

ENVIRONMENTAL ASSESSMENT ACT

SECTION 9

NOTICE OF APPROVAL TO PROCEED WITH THE UNDERTAKING

RE: Highway 7 Corridor Vaughan North-South Link Public Transit Improvements
Environmental Assessment

Proponent: The Regional Municipality of York

EA File No.: EA02-06-02

TAKE NOTICE that the period for requiring a hearing, provided for in the Notice of Completion of the Review for the above noted undertaking, expired on August 25, 2006. I received one submission before the expiration date requesting that I refer the application for a hearing and decision by the Environmental Review Tribunal.

I consider a hearing to be unnecessary in this case. Having considered the purpose of the Act, the approved Terms of Reference, the Environmental Assessment, the Ministry review of the Environmental Assessment and submissions received, I hereby give approval to proceed with the undertaking, subject to conditions set out below.

REASONS:

My reasons for giving approval are:

1. On the basis of the proponent's Environmental Assessment and the Review, the proponent's conclusion that, on balance, the advantages of this undertaking outweigh its disadvantages appears to be valid.
2. The alternative method for implementing the undertaking was identified as having advantages over the other alternatives considered.
3. On the basis of the proponent's Environmental Assessment, the Review and the conditions of approval, the construction, operation and maintenance of the undertaking will be consistent with the purpose of the Act (section 2).
4. The Government Review Team has indicated no concerns that can not be addressed through these conditions of approval. The public review of the Environmental Assessment did not identify any concerns which can not be addressed through these conditions of approval.

5. The issues and concerns raised in the submissions received after the Notice of Completion of the Review was published are being dealt with through conditions where appropriate. I am not aware of any outstanding issues with respect to this undertaking which suggest that a hearing should be required.

CONDITIONS

DEFINITIONS

"ACR" means an annual compliance report

"CMP" means the compliance monitoring program

"Director" refers to the Director of the EAAB.

"District Manager" refers to the District Manager of the MOE's York-Durham Office.

"EA" refers to the document titled "Highway 7 Corridor Vaughan North-South Link Public Transit Improvements Environmental Assessment Report", dated August, 2005, and Appendices Volume 1 and 2 dated August, 2005, and the responses from the Regional Municipality of York dated May 5, 2006

"EAAB" refers to the Environmental Assessment and Approvals Branch of the MOE.

"MOE" refers to the Ontario Ministry of the Environment.

"Proponent" refers to The Regional Municipality of York.

"Public Record" refers to the MOE's and Proponent's public file maintained for the undertaking in accordance with section 30 of the *Environmental Assessment Act* (EAA).

"Regional Director" refers to the Director of the MOE's Central Regional Office.

"TCP" means the technology conversion plan

1.0 GENERAL CONDITIONS

1.1 The Proponent shall comply with all the provisions of the EA submitted to the MOE which are hereby incorporated by reference except as provided in these conditions and as provided in any other approvals or permits that may be issued.

1.2 These proposed conditions do not prevent more restrictive conditions being imposed under other statutes.

2.0 PUBLIC RECORD

2.1 Where a document is required for the Public Record, it shall be provided to the Director for filing with the Public Record maintained for this undertaking. Additional copies of such documents will be provided by the Proponent for public access at:

- (a) The Regional Director's Office;
- (b) The Clerk's offices of the Regional Municipality of York;
- (c) The Town of Richmond Hill;
- (d) The Town of Markham; and
- (e) The City of Vaughan;
- (f) Richmond Hill Central Library;
- (g) Unionville Library; and
- (h) Ansely Grove Library.

These documents may also be provided through other means as considered appropriate by the Proponent and acceptable to the Director.

3.0 COMPLIANCE MONITORING AND REPORTING

Submission of Compliance Monitoring Program (CMP):

- 3.1 The Proponent shall prepare and submit to the Director for review, comment and for placement on the Public Record an Environmental Assessment CMP as committed to in section 11.4 of the EA. The CMP shall be submitted no later than one year from the date of approval of the undertaking, or 60 days before the commencement of construction, whichever is earlier. A statement must accompany the CMP when submitted to the Director indicating that it is intended to fulfill this condition. The CMP, as may be amended by the Director, shall be carried out by the Proponent.
- 3.2 The Proponent shall provide a copy of the CMP to those agencies, affected stakeholders and/or members of the public who expressed an interest in the activity being addressed or being involved in the subsequent work no later than one year from the date of approval of the undertaking, or 60 days before the commencement of construction, whichever is earlier. If the Director amends the CMP, the Proponent shall ensure that the amended copy of the CMP is provided to those agencies, affected stakeholders and/or members of the public who expressed an interest in the activity being addressed or being involved in a timely manner.

Purpose of CMP:

- 3.3 The Proponent shall prepare a CMP in order to provide a framework for the monitoring of the Proponent's fulfillment of the conditions of approval as set out in this Notice of Approval, and the fulfillment of the provisions of the EA for

mitigation measures, built-in attributes to reduce environmental effects, public and Aboriginal community consultation, additional studies and work to be carried out, and for all other commitments made during the preparation of the EA and the subsequent review of the EA.

3.4 The CMP shall at a minimum:

- a) set out the purpose, method and frequency of activities to fulfill compliance;
- b) provide a framework for recording and documenting results through the ACR;
- c) describe the actions required to address the commitments;
- d) provide an implementation schedule for when commitments shall be completed;
- e) provide indicators of compliance; and
- f) include, but not be limited to, a consideration of the commitments outlined Tables 10.4-1 to 10.4-4 and Tables 11.3-1 to 11.4-2 in the EA, and Proponent's letter and attachments dated May 5, 2006.

Submission of ACR:

- 3.6 The Proponent shall prepare an ACR which describes the results of the CMP and shall do so annually.
- 3.7 The Proponent shall submit each ACR to the Director for review and comment and for placement on the Public Record.
- 3.8 The timing for the submission of the ACRs shall be set out in the CMP, including the timing for submission of the first ACR.
- 3.9 The Proponent shall submit ACRs until all applicable conditions of approval and commitments of the EA are satisfied or until the Director notifies the Proponent that no further reports are warranted.
- 3.10 When all conditions have been satisfied, the Proponent shall indicate in the ACR that this is its final submission.

4.0 TRANSIT TECHNOLOGY

Purpose of the Technology Conversion Plan:

- 4.1 The Proponent shall prepare a TCP that identifies how, when and if the undertaking will convert from a Bus Rapid Transit System (BRT) to a Light Rail Rapid Transit (LRT).

Submission of the TCP:

- 4.2 The Proponent shall submit copies of the final TCP to the Regional Director for review and comment and to the Director for placement in the Public Record file.
- 4.3 The Proponent shall notify the Director and Regional Director 30 days before the technology conversion is to occur.

Requirements of the TCP:

- 4.4 The TCP shall include an implementation schedule.
- 4.5 The TCP shall include information about ridership levels and compatibility of the corridor with other transit systems.
- 4.6 Further to Section 5.2.2.3 of the EA, which outlines that converting from BRT to LRT is dependent on other transit initiatives being developed, a copy of the TCP shall be provided to the City of Toronto, the Toronto Transit Commission, the Town of Richmond Hill, the City of Vaughan, and the Town of Markham for review and comment. The Proponent shall provide these stakeholders a minimum 30-day comment period.

5.0 AIR QUALITY

Purpose of the Air Quality Report:

- 5.1 The Proponent shall prepare a comprehensive Air Quality Assessment Report to address the air quality impacts of the Region's transportation projects. The study area for the air quality report will be determined by the Proponent in consultation with the Regional Director.

Submission of the Air Quality Assessment Report:

- 5.2 Copies of the Air Quality Assessment Report shall be submitted to the Regional Director for review and comment and to the Director for placement in the Public Record file.
- 5.3 The Air Quality Assessment Report shall be submitted to the Regional Director prior to any construction beginning on the undertaking, including site preparation.

Requirements of the Air Quality Report:

- 5.4 The Air Quality Assessment Report shall, at a minimum, include the following:
 - a) A comparison of predicted contaminant concentrations with all available Ontario Regulation 419/05 Air Pollution – Local Air Quality Regulation Schedule 3 standards, ministry's ambient air quality criteria and proposed Canada Wide

Standards for: Carbon Monoxide (CO), Nitrogen Oxides (NOx), Particulate Matter - Total Suspended Particulates (TSP) as well as PM10 and PM2.5, and selected Volatile Organic Compounds (VOCs);

- b) Assessment of the study area, as determined in condition 5.1, consisting of a comparison between the background contaminant concentration levels and anticipated contaminant concentration levels resulting from the project, including future traffic volumes;
- c) A broad-based air quality impact mitigation plan which will assist in reducing contaminant concentrations that exceed appropriate criteria/standards expected to result from construction/implementation of the project;
- d) Development of project contaminant emission rates using a base year and future years as required;
- e) Use of appropriate Emission and Dispersion Models (e.g. Mobile 6, US EPA CAL3QHCR, Aermod);
- f) Use of five years of meteorological data (including surface and upper air data);
- g) Definition of roadway links as necessary;
- h) Calculation of predicted contaminant concentrations at nearby sensitive receptors;
- i) Traffic volume data;
- j) Detailed presentation of predicted data (including model input data); and,
- k) Presentation of conclusions and recommendations.

6.0 COMPLAINTS PROTOCOL

- 6.1 Prior to construction the Proponent shall prepare a Complaints Protocol on how it will deal with and respond to inquiries and complaints received during the construction and operation of the undertaking. The Proponent shall submit the protocol to the Regional Director, District Manager, Town of Markham, Town of Richmond Hill and the City of Vaughan for review and comment. The Complaints Protocol shall be placed on the Public Record.

7.0 AMENDING THE DESIGN OF THE UNDERTAKING

- 7.1 If the Proponent determines that there is a minor modification and that modification does not alter the expected net effects of the undertaking, the procedure set out in section 11.5 in the EA applies to this modification.

7.2 Notwithstanding condition 7.1, section 11.5 of the EA does not apply where there is a change to the undertaking within the meaning of section 12 of the *Environmental Assessment Act*.

7.3 The Proponent shall consult with EAAB to determine the appropriate steps if there is uncertainty as to application of conditions of approval 7.1 or 7.2.

8.0 SELECTION OF THE OPTIMUM LOCATION FOR THE ALIGNMENT

8.1 For the purpose of selecting the optimum location for the alignment of the subway connection to the City of Toronto and Toronto Transit Commission's Spadina Subway alignment the Proponent shall follow a public process to determine the amended location for the alignment of the subway undertaking south of Highway 407 required to tie into the Toronto Transit Commission's station and rail track alignment at the York Region transit terminal site on Steeles Avenue. This process, at a minimum, shall include:

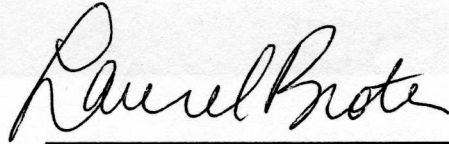
- a) A description of the local existing built and natural environment through which the alignment must pass to achieve the tie-in. Sensitive natural features and constraints on the design, such as the Black Creek and groundwater conditions, will be identified and documented in detail.
- b) An analysis and evaluation of subway horizontal and vertical alignment options, both above and below ground, through the approximately 800 metre tie-in zone. The evaluation will use the methodology adopted for the EA, measuring the alternatives against the primary objectives and goals and highlighting the advantages and disadvantages of each option.
- c) Identification of a preferred location for the future Highway 407 Station on the subway alignment and accommodation of surface facilities associated with this station to achieve intermodal transfer.
- d) Finalization of the preferred functional design for the Highway 7 terminal station and associated surface facilities based on the City of Vaughan's current Vaughan Corporate Centre planning and including relocation of the surface rapid transit station on Highway 7 at Jane Street.
- e) Assessment of the effects of construction of the alignment works and operation of subway service on the environment and description of proposed mitigation and monitoring measures.
- f) Assessment of the effects of construction and operation of Highway 407 and Highway 7 station facilities on the surrounding environment.

- g) Meetings with a Technical Advisory Committee (TAC) to obtain input and acceptance of recommendations by the key stakeholders. The composition of the TAC will be confined to municipal representatives from Vaughan only, given that the supplementary work relates only to the Vaughan North-South Link.
 - h) Public consultation opportunity to obtain comment on the evaluation of alternatives and the recommended preferred design.
 - i) Responses to public, stakeholder and government review team comments during review of the supplemental work.
- 8.2 The Proponent shall submit to the Minister a Subway Alignment Selection Report that identifies the optimum location for the alignment of the subway undertaking south of Highway 407. The Report shall summarize the public process carried out by the Proponent for the selection of the final location of the subway alignment and it shall document the assessment carried out, the consultation undertaken with the public and agencies and the commitments made by the Proponent in regard to the selection of the final location.
- 8.3 The Proponent shall place the Report, within 30 days of its completion on the Public Record for a minimum 30 day period.
- 8.4 The Proponent shall not proceed with the construction the subway undertaking unless the Minister, having considered the Report, any public comments regarding the Report and the public interest, approves its construction.

9.0 CONSULTATION ON ARCHAEOLOGICAL ASSESSMENTS

- 9.1 If a Stage 2 archaeological assessment is required to be prepared and aboriginal archaeological resources are encountered during the preparation of that Assessment, the Proponent shall provide a copy of that assessment to the Huron-Wendat First Nation of Wendake, Quebec and any additional relevant First Nations as identified by the archaeologist, based on the findings of that assessment.
- 9.2 The Proponent shall provide the Huron-Wendat First Nation of Wendake, Quebec and any other relevant First Nation as warranted by the Stage 2 findings with 30 days to provide comments on the Stage 2 Assessment and the opportunity to reasonably participate in the Stage 3 Archaeological Assessment if the Stage 3 Archaeological Assessment is required in relation to aboriginal archaeological resources.

Dated the 9TH day of NOVEMBER 2006 at TORONTO.



Minister of the Environment
135 St. Clair Avenue West, 12th Floor
Toronto, Ontario
M4V 1P5

Approved by O.C. No. _____

Date O.C. Approved _____