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FIRST ANNUAL REPORT ON COMPLIANCE WITH THE MINISTER'S CONDITIONS (2005) YORK-DURHAM SEWAGE SYSTEM (YDSS) PROJECTS

The Transportation and Works Committee recommends the adoption of the recommendation contained in the following report, February 23, 2006, from the Commissioner of Transportation and Works:

1. RECOMMENDATION

It is recommended that this report be received for information.

2. PURPOSE

This report is to notify Regional Council that the first "Annual Report on Compliance with the Minister's Conditions" for 2005 was formally submitted to the Ministry of the Environment on February 2, 2006. The Annual Report addressed the reporting requirements set out in the Minister of the Environment's letter dated October 1, 2004, in relation to the York Durham Sewage System (YDSS) projects.

3. BACKGROUND

On October 1, 2004, the Minister of the Environment formally notified the Region of a Part II Order, issued under the Environmental Assessment Act, on all YDSS Projects. In total, 44 conditions were imposed by the Minister of the Environment including the mandate to 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. The Minister noted that the submission of one report including the required information for all projects was acceptable.

Since receiving the Minister's letter, staff have developed and implemented work plans to comply with each of the conditions applicable to the individual projects. The work plans go above and beyond the requirements typically associated with these types of projects in the Province of Ontario, reflecting Council's commitment to protect the environment, constructively engage project stakeholders, and share information in a convenient, open and transparent manner.

4. ANALYSIS AND OPTIONS

The following provides a high level summary of the “State of Compliance” for each of the projects. An overview chronology map and details on compliance for each project can be found in the Annual Report which is attached for information (*see Attachment 1*).

4.1 16th Avenue Trunk Sewer Phase II

4.1.1 State of Compliance

- a) Five of the six conditions have been met or exceeded.
- b) The one pending condition related to an aquatic habitat improvement plan will be met as part of the Decommissioning and Recovery monitoring program that Gartner Lee Limited will be undertaking on behalf of the Region.

4.1.2 Above and Beyond Compliance

- a) Construction of the new McCowan shaft to enable the Stone Mason shaft to be commissioned six to 12 months earlier than scheduled.
- b) The development of a plain-language publication on the environmental and compliance monitoring data ‘The Monitor’.
- c) The on-going operation of the Community Liaison Committee and various Outreach Programs to keep residents informed about the project.

4.2 YDSS Interceptor Sewer

4.2.1 State of Compliance

- a) Fulfilling the Minister of the Environment’s 11 conditions required York Region to conduct a new comparison of 10 alternative route alignments and design options. All 11 conditions have been addressed, although four of the conditions are tied directly to the Permit to Take Water (PTTW) Application.
- b) These four conditions will be met once the PTTW application has been submitted to the MOE.

4.2.2 Above and Beyond Compliance

- a) Based on the input received during the consultation process, York Region has made improvements to its Well Complaint Review Committee Process.
- b) York Region has posted all relevant documentation pertaining to this project, including the New Comparison of Alternative Route Alignments to the project website and has also made such information available at public offices. York Region has attempted to provide the public and project stakeholders with as broad access as possible to these documents.

4.3 Bathurst Collector and Langstaff Trunk Sewer

4.3.1 State of Compliance

- a) All 10 Conditions in the initial phase of the project have been addressed, with two of the Conditions being dependent upon the MOE issuing a PTTW. All 10 conditions in Phase II and III have been addressed and no dewatering for these phases is required.

4.3.2 Above and Beyond Compliance

- a) A decision was made to hold a second Public Information Meeting in 2006.
- b) Extensive research in development technology, specifically the Earth Pressure Balance Machine, reduces the requirement to dewater. As a result, this project is now expected to have significantly less of an impact than originally contemplated. Dewatering will only need to be carried out on a contingency basis.
- c) Notification of more than 1,800 residents, tenants and other stakeholders regarding the PTTW has taken place.

4.4 Duffin Creek WPCP Stage 3 Expansion

4.4.1 State of Compliance

- a) Of the 10 Conditions set out by the Minister in October 2004, three are not expected to be applicable as preliminary geotechnical studies have indicated that dewatering is not required.
- b) Compliance with the seven remaining conditions is expected to take place in spring of 2006, prior to the Environmental Study Report being filed with the MOE.

4.4.2 Above and Beyond Compliance

- a) York Region has conducted two public workshops and a plant tour. Further consultation is planned in early 2006.
- b) York Region has held four Stakeholder Advisory Committee meetings to date.
- c) An enhanced workplan has been implemented in various project areas, such as the technical studies and reviews.

4.5 Southeast Collector Trunk Sewer

4.5.1 State of Compliance

- a) The Terms of Reference for the Individual Environmental Assessment are awaiting approval by the Minister of the Environment. The nine conditions set out in the Minister's letter relate to the next phase of the workplan which is the Individual Environmental Assessment, currently underway.

4.5.2 Above and Beyond Compliance

- a) The study area has been expanded to allow for consideration of more alternatives.
- b) York Region has assessed the impacts of dewatering activities through 39 monitoring wells and nine test extraction wells during the Terms of Reference (TOR) phase.
- c) York Region is committed to using state-of-the-art technology to minimize the environmental impacts of the preferred solution.

4.6 West Rainbow Creek Trunk Sewer Upgrades

4.6.1 State of Compliance

- a) The project is still in the Environmental Assessment stage, therefore full compliance with the conditions is expected in early 2006, after the Environmental Assessment has been completed and various construction techniques have been investigated.

4.7 Holland Landing/Queensville/Sharon Sanitary Servicing Class EA Review

4.7.1 State of Compliance

- a) The Environmental Assessment review is underway; therefore full compliance with the conditions is expected to take place upon completion of the study, expected in 2006.

4.8 Concord Diversion Sub-Trunk Sewer

4.8.1 State of Compliance

- a) Planning and timing for this project is currently under review; therefore no conditions are required to have been met to-date.

4.9 Upper Leslie Street Trunk Sewer

4.9.1 State of Compliance

- a) An Individual Environmental Assessment is required for this project instead of a Class Environmental Assessment. This project has not started. Therefore, no conditions are required to have been met to-date.

5. FINANCIAL IMPLICATIONS

This report will be prepared on an annual basis until all of the Minister's conditions have been satisfied. Funding for this annual report will be recovered through the 10-Year Capital Plan under the respective YDSS projects.

6. LOCAL MUNICIPAL IMPACT

The York Durham Sewage System is a complex network of pipes, pumping stations and treatment works that fully contain the sanitary wastes from our serviced communities. The sewer system is one of the pillars of our public infrastructure – providing both environmental and public health protection. Planned growth within our communities demands ever-increasing attention as we pursue the objective initially set out in the 1994 Regional Official Plan; sustainability, measured through healthy communities, a robust

economy and protection of the natural environment. The continued protection of our environment depends upon the timely delivery of many of these projects.

7. CONCLUSION

The Annual Report details the progress achieved in 2005 in relation to each condition imposed in October of 2004, and documents the commitment of York Regional Council to conserve and protect human and ecosystem health.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the March 1, 2006 Committee meeting.)