adjusted to accommodate for the reconstruction of the outlet structure.
- Existing rip-rap material on the slope was removed down to the subgrade and the slope re-shaped to reduce the slope of the spillway.
- Filter cloth and rip-rap were replaced along the banks of the spillway and lower portion of the plunge pool.
- Terrafix Flexamat protection barrier was installed from the upper-middle portion of the spillway down to the bottom of the slope and within the plunge pool.
- Any exposed areas were reseeded, and the temporary access road was decommissioned and reseeded.
- Silt fencing will remain in place and maintained until all exposed areas are sufficiently stabilized.

The following photos depict the spillway remediation work that was completed in August 2024.

**Image 1: Coffer Dam installation and fish rescue at outlet of spillway within the Indian Creek backwater channel**


**Image 2: Installation of Terrafix Flexamat protective barrier**


**Image 3:** **Installation of filter cloth and rip-rap material along the banks of the spillway**

**Image 4:** **Completed remedial work to the spillway prior to temporary access road being decommissioned and restored**

## Additional Measure(s) Implemented to Mitigate and Monitor Residual Adverse Environmental Effects

As noted in the 30-Day Report, while sediment-clouded water and elevated turbidity levels were observed, Indian Creek already had sediment-clouded waters upstream and downstream of the spillway due to the storm events, and turbidity levels had returned to normal shortly after testing on July 18th, 2024. No residual effects were observed within the backwater channel and main channel of Indian Creek. No fish mortality was observed and no residual effects on water quality, fish, or fish habitat are anticipated. No other valued components of the environment are expected to have been affected by this incident.

Since no substantial sediment build up was observed within Indian Creek and the backwater channel, no additional cleanup of residual material was required.

## Views from Indigenous Communities and Potentially Affected Parties

To date, no responses or further comments have been received from any of the Indigenous communities, or from the downstream landowners since submission of the 30-Day Report.

**Reference: CN Milton Logistics Hub July 15th Incident 90-Day Report**

During the August meeting with Federal Regulators, DFO highlighted that the silt fencing should be installed to address runoff from the temporary access road and to reduce flows being directed towards the channel and instead towards vegetated portions of the slope to allow additional filtering before reaching Indian Creek. CN has taken that into consideration during the installation of the erosion and sediment control measures.

The provincial Ministry of Environment, Climate Change and Park (MECP) provided subsequent comments to CN, requesting a report documenting the restoration work that has been completed. A copy of the 30-Day Report and this 90-Day Report will be provided to the MECP.

## Closing

We trust that the information contained in this correspondence addresses the information requirements of Condition 14.5.5 as it pertains to this incident. If you have any questions or require additional information, please do not hesitate to contact the undersigned.

Sincerely,

**Stantec Consulting Ltd.**

Digitally signed by Kristen Wozniak
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**Kristen Wozniak** BAH
Environmental Consultant – Assessment & Permitting
Environmental Services
Phone:(613) 286-8067
kristen.wozniak@stantec.com

**Chris Powell** MA
Senior Environmental Planner, Senior Principal
Project Manager – Environmental Services
Phone: (519) 501-2368
chris.powell@stantec.com

Cc: Chris Strand, Tara Schwitzer, DFO
Ricky Chui, Darren Reynolds, Luanne Patterson, CN