

Date: 28 August 2010

To:

The Honourable John Wilkinson
Minister of the Environment
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Minister.moe@ontario.ca

Copy To:

Don Herweyer, City of Ottawa, Don.Herweyer@ottawa.ca
Michael Green, Kanata West Land Owners Group, mjgreen@dmel.on.ca

Regarding:

Kanata West Class EA and Carp River Restoration Plan (CRRP)
Part II Order Request

Proponents: Kanata West Owners Group (KWOG) & City of Ottawa

Project Name:

Kanata West EA Master Servicing Study
Stormwater Management Projects and Sanitary Servicing Projects
Carp River Restoration Plan (CRRP)
Notices of Completion Issued: 30 July 2010

Interested Person:

Iola Price
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Background of Interested Person:

I am a resident of Ottawa. Up until now I have not been involved in the public planning processes for either the Kanata West EA or the Carp River Restoration Plan. However, irregularities in the development approvals for Terry Fox Drive Extension, Kanata West, the CRRP, and Fernbank area are of concern to me since these could impact the flood levels in the Carp River and impact the ability to implement flood mitigation solutions to resolve widespread, recurrent flooding problems in Kanata, Stittsville, and Carp. I am

also concerned that these issues, if not properly addressed, may also cause collateral impact elsewhere in Ottawa due to infrastructure capacity bottlenecks and the reliance on a centralized infrastructure.

I am not opposed to development in Kanata West per se, but I am opposed to non-sustainable development that is conducted irresponsibly on a piece-meal basis and without proper approvals. I want to be assured that the all development projects and infrastructure (storm water and sanitary) in the Carp River Corridor and Carp River Subwatershed have been included, coordinated and thoroughly evaluated for upstream and downstream impacts to prevent future flooding and infrastructure capacity problems.

This Part II Order Request is based on the following concerns:

1. Illegal Posting of Notice of Completion

In Ottawa, there is no delegated authority given to City staff to post a Notice of Completion without the approval of City Council.

These Notices of Completion were illegally posted in contravention of municipal law without prior approval by my elected representatives. The “direction” found in the Disposition section of the staff report that presented the TPR report to Council 14 months ago is obviously stale-dated and is not acceptable to me.

To approve these Notices of Completion without a current approval of City Council is a corruption of municipal authority. It also creates a dangerous precedent that undermines the boundary for and limitations on delegated authority to staff. It is my expectation that the City is to be run by our elected representatives and not by the public servants within the administration of the city.

2. Denial of Civic Process

Furthermore, by not obtaining approval of City Council for the current versions of these documents, I have been denied the opportunity to ask questions and receive adequate explanations of outstanding issues and concerns that are not obviously addressed by these studies.

Had these studies been taken to City Council via the Planning Committee as required by municipal law, I would have had the opportunity to attend the appropriate committee meeting and to ask questions in person and to receive answers interactively. I would have also had the opportunity to hear the questions and answers of my fellow citizens and neighbours.

Most importantly, these questions would have also been heard by my elected representatives who would have considered them in determining whether or not to advance these studies to the point of filing a Notice of Completion. Insufficiently answered questions would have been sent back for clarification prior to posting these Notices.

The established process of requiring Council and Committee approval first has served the City of Ottawa, and the Regional Municipality before it, well in the past and there is no reason to end-run it merely to appease the proponents.

The established process is also consistent with the Ontario Environmental Bill of Rights that gives every citizen in Ontario the right to participate in environmental decision-making. Denying civic process is a violation of my environmental rights.

3. Lack of Consultation

I am concerned that these Notices of Completion were posted without prior consultation with the previous interested parties who requested Part II Orders in 2006. This is inconsistent with the purpose and spirit of the Environmental Assessment Process which, according to your ministry, is to promote consultation in the EA process.

Disregarding previous concerns is disrespectful of those interested parties and demonstrates that their concerns are of no importance to the proponents. Your ministry should not tolerate this.

4. Unresolved Issues

The following concerns, issues, and questions are not adequately addressed in the current documentation:

a) How is the impact of Terry Fox Drive Extension included in the flood models? TFDE is immediately downstream from Kanata West and, in addition to increasing storm water runoff into the Carp River, has also subtracted 45,000 cubic metres from the Carp River floodplain's capacity. How can this not affect upstream capacity and flow rates? TFDE's storm water management models assume that Kanata West will accommodate TFDE's impact on both capacity and water flow. Yet nowhere is this evident in the documentation that accompanies these Notices of Completion.

b) Glen Cairn is an existing development that is immediately upstream and has well-known flooding issues that have not yet been resolved. Development downstream and restoration of the Carp River may adversely affect flood levels in Glen Cairn, and may compete with flow from the Glen Cairn community. Should these issues not be solved before flood levels and capacity is affected by new development? If approvals for new development are to be granted prior to solving outstanding problems from existing developments, shouldn't an allocated reserve be made to allow headroom for a solution for Glen Cairn?

c) To what extent has actual/existing data from existing developments such as Fernbank, or the Kanata developments in-progress on the opposite side of the Carp from Kanata West, been included in the modelling? Shouldn't actual flows be shown as being accommodated under different scenarios in addition to whatever hypothetical target flows might be modelled? Without a baseline of actual data there is no rational basis for believing that the hypothetical "worst-case scenario" is accurate.

Failure to accommodate Fernbank in a developed condition in the watershed model was a major reason for Part II Order requests in 2006 and has the potential for significant upstream consequences for Stittsville residents in addition to obvious downstream impacts.

d) Why is the hydraulic analysis for sewage based on a 1983 flood elevation? Shouldn't it be based on the currently predicted flood elevations (after accounting for the impact of & remediation for existing developments)?

e) How much headroom exists for the handling of emergency flows for both storm and sewage? This is particularly important given the rising level of uncertainty in weather patterns due to

climate change. Shouldn't it be clear how close or far the infrastructure is from overload should extreme conditions prove to be worse than anticipated?

The City does not allocate capacity, depending instead on monitoring flows after-the-fact. The policy is "first-come-first-served" and "just-in-time" upgrades and is not precautionary. This policy needs to be reviewed in light of more than 1000 homes flooding in Glen Cairn and Stittsville in Kanata South when the Hazeldean Pumping Station, which depended on monitored flows to trigger upgrades, and did not reach its design limit due to lack of a safety margin. Shouldn't there be a regulated allocated reserve capacity as a prudent safety margin?

5. No Engineering Accountability

Particularly troubling is the fact that this documentation lacks sign-off from a licensed Professional Engineer that is prepared to stand behind these results and conclusions. The only such sign-off that can be found is by Donald Moss for only a single report.

Isn't this a violation of the Professional Engineers Act that governs all civil engineering projects in Ontario?

Without such sign-off, who is to be held accountable in the event of a mistake? And wouldn't a sign-off trigger a due diligence to reduce the likelihood of a mistake? Since the proponents have made egregious mistakes in the past, isn't it possible that these results may contain errors that have not been meticulously verified and signed-off?

Requested Action:

I am requesting that the City and KWOG do the following:

1. Withdraw the Notices of Completion for the Kanata West EA and CRRP EA, and do not reissue them until after they have been signed-off by a licensed Professional Engineer and duly approved by Ottawa City Council.

2. Ensure that the Glen Cairn Pond and Carp River problems have been properly studied and the solutions, including those which may affect Kanata West or Kanata North SWMPs in the Carp River Corridor, have been approved by City Council. As well, the results of the City's internal study on West End Sewage Infrastructure should be published for public review and recommendations incorporated prior to those approvals.

3. Include ALL development project activity upstream from the Village of Carp in the modelling as well as include all existing and actual flows from all developments in all reaches of the Carp River and its tributaries that are upstream from the Village of Carp. These should include Fernbank and approved developments as well as TFDE, Hazeldean Upgrade and other road projects. Allowances should also be made for unapproved development plans that are currently in draft stage but have not yet started. Further allowances should be made for likely development projects within a 5-year horizon. Ensure that all these projects are baselined against the same model data and version.

4. Review the Emergency Requirements for storm water and sewage and establish a minimum safety reserve to reasonably accommodate unknowns, errors, and omissions that might still plague these results.

In the alternative, I request a Minister's Order imposing further conditions on these development proposals so that my concerns can be accommodated. In doing so I trust that you will reflect the ministry's Statement of Environmental Values that promotes an ecosystem approach to environmental protection and resource management, and is based on a precautionary, science-based approach to decision-making to protect human health.

Finally, I request that the proponents produce a single, coordinated and comprehensive Individual Assessment and ensure that adequate consultation occurs with all interested parties. This Individual Assessment should encompass and guide all plans of subdivision so that all concerns are addressed in a single integrated way.

Respectively submitted,

Iola Price

[address suppressed]