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of the  
Environment

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ENV1283MC-2004-5305

Mr. Kees Schipper  
Commissioner of Transportation and Works  
Regional Municipality of York  
17250 Yonge Street  
Newmarket ON L3Y 6Z1

Dear Mr. Schipper:

I have received submissions from a representative of the Rouge Duffins Greenspace Coalition and Friends of the Rouge Watershed concerning the Regional Municipality of York's (York Region) York-Durham Sewage System (YDSS) projects, requesting me to require York Region to prepare an individual environmental assessment for the remaining unfinished sections of the YDSS. Several reasons have been cited within the submissions as to why an individual environmental assessment should be required. For your information, I have attached copies of these submissions.

The scope of the request includes all unfinished sections of the YDSS. With respect to the King City Sanitary Sewage Servicing project, I am satisfied that this project has been extensively reviewed by my ministry as recently as July 2004 when a Certificate of Approval was issued under the *Ontario Water Resources Act*. I have therefore decided not to grant the request for an individual EA for this project.

The 9th Line Main Trunk (Phase 2) & East-West Branch, the York-Peel Forcemain, the East Holland Sanitary Trunk Sewer, and the Pine Valley Wastewater Pumping Station Expansion & Diversion Sewer projects, as described by York Region in its Class EA documentation, have proceeded to construction and no further decision about these will be made under the *Environmental Assessment Act*.

On the basis of the request for an individual environmental assessment I have, therefore, considered the following proposed projects:

- 16th Avenue Trunk Sewer Phase 2;
- 19th Avenue Interceptor Sanitary Sewer & Leslie Street Lower Trunk;
- Bathurst Collector & Langstaff Trunk Sewer;
- Southeast Collector;



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- Duffins Creek Water Pollution Control Plant (WPCP) Expansion;
- Upper Leslie Street Trunk;
- Holland Landing/Queensville Sanitary Sewer & Forcemain;
- West Rainbow Creek Sanitary Sewer Upgrades; and,
- Concord Diversion Sub-Trunk Sewer.

I have reviewed the requester's concerns surrounding these projects and I have exercised my authority under the *Environmental Assessment Act* to make decisions about each of these projects.

I have made my decisions after giving careful consideration to the issues raised in the request, the project documentation, the provisions of the *Municipal Engineers Association Municipal Class Environmental Assessment, June 2000* (Class EA), and other relevant matters required to be considered under subsection 16(4) of the *Environmental Assessment Act*. The reasons for these decisions may be found in the attached letter to the requester.

#### 16th Avenue Trunk Sewer Phase 2

I have decided that an individual EA is not required for this project. In making a decision about this project, I want to ensure that the environment is protected and the environmental concerns which have been raised are addressed. I am therefore, by order pursuant to my authority under subsection 16(3) of the *Environmental Assessment Act*, imposing the following conditions in addition to those imposed upon the approval of the Class EA.

1. The Regional Municipality of York shall develop monitoring and mitigation measures for the dewatering activities associated with this proposed project, including measures that address potential impacts to well users and the natural environment. These monitoring and mitigation measures shall assess the impacts of this project on long-term sustainability of groundwater and surface water resources in the watershed and mitigate these impacts.
2. The Regional Municipality of York shall hold a public information meeting to present these mitigation and monitoring measures within two months of receiving notice that the Director, Ministry of the Environment has approved the associated Permit to Take Water application.
3. For the purpose of this proposed project, the Regional Municipality of York shall maintain its well complaint review committee process of Regional Council as an

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appropriate complaint resolution mechanism for any well impacts associated with this project. In addition, the Regional Municipality of York shall develop a program to provide independent technical advisory support for individual property owners to facilitate well interference complaints.

4. The Regional Municipality of York shall ensure that all technical studies, reports, and other documents prepared for this proposed project become part of the Project File. These shall be made available for review upon request by any person and shall be accessible from the Regional Municipality of York's web site.
5. The Regional Municipality of York shall prepare, to the satisfaction of the Director, Central Regional Office, Ministry of the Environment an aquatic habitat improvement plan for a selected reach of each stream into which water is discharged for this proposed project, which will result in a net improvement to the environment. The approved plan shall be implemented prior to completion of the proposed project.
6. The Regional Municipality of York shall submit an annual report to the Director, Environmental Assessment and Approvals Branch, Ministry of the Environment, indicating the date that each condition was fulfilled and the results of the conditions having been fulfilled.

#### **19<sup>th</sup> Interceptor Sanitary Sewer & Leslie Street Lower Trunk**

I have decided that an individual EA is not required for this project. In making a decision about this project, I want to ensure that the environment is protected and the environmental concerns which have been raised are addressed. I am therefore, by order pursuant to my authority under subsection 16(3) of the *Environmental Assessment Act*, imposing the following conditions in addition to those imposed upon the approval of the Class EA.

1. The Regional Municipality of York shall develop monitoring and mitigation measures for the dewatering activities associated with this proposed project, including measures that address potential impacts to well users and the natural environment. These monitoring and mitigation measures shall assess the impacts of this project on long-term sustainability of groundwater and surface water resources in the watershed and mitigate these impacts.

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2. The Regional Municipality of York shall hold a public information meeting to present these mitigation and monitoring measures within two months of receiving notice that the Director, Ministry of the Environment, has approved the associated Permit to Take Water application for this project.
3. The Regional Municipality of York shall assess and address, as part of any subsequent applications for Permits to Take Water for this proposed project, any cumulative impacts on the environment of additional dewatering activities occurring as a result of any other related sewer projects.
4. For the purpose of this proposed project, the Regional Municipality of York shall maintain its well complaint review committee process of Regional Council as an appropriate complaint resolution mechanism for any well impacts associated with this project. In addition, the Regional Municipality of York shall develop a program to provide independent technical advisory support for individual property owners to facilitate well interference complaints.
5. The Regional Municipality of York shall ensure that all technical studies, reports, and other documents prepared for this proposed project become part of the public record. These shall be made available for review upon request by any person and shall be accessible from the Regional Municipality of York's web site.
6. The Regional Municipality of York shall, prior to making any application to this ministry for a Permit to Take Water to carry out dewatering activities for this proposed project, consult with the public on the application.
7. The Regional Municipality of York shall ensure that all technical studies prepared in support of this project be independently peer reviewed by appropriate experts, including, but not limited to, fishery biologists and hydrogeologists, and the review shall be documented in a report.
8. The Regional Municipality of York shall conduct a new comparison of alternative route alignments having consideration for, among other criteria to be applied in the comparison, the potential dewatering impacts of each alternative. This shall be carried out in full consultation with the public and interested stakeholders. This comparison and the results, including the preferred route alignment which is selected, shall be documented in a report for the public record for this proposed project.

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9. The Regional Municipality of York shall conduct a detailed assessment of the impacts of any dewatering activities required to be carried out for the preferred alternative route alignment for this proposed project.
10. The Regional Municipality of York shall carry out and document a review of sewer design and construction techniques. The results of this review shall be used to evaluate all reasonable design and construction techniques for this proposed project, and to select the preferred sewer design and construction techniques for the preferred route alignment for this proposed project. The evaluation shall include an assessment of the impacts of the design and construction techniques on all local natural heritage features including, but not limited to, the provincially significant Rouge Headwaters Wetland Complex and the Jefferson Forest Area of Natural and Scientific Interest. The results of the evaluation and the reasons for the selection of the preferred design and construction techniques shall be documented in a report by the Regional Municipality of York to be placed in the public record for this proposed project. The report shall be provided, prior to construction, to the Director, Ministry of the Environment, Central Region.
11. The Regional Municipality of York shall submit an annual report to the Director, Environmental Assessment and Approvals Branch, Ministry of the Environment, indicating the date that each condition was fulfilled and the results of the conditions having been fulfilled.

#### **Bathurst Collector & Langstaff Trunk Sewer**

I have decided that an individual EA is not required for this project. In making a decision about this project, I want to ensure that the environment is protected and the environmental concerns which have been raised are addressed. I am therefore, by order pursuant to my authority under subsection 16(3) of the *Environmental Assessment Act*, imposing the following conditions in addition to those imposed upon the approval of the Class EA.

1. The Regional Municipality of York shall develop monitoring and mitigation measures for the dewatering activities associated with this proposed project, including measures that address potential impacts to well users and the natural environment. These monitoring and mitigation measures shall assess the impacts of this project on long-term sustainability of groundwater and surface water resources in the watershed and mitigate these impacts.

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2. The Regional Municipality of York shall hold a public information meeting to present these mitigation and monitoring measures within two months of receiving notice that the Director, Ministry of the Environment, has approved the associated Permit to Take Water application for this project.
3. The Regional Municipality of York shall assess and address, as part of any subsequent applications for Permits to Take Water for this proposed project, any cumulative impacts on the environment of additional dewatering activities occurring as a result of any other related sewer projects.+
4. For the purpose of this proposed project, the Regional Municipality of York shall maintain its well complaint review committee process of Regional Council as an appropriate complaint resolution mechanism for any well impacts associated with this project. In addition, the Regional Municipality of York shall develop a program to provide independent technical advisory support for individual property owners to facilitate well interference complaints.
5. The Regional Municipality of York shall ensure that all technical studies, reports, and other documents prepared for this proposed project become part of the public record. These shall be made available for review upon request by any person and shall be accessible from the Regional Municipality of York's web site.
6. The Regional Municipality of York shall, prior to making any application to this ministry for a Permit to Take Water to carry out dewatering activities for this proposed project, consult with the public on the application.
7. The Regional Municipality of York shall ensure that all technical studies prepared in support of this project be independently peer reviewed by appropriate experts, including, but not limited to, fishery biologists and hydrogeologists, and the review shall be documented in a report.
8. The Regional Municipality of York shall carry out and document a review of sewer design and construction techniques, including an Earth Pressure Balance Tunneling Machine. The results of this review shall be used to evaluate all reasonable design and construction techniques for this proposed project, and to select the preferred sewer design and construction techniques for the preferred route alignment for this proposed project. The evaluation shall include an assessment of the impacts of the design and construction techniques on all local natural heritage features including, but not limited to, the Baker Sugarbush. The results of the evaluation and the reasons for the selection of the preferred design

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and construction techniques shall be documented in a report by the Regional Municipality of York to be placed in the public record for this proposed project. The report shall be provided, prior to construction, to the Director, Ministry of the Environment, Central Region.

9. The Regional Municipality of York shall conduct a detailed assessment of the impacts of any dewatering activities required to be carried out for the preferred alternative route alignment for this proposed project.
10. The Regional Municipality of York shall ensure that all technical studies prepared for this project are carried out to a level of detail and information that would be required for an application for a Permit to Take Water for dewatering activities under the *Ontario Water Resources Act*.
11. The Regional Municipality of York shall submit an annual report to the Director, Environmental Assessment and Approvals Branch, Ministry of the Environment, indicating the date that each condition was fulfilled and the results of the conditions having been fulfilled.

### Southeast Collector

I am pleased to note that York Region has recognized the potential for the Southeast Collector project to cause adverse environmental impacts and the importance of planning this project under an appropriate environmental assessment process. To this end, I have been advised that York Region is committed to preparing an individual environmental assessment for this project if and when it decides to proceed with it.

To provide certainty and to ensure that this commitment is fulfilled and the environment protected, I am ordering, pursuant to subsection 16(1) of the *Environmental Assessment Act*, the Regional Municipality of York to comply with Part II of the *Environmental Assessment Act* for the proposed Southeast Collector (from 9<sup>th</sup> Line to Valley Farm Road).

Pursuant to section 16(2)1. of the *Environmental Assessment Act*, I am setting out directions with regard to the preparation and content of the Terms of Reference that must be prepared:

1. The Terms of Reference shall be prepared in accordance with clause 6(2)(a) of the *Environmental Assessment Act*.

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2. The Terms of Reference shall include a commitment to fulfill the following conditions during the preparation of the environmental assessment for this project:
- As part of the EA, alternative routes will be identified and assessed.
  - For the preferred alternative selected as the proposed undertaking, monitoring and mitigation measures for any dewatering activities associated with this undertaking, including measures that address potential impacts to well users and the natural environment, will be developed.
  - The environmental assessment will include, among the criteria used to compare the alternatives, dewatering activities and impacts on existing water users and on all local surface, groundwater and natural heritage features. Data and baseline information on the local geology, hydrogeology, identification of areas with high hydraulic heads, safe excavation depths, hydrology, ecology of the area; and characterization and prediction and locations, rates and amounts of pumping and potential impacts of the dewatering, by conducting pump tests and modeling must be collected for this purpose.
  - All reasonable alternative design and construction techniques associated with the preferred alternative selected as the proposed undertaking shall be addressed as part of the environmental assessment. The environmental assessment will identify the preferred design and construction techniques and reason for the selection. The assessment will include the impacts of all design and construction techniques on all local natural heritage features.
  - All technical studies prepared as part of the environmental assessment will be peer reviewed by appropriate experts, including, but not limited to, fishery biologists and hydrogeologists, and the review shall be documented in the environmental assessment.
  - The Regional Municipality of York will prepare a technical analysis of the impacts of dewatering as part of the assessment and evaluation of alternative routes.
  - For the preferred alternative selected as the proposed undertaking, the Regional Municipality of York shall prepare a detailed dewatering

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evaluation to be included as part of the environmental assessment.

- The Regional Municipality of York shall ensure that all technical studies for the preferred alternative selected as the proposed undertaking are carried out to a level of detail and information that would be required for an application for a Certificate of Approval and Permit to Take Water under the *Ontario Water Resources Act*.

### **Duffins Creek WPCP Expansion**

I have decided that an individual EA is not required for this project. In making a decision about this project, I want to ensure that the environment is protected and the environmental concerns which have been raised are addressed. I am therefore, by order pursuant to my authority under subsection 16(3) of the *Environmental Assessment Act*, imposing the following conditions in addition to those imposed upon the approval of the Class EA.

1. The Regional Municipality of York shall develop monitoring and mitigation measures for the dewatering activities associated with this proposed project, including measures that address potential impacts to well users and the natural environment. These monitoring and mitigation measures shall assess the impacts of this project on long-term sustainability of groundwater and surface water resources in the watershed and mitigate these impacts.
2. The Regional Municipality of York shall hold a public information meeting to present these mitigation and monitoring measures within two months of receiving notice that the Director, Ministry of the Environment, has approved the associated Permit to Take Water application for this project.
3. The Regional Municipality of York shall ensure that all technical studies, reports, and other documents prepared for this proposed project become part of the public record. These shall be made available for review upon request by any person and shall be accessible from the Regional Municipality of York's web site.
4. The Regional Municipality of York shall, prior to making any application to this ministry for a Permit to Take Water to carry out dewatering activities for this proposed project, consult with the public on the application.
5. The Regional Municipality of York shall ensure that all technical studies prepared in support of this project be independently peer reviewed by appropriate experts, including, but not limited to, fishery biologists and hydrogeologists, and

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the review shall be documented in a report.

6. The Regional Municipality of York shall carry out and document a review of design and construction techniques. The results of this review shall be used as part of the Class EA process for this proposed project to evaluate all reasonable design and construction techniques for this proposed project, and to select the preferred design and construction techniques for the preferred alternative for this proposed project. The evaluation shall include an assessment of the impacts of the design and construction techniques on all local natural heritage features including, but not limited to, Lake Ontario. The results of the evaluation and the reasons for the selection of the preferred design and construction techniques shall be documented in a report by the Regional Municipality of York to be placed in the public record for this proposed project. The report shall be provided, prior to construction, to the Director, Ministry of the Environment, Central Region.
7. The Regional Municipality of York shall conduct a detailed receiving water assessment, as part of the Class EA process, for the preferred alternative of the Duffins Creek Water Pollution Control Plant, to avoid adverse impacts to any nearby water users, nearby municipal drinking water supplies, swimming beaches, and to avoid adverse impacts to aquatic habitats, including fish spawning areas and fish migration routes. The assessment shall include the proposed effluent criteria, which includes a requirement for a non-acutely lethal effluent at end of pipe, and a mixing zone analysis (modeling) to predict plume delineation and various parameter concentrations within the plume, under different effluent loading and lake ambient conditions of interest.
8. For the purposes of completing the consultation requirements under the *Municipal Engineers Association Municipal Class Environmental Assessment, June 2000*, the Regional Municipality of York shall prepare a consultation plan.
9. As part of the Regional Municipality of York's Class EA study for this project, the Regional Municipality of York shall ensure that all technical studies are carried out to a level of detail and information that would be required of an application for a Certificate of Approval under the *Ontario Water Resources Act*.
10. The Regional Municipality of York shall submit an annual report to the Director, Environmental Assessment and Approvals Branch, Ministry of the Environment, indicating the date that each condition was fulfilled and the results of the conditions having been fulfilled.

Upper Leslie Street Trunk

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I am pleased to note that York Region has committed to reviewing the need and justification for the proposed Upper Leslie Street Trunk project as part of an overall master plan review. I understand that York Region intends to conduct this review, in part, to assess emerging provincial planning priorities. Further, I am pleased to note that York Region has recognized the potential for the proposed Upper Leslie Street Trunk project to cause adverse environmental impacts and the importance of planning this project under and appropriate environmental assessment process. To this end, I have been advised that York Region is committed to prepare an individual environmental assessment for this project if and when it decides to proceed with it.

To provide certainty and to ensure that this commitment is fulfilled the special features of the Oak Ridges Moraine and the environment are protected, I am ordering, pursuant to subsection 16(1) of the *Environmental Assessment Act*, the Regional Municipality of York to comply with Part II of the *Environmental Assessment Act* for the proposed Upper Leslie Street Trunk in the event that it proceeds with this proposed project.

Pursuant to section 16(2)1 of the *Environmental Assessment Act*, I am setting out directions with regard to the preparation and content of the Terms of Reference that must be prepared.

1. The Terms of Reference shall be prepared in accordance with subsection 6(2)(a) of the *Environmental Assessment Act*.

#### **Holland Landing/Queensville Sanitary Sewer & Forcemain**

I have decided that an individual EA is not required for this project. In making a decision about this project, I want to ensure that the environment is protected and the environmental concerns which have been raised are addressed. I am therefore, by order pursuant to my authority under subsection 16(3) of the *Environmental Assessment Act*, imposing the following conditions in addition to those imposed upon the approval of the Class EA.

1. The Regional Municipality of York shall review the study conducted under the Class EA for the proposed Holland Landing/Queensville Sanitary Sewer & Forcemain project, including the environment and environmental conditions and assessment of alternatives. The review shall ensure that the project and the mitigation measures are still valid given the current planning context and the current environmental setting. The Ministry of the Environment Central Regional Office and all other interested stakeholders shall be consulted during this review. In the event that changes are identified, the Regional Municipality

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of York shall proceed in accordance with the provisions of the Class EA governing modifications to projects.

2. As part of the Regional Municipality of York's Class EA study for this project, it shall ensure that all technical studies are carried out to a level of detail and information that would be required of an application for a Certificate of Approval under the *Ontario Water Resources Act*.
3. The Regional Municipality of York shall submit an annual report to the Director, Environmental Assessment and Approvals Branch, Ministry of the Environment, indicating the date that each condition was fulfilled and the results of the conditions having been fulfilled.

#### West Rainbow Creek Sanitary Sewer Upgrades

I have decided that an individual EA is not required for this project. In making a decision about this project, I want to ensure that the environment is protected and the environmental concerns which have been raised are addressed. I am therefore, by order pursuant to my authority under subsection 16(3) of the *Environmental Assessment Act*, imposing the following conditions in addition to those imposed upon the approval of the Class EA.

1. The Regional Municipality of York shall plan and develop the West Rainbow Creek Sanitary Sewer Upgrades project of the York-Durham Sewage System in accordance with the Schedule C procedures of the *Municipal Engineers Association Municipal Class Environmental Assessment, June 2000*.
2. The Regional Municipality of York shall carry out and document a review of sewer design and construction techniques. The results of this review shall be used as part of the Class EA process for the proposed project to evaluate all reasonable design and construction techniques for this proposed project, and to select the preferred sewer design and construction techniques for the preferred route alignment for this proposed project. The evaluation shall include an assessment of the impacts of the design and construction techniques on all local natural heritage features including, but not limited to, the Woodbridge Cut Earth Science Area of Natural and Scientific Interest and Environmental Significantly Area. The results of the evaluation and the reasons for the selection of the preferred design and construction techniques shall be documented in a report by the Regional Municipality of York to be placed in the public record for this proposed project. The report shall be provided, prior to construction, to the

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Environment, Central Region.

3. The Regional Municipality of York shall submit an annual report to the satisfaction of the Director, Environmental Assessment and Approvals Branch, Ministry of the Environment, indicating when and describing how the above conditions are being fulfilled.

### Concord Diversion Sub-Trunk Sewer

With respect to the proposed Concord Diversion Sub-Trunk Sewer, I have decided that an individual EA is not required. I am pleased to note that York Region has made commitments with respect to this proposed project that extend above the requirements of the Class EA for projects of this type. This project is categorized by the Class EA as a Schedule A activity. York Region has advised this ministry that it is voluntarily preparing this project in accordance with the Schedule B requirements of the Class EA.

It is my understanding that other initiatives to address sewage servicing needs in York Region may result in new proposals for expanding the YDSS, such as servicing proposals being developed for the communities of Kleinburg and Schomberg. In light of the environmental significance of the YDSS projects and the public interest they have generated, it is my expectation that York Region will plan and develop any future projects which may impact significant natural features and ecosystems, such as the Oak Ridges Moraine, under a more rigorous environmental assessment process than may otherwise be required for projects of that type. I would also like to remind York Region that it is mandatory, under the Class EA, to consult with the Ministry of the Environment's Central Regional Office during the Class EA process for any project.

As a result of the request for an individual environmental assessment having been made, applications for approval under the *Ontario Water Resources Act* (OWRA) for the proposed 16th Avenue Trunk Sewer Phase 2; 19<sup>th</sup> Avenue Interceptor Sanitary Sewer & Leslie Street Lower Trunk; Bathurst Collector & Langstaff Trunk Sewer; Southeast Collector; Duffins Creek Water Pollution Control Plant Expansion; Upper Leslie Street Trunk; Holland Landing/Queensville Sanitary Sewer & Forcemain; West Rainbow Creek Sanitary Sewer Upgrades; and, Concord Diversion Sub-Trunk Sewer projects, which have not already been approved under that Act, will no longer be reviewed under the ministry's Transfer of Review program. The Transfer of Review program allows York Region to conduct the administrative and technical review of certain types of municipal water and sewage works under the OWRA. All applications and supporting documents for the projects' sewage works must be made as direct submissions for review and approval by this ministry.

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I should also note that, while I have required a report be made annually for each of the projects, I will accept the submission of one report inclusive of the required information for all projects.

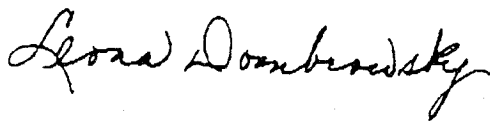
I am pleased to note that York Region has committed to restoring Robinson Creek, affected as a result of the unexpected impacts associated with the Phase 1 of the 16<sup>th</sup> Avenue Trunk Sewer project. It is my expectation that York Region will move forward with this commitment in a timely manner.

On a related matter, I would like to commend York Region for the commitment it has made to my ministry to initiate a multi-stakeholder advisory mechanism to develop an overall sustainable development strategy to address growth management, infrastructure planning, and environmental protection, including water budgeting. I would ask that York Region provide my office with written confirmation of this commitment and any details about this proposal that may be available at this time.

I have made the decisions noted here in recognition of the need to ensure that the interests of the public and the environment are protected. It is incumbent upon York Region, in carrying out the projects, to comply with the *Environmental Assessment Act*, the provisions of the Class EA, and my conditions above. I must stress that failure to comply with any of these is a contravention of the *Environmental Assessment Act* and may result in prosecution under section 38 of the Act.

I am confident that York Region recognizes the importance and value of the *Environmental Assessment Act* and will ensure that its requirements and those of the Class EA are satisfied.

Sincerely,



Leona Dombrowsky  
Minister of the Environment

Attachment

c: Jim Robb  
Greg Sorbara, MPP, Vaughan-King-Aurora  
Tony Wong, MPP, Markham  
Frank Klees, MPP, Oak Ridges  
Julia Munro, MPP, York North

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Mario Racco, MPP, Thornhill

Garry Cubitt, Chief Administrative Officer, Regional Municipality of Durham

Larry Anderson, Chief Administrative Officer, Town of Aurora

Robert Casselman, Chief Administrative Officer, Township of King

John Livey, Chief Administrative Officer, Town of Markham

Robert Shelton, Chief Administrative Officer, Town of Newmarket

David Weldon, Chief Administrative Officer, Town of Richmond Hill

Michael DeAngelis, City Manager, City of Vaughan

Juhn S. Rogers, Chief Administrative Officer, Town of East Gwillimbury

Stanley Armstrong, Chief Administrative Officer, Town of Georgina

Nick Kristoffy, Treasurer/Administrator, Town of Whitchurch-Stouffville

Keith West, Director Central Region, Ministry of the Environment

EA File No. EA03-03-03 York-Durham Sewage System Master Plan & Related Projects