



Annual Compliance Monitoring Report

Condition 5 of the Declaration Order for the Modifications to the York Durham Sewage System (Forcemains and Pumping Station) Project (YDSS Forcemain Twinning)

EA File No.: 04-03

The Regional Municipality of York

April, 2021

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1. Introduction

On March 7, 2018, the Minister of Natural Resources and Forestry issued a Declaration Order (Order) to separate proposed modifications to the York Durham Sewage System (Project) from The Regional Municipality of York's (York Region) proposed Upper York Sewage Solutions project and declared that the undertaking is not subject to section 5 of the *Environmental Assessment Act*. This exemption applies to the construction of new sanitary sewer forcemains and alterations to the Newmarket and Bogart Creek sewage pumping stations in the Town of Newmarket.

A Compliance Monitoring Program was submitted to the Ministry of Environment, Conservation and Parks (MECP), formerly the Ministry of the Environment and Climate Change (MOECC), in January, 2019 in accordance with Condition 4 of the Order. This Annual Compliance Monitoring Report was prepared in accordance with Condition 5 of the Order and outlines the results of the Compliance Monitoring Program.

The Condition 5 of the Order reads:

- 5.1 York Region shall prepare an annual Compliance Monitoring Report which outlines the results of the Compliance Monitoring Program for the previous 12 month period;
- 5.2 The first Compliance monitoring report shall be submitted to the Director within one year and one month from the date of this order set out below;
- 5.3 Subsequent Compliance Monitoring Reports shall be submitted to the Director on the annual anniversary of the first Compliance Monitoring Report each year thereafter;
- 5.4 York Region shall submit the Compliance Monitoring Report annually until all conditions in this order and any commitments made by York Region are satisfied, unless notified by the Director that annual reporting is no longer required.

The Director referenced in Condition 5 refers to the Director of the MECP Environmental Assessment and Permissions Branch.

2. Objectives

- To track implementation and completion of all commitments made by York Region through the development of the York Durham Sewage System Twinning Report (February, 2018) (Table 1);
- To monitor all Conditions of the Declaration Order dated March 7, 2018 (Table 2);
- To ensure accountability on implementation of the Project commitments and Conditions that is trackable and easy to audit, using grey shading to indicate completed commitments.

Table 1: YDSS Forcemain Twinning Report's Commitments and Compliance Monitoring

ID#	Commitment	Commitment Description	Evidence of Compliance	Implementation Schedule (Estimated Timelines and Dates)	Status/Remarks	Compliance Achieved? (Yes/In Progress)
Environment						
1.1	1.1.1.	No specific commitments associated with the proposed mitigation measures and monitoring requirements identified for the Natural, Economic and Cultural Environments.	All required permits and approvals must be obtained prior to tendering.	Pre-construction - all permits and approvals are obtained before construction commences.	All necessary construction Permits and Approvals were acquired by the Region by January, 2019.	Yes, January 2019
1.2	1.2.1.	Pre-construction surveys and video records for the 118 existing buildings immediately adjacent to the proposed construction area will be completed.	Pre-construction surveys for 118 existing buildings are conducted prior to construction commencing.	Pre-construction - survey of 118 buildings is complete prior to construction commencing (tentatively by Spring 2019).	Pre-construction survey of 133 buildings has been completed by the Contractor prior to construction commencing at each of the working areas.	Yes, September, 2019
	1.2.2.	Upon completion of construction, any affected areas will be restored to their original condition including re-establishing onsite landscaping (i.e., plants, trees, etc.).	Restoration at each construction compound is completed as per Restoration Drawings agreed and supported by the Town of Newmarket and Lake Simcoe and Region Conservation Authority.	Post-construction (tentatively scheduled in 30 months after construction commences).	Not applicable, at this time the construction is ongoing.	In Progress

ID#	Commitment	Commitment Description	Evidence of Compliance	Implementation Schedule (Estimated Timelines and Dates)	Status/Remarks	Compliance Achieved? (Yes/In Progress)
			(LSRCA) staff.			
	1.2.3.	In all cases, the affected roads will be reconstructed to previous or better conditions.	Haul Roads will be restored to previous (pre-construction) or better condition.	Post-construction (tentatively scheduled in 30 months after construction commences).	Not applicable, at this time the construction is ongoing.	In Progress
Social Environment						
1.3	1.3.1.	A Complaint Protocol will be developed prior to construction and implemented during construction to respond to potential noise and vibration related complaints from residents.	Complaint Protocol is developed.	Pre-construction - The Complaint Protocol is submitted to the MECP prior construction commences.	The Complaint Protocol was submitted to MECP in January, 2019.	Yes, January 2019
	1.3.2.	The construction area or zone will move along the proposed alignment so that construction activities will not remain in any particular location for an extended period of time.	As per completed Design, the construction is no longer an open cut and contained within 11 construction compounds and does not require a constant movement as it would be with the open cut method.	Pre-construction - when Design and Contract are complete before the Tender.	All Design drawings and the Contract documents were finalised in the Tender package issued January, 2019.	Yes, January 2019

ID#	Commitment	Commitment Description	Evidence of Compliance	Implementation Schedule (Estimated Timelines and Dates)	Status/Remarks	Compliance Achieved? (Yes/In Progress)
Consultation						
1.4	1.4.1.	Affected residents and business owners immediately adjacent to construction will be notified of construction activities (i.e., road/lane closures, municipal service/utility disruptions, driveway access) a minimum of 24 hours prior to the start of construction in their immediate area.	All Construction Notices will be issued to all affected residents and businesses at least 24 hours in advance of construction commencing.	Construction – all Construction Notices are issued at least 24 hr prior to construction activities commencing within the affected area.	All construction notices have been issued at least 24 hours before construction commenced at a given work area. All residents and affected businesses were notified on time. All work areas are active, no further notices will be required.	Yes, from July-October, 2019
	1.4.2.	A Traffic Management Plan, including temporary detours and maintaining local access to residences and businesses during construction, will be prepared and implemented prior to constructing the new forcemains.	Traffic Management Plan including all temporary access detours, access roads to construction and access for local residents and business is developed and supported by the Town of Newmarket and York Region's Transportation department.	Pre-construction - Traffic Management Plan is approved by the Town and York Region Transportation.	Traffic Management Plan has been approved by the Town of Newmarket and York Region and was implemented prior to forcemain construction.	Yes, July, 2019

ID#	Commitment	Commitment Description	Evidence of Compliance	Implementation Schedule (Estimated Timelines and Dates)	Status/Remarks	Compliance Achieved? (Yes/In Progress)
	1.4.3.	York Region will contact affected property owners to initiate easement discussions in accordance with their policies.	All necessary easements with private property owners will be secured prior to construction commencing.	Pre-construction - when easements with the private property owners obtained by November, 2018.	All necessary easements are in place with private property owners, prior to commencing construction.	Yes, November 2018

Table 2. Declaration Order Conditions Compliance Monitoring

ID #	Declaration Order Condition	Evidence of Compliance	Implementation Schedule (Estimated Timelines and Dates)	Status/Remarks	Compliance Achieved? (Yes/In Progress)
1. General Requirements					
2.1	1.2. York Region shall implement the forcemain undertaking in accordance with the conditions set out in the order and in accordance with the document titled "York Durham Sewage System Modifications, (February 2018" (Document) submitted to MECP.	Project will be implemented as per submitted Document, which is fully addressed in the contract drawings and tender documents.	When contract drawings and tender package in-line with the referenced Document are complete for tendering (November, 2018).	Contract drawings and tender package were issued for tender in January, 2019.	Yes, January 2019
2.2	1.4. Any changes to the forcemain undertaking shall be made in accordance with the <i>Environmental Assessment Act</i> (Act).	If changes to the approved forcemain undertaking are required, the changes will be made as per the Act.	When changes to the approved forcemain undertaking are required, the changes will be made as per the Act (if applicable).	Minor changes are communicated/ consulted with MECP. Forcemain installation was completed in December 2020.	Yes, December 2020
2. Submission of Documents					
2.3	2.1. York Region shall clearly identify on every document submitted to the ministry the condition under which the document is being submitted.	Each document submitted to MECP will be identified with its corresponding condition number.	When each document is submitted to MECP.	Documents submitted to MECP under the Declaration Order to date (January, 2019) clearly identify under which Condition it is made.	In Progress; January 2019, April 2019, April 2020 and April 2021

ID #	Declaration Order Condition	Evidence of Compliance	Implementation Schedule (Estimated Timelines and Dates)	Status/Remarks	Compliance Achieved? (Yes/In Progress)
2.4	2.2. The documents required by conditions 4, 5 and 6 in this order shall be posted on York Region's website when the final documents are submitted to the MOECC.	Each document required under Conditions 4, 5 and 6 will be posted on York Region's website.	When each document under Conditions 4, 5 and 6 are finalized for submission to the MECP it will be also posted on York Region's website.	Conditions 4 and 6 were submitted to MECP January 2019. Condition 5 submissions (April, 2019, April, 2020) were posted to York.ca. The current Report will be posted in April 2021.	In Progress. January 2019, April 2019, April 2020 and April 2021
2.5	2.3 Where documents or reports required by this order require public posting on York Region's website, the documents or reports shall not be removed from the website without the written agreement of the Director of the Environmental Assessment and Permissions Branch, of the MOECC.	Documents previously posted on the website in accordance with Conditions 4, 5 and 6 will only be removed after written confirmation by the Director is received.	When documents should be removed due to redundancy, duplication, obsolescence, or other reasons (if applicable).	Submitted documents requiring public posting remain on York Region's website.	In Progress
3. Limitations					
2.6	3.1 With respect to servicing new growth, York Region is limited to using the forcemain undertaking to service new growth in the areas identified in Schedule 1 to this order.	This forcemain twinning infrastructure will be used to facilitate York Region growth into the areas identified in Schedule 1 to the Declaration Order.	No further action is required as York Region's Master Plan addressed this Condition.	Current York Region Master Plan (2016) is in place.	Yes, 2016

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4. Compliance Monitoring Program					
2.7	4.1. York Region shall prepare and submit to the Director a Compliance Monitoring Program within one year from the date set out below, or a minimum of 60 days prior to the start of construction, whichever is earlier. Construction shall be considered to have started when physical construction activities, including site preparation, have begun.	Compliance Monitoring Program will be prepared in consultation with MECP staff and submitted to the Director either within a year of the declaration order by March 7, 2019 or at least 60 days prior the start of construction.	When Compliance Monitoring Program is submitted to MECP (by March 7, 2019 or at least 60 days prior to the start of construction).	Compliance Monitoring Program was prepared and submitted to MECP in January, 2019, which is more than 60 days prior construction.	Yes, January 2019
2.8	4.2. In the Compliance Monitoring Program, York Region shall set out in detail a monitoring plan, the purpose of which is to ensure that the forcemain undertaking is implemented in accordance with the order.	Compliance Monitoring Program will include a tracking chart to monitor implementation of the Project and ensure it is implemented in accordance with the Declaration Order.	When Compliance Monitoring Program is submitted to MECP (by March 7, 2019).	Compliance Monitoring Program was prepared and submitted to MECP in January, 2019. It includes tracking chart for easy monitoring of the Project implementation.	Yes, January 2019

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2.9	4.3. The Director may require amendments to the Compliance Monitoring Program. If any amendments are required by the Director, the Director will notify York Region of the required amendments in writing.	Amendments to the approved Compliance Monitoring Program will be made based on written requests by the Director.	When any amendment to Compliance Monitoring Program is requested by the Director in writing (if applicable).	Not applicable, there are no current amendments required by the Director.	In Progress
3.0	4.4. York Region shall implement the Compliance Monitoring Program, including any amendments required by the Director.	Compliance Monitoring program (including all amendments) will be implemented during the forcemain undertaking construction.	When all construction is completed with no outstanding items in the Compliance Monitoring Program to implement.	Compliance Monitoring Program is under implementation from January, 2019.	In Progress
5. Compliance Monitoring Reports					
3.1	5.1. York Region shall prepare an annual Compliance Monitoring Report which outlines the results of the Compliance Monitoring Program for the previous 12 month period.	York Region will prepare an annual Compliance Monitoring Report for construction activities over the 12 month period to fulfill the Compliance Monitoring Program.	Annually until all conditions in this order and commitments made by York Region are satisfied, unless notified by the Director that annual reporting is no longer required.	Annual Compliance Reports were submitted to MECP in April 2019 and April 2020. The subsequent Report (for the period from March 8, 2020 to March 7, 2021) will be submitted to MECP by April 7, 2021.	In Progress, April 2019, April 2020 and April 2021

ID #	Declaration Order Condition	Evidence of Compliance	Implementation Schedule (Estimated Timelines and Dates)	Status/Remarks	Compliance Achieved? (Yes/In Progress)
3.2	5.2. The first Compliance Monitoring Report shall be submitted to the Director within one year and one month from the date of this order set out below.	York Region will submit the first Compliance Monitoring Report to the Director within one year and one month from March 7, 2018.	When Compliance Monitoring Report is submitted to the Director (by April 7, 2019).	First CMR was submitted to MECP in April, 2019.	Yes, April 2019
3.3	5.3. Subsequent Compliance Monitoring Reports shall be submitted to the Director on the anniversary of the first Compliance Monitoring Report each year thereafter.	Subsequent Compliance Monitoring Reports will be submitted to the Director on the anniversary of the first Compliance Monitoring Report each year thereafter.	When subsequent Compliance Monitoring Reports are submitted to the Director (by April 7, 2020 and each year thereafter in accordance with Condition 5.4).	Subsequent ACR to be submitted to MECP Director by April 7, 2021.	In Progress, April, 2021
3.4	5.4. York Region shall submit the Compliance Monitoring Report annually until all conditions in this order and any commitments made by York Region are satisfied, unless notified by the Director that annual reporting is no longer required.	York Region will continue submitting Annual Compliance Monitoring Reports annually until all conditions and other regional commitments are satisfied.	When all Compliance Monitoring Reports conditions are submitted with all Declaration Order conditions and other commitments fulfilled, or Director notification is provided.	Annual Compliance Reports will be submitted to MECP Director until all conditions are satisfied.	In Progress

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6. Complaints Protocol					
3.5	6.1. York Region shall prepare and implement a Complaints Protocol that sets out how it will address and respond to complaints regarding the forcemain undertaking.	York Region will prepare and implement a Complaints Protocol that will outline the Region's procedure for collecting and addressing all Project complaints during construction.	When Complaints Protocol prepared and implemented.	Complaints Protocol has been prepared and is currently being implemented throughout the construction period.	In Progress
3.6	6.2. York Region shall submit the Complaints Protocol to the Director at least 60 days before start of construction of the forcemain undertaking of such other date as agreed to in writing by the Director.	York Region will submit the Complaints Protocol to the Director at least 60 days prior to construction commencing.	When Complaints Protocol is submitted to the Director (by December 31, 2018).	Complaints Protocol was submitted to MECP in January 2019, which is more than 60 days prior construction commencing.	Yes, January 2019
3.7	6.3. The Director may require York Region to amend the Complaints Protocol at any time. Should the amendment be required, the Director will notify York Region in writing of the required amendment and date by which the amendment must be completed and implemented.	York Region will amend the Complaints Protocol as per Director's written notification.	When an amendment to Complaints Protocol is requested by the Director in writing (if applicable).	Not applicable, there are no current amendments required by the Director.	In Progress

ID#	Declaration Order Condition	Evidence of Compliance	Implementation Schedule (Estimated Timelines and Dates)	Status/Remarks	Compliance Achieved? (Yes/In Progress)
7. Archaeological Assessment					
3.8	7.1. Should human remains be discovered during construction of the forcemain undertaking, York Region shall ensure that all work in the vicinity of the discovery ceases immediately and shall notify the police or coroner, the Registrar of Cemeteries, Ministry of Government and Consumer Services, and such Indigenous communities as the Director advises.	York Region will cease all construction activities immediately if human remains are discovered. All regulatory agencies will be notified as listed in the Condition.	When human remains are discovered during construction (if applicable).	All surface excavations were completed in 2020 with no human remains discovered.	Yes, December 2020
3.9	7.2. Should artifacts or other physical evidence of past human use or activity be discovered during construction of the forcemain undertaking, York Region shall ensure that all work in the vicinity of the discovery ceases immediately and York Region shall notify the Ministry of Tourism, Culture and Sport, and such Indigenous communities as the Director advises.	York Region will cease all construction activities immediately if artifacts or other physical evidence of past human use or activity are discovered. All regulatory agencies will be notified as listed in the Condition.	When artifacts or other physical evidence of past human use or activity are discovered during construction (if applicable).	All surface excavations were completed in 2020 with no physical evidence of past human use or activity discovered.	Yes, December 2020

ID#	Declaration Order Condition	Evidence of Compliance	Implementation Schedule (Estimated Timelines and Dates)	Status/Remarks	Compliance Achieved? (Yes/In Progress)
4.0	<p>7.3. If any archaeological resources of Indigenous origin are identified during construction of the forcemain undertaking, York Region shall within 5 days of identifying the Indigenous archaeological resources:</p> <ul style="list-style-type: none"> a) notify the appropriate Indigenous communities; and b) arrange and participate in any meetings requested by any interested Indigenous community to discuss the archaeological find(s). 	<p>York Region, within 5 days, will notify the appropriate Indigenous communities if any archaeological resources of Indigenous origin are identified.</p> <p>York Region will arrange and participate in any meeting requested by the Indigenous communities.</p>	<p>When archaeological resources of Indigenous origin are identified (if applicable).</p>	<p>All surface excavations were completed in 2020 with no archaeological resources of Indigenous origin discovered.</p>	<p>Yes, December 2020</p>

5. Conclusions

- This Third Annual Compliance Monitoring Report (ACR) provides monitoring and tracking results on the implementation of all commitments made previously on the Project including the conditions imposed by the Declaration Order.
- The Third Annual Compliance Monitoring Report covers the twelve month period from March 8, 2020 to March 7, 2021.
- The project continues to be in full compliance with the Director's approved Compliance Monitoring Program.
- This Annual Compliance Monitoring Report will be posted on York Region's website after submission to the MECP.