

## IN THIS SECTION

- 9.1 Proposed UYSS EA Change Review Process
- 9.2 Minor Amendments
- 9.3 Major Amendments

## Section 9.0 Amending the EA

### 9.1 Proposed UYSS EA Change Review Process

The proposed process for reviewing potential changes to the Approved Undertaking (as defined in Section 5) reflects processes that have been previously approved by the Minister of the Environment (Minister) in other approved Environmental Assessments (EAs), including York Region's Southeast Collector Trunk Sewer EA and the Western Vaughan Transportation Improvements EA. Using these precedents, changes to some aspects of the Approved Undertaking may occur during detail design and/or construction in order to:

- Accommodate improvements with greater environmental benefits and/or less adverse effects
- Include elements not previously envisioned
- Address issues identified in other approval processes
- Accommodate regulatory changes (i.e., new legislation or regulations)
- Address unforeseen site-specific problems encountered only during detail design and/or construction
- Accommodate circumstances that develop at the time of construction

Where such changes occur, a process is needed to consider them within the context of the Minister-approved UYSS EA and to any Conditions of Approval, as applicable, to determine if an amendment is required based on the significance of the change (see **Figure 9.1**). Therefore, York Region will review any unforeseen change to the Approved Undertaking to determine its significance in relation to the following:

- Net effect on the environment
- An interested participant (including the public)
- A commitment made in the Minister-approved UYSS EA and subject to any Conditions of Approval, as applicable

If the significance of the change is determined to be negligible, then no amendment would be required and York Region could

proceed with implementing the change. The significance of a change is determined to be negligible if all of the following conditions are met:

- The net environmental effects identified in the UYSS EA Report remain the same or are similar in terms of the extent/degree or are improved upon
- The previously identified affected participant(s) in the UYSS EA Report remain the same or are less and the potential for adversely affecting them remains the same or is less
- All commitments made in the Minister-approved UYSS EA and subject to any Conditions of Approval, as applicable, can still be satisfied

**Figure 9.1: Proposed Upper York Sewage Solutions Environmental Assessment Change Review Process**



Proposed changes that would potentially require no amendment because the significance is negligible may include, but not be limited to, the examples listed in **Table 9.1**.

However, an amendment would be required if the change was to result in one or more of the following:

- An increased net adverse environmental effect (i.e., as a whole after considering potential benefits from the change)
- A previously affected participant being more adversely affected or a previously unaffected participant being adversely affected
- A commitment made in the Minister-approved UYSS EA and subject to any Conditions of Approval, as applicable, not being satisfied

In such cases, York Region will document the significance of the proposed change and categorize it as either a potential minor or a major amendment, subject to discussions with the MOE's Environmental Approvals Branch (EAB) and concurrence from the Director of the MOE EAB. A description of the processes for addressing minor and major amendments is provided in **Sections 9.2** and **9.3** respectively.

## 9.2 Minor Amendments

Proposed changes to the approved EA that would not alter the Approved Undertaking significantly in terms of what would be built, where it would be built, and how it would be built would be categorized as minor amendments.

In the case of a minor amendment, regardless of the change proposed, the conclusion that the Preferred Undertaking is required, and its status as the Preferred Undertaking in relation to the other alternatives considered during the UYSS EA, would not be affected or opened to re-evaluation, unless otherwise directed by the Minister. Examples of proposed changes that would require a minor amendment may include, but not be limited to the examples in **Table 9.1**.

In the cases where the proposed change is categorized by York Region as a potential minor amendment, the following process will be carried out prior to implementation (see **Figure 9.1**):

1. York Region will prepare an amendment review document to describe:
  - The proposed change
  - The rationale for the proposed change
  - The implications of the proposed change on the environment, affected participants, and commitments made in the Minister-approved UYSS EA and subject to any Conditions of Approval, as applicable
  - The additional mitigation measures and monitoring requirements required, if any
  - The additional approvals required, if any
2. York Region will distribute the amendment review document to MOE for 30 calendar days for review and comment.

3. York Region will notify other review agencies including local area municipalities, as appropriate and adjacent property owners of the proposed change. York Region will attempt to address comments received during the 30 calendar day review period.
4. York Region will obtain other approvals (if required).
5. York Region will implement the proposed change including any required mitigation measures and monitoring requirements subject to (1) receiving concurrence from the Director of the MOE EAB that the proposed change is acceptable (2) any Conditions of Approval, as applicable, and (3) obtaining any required approvals.

**Table 9.1: Amendment Requirement of Potential Changes to the Approved Undertaking**

No Amendment	Minor Amendment
<b>Water Reclamation Centre</b>	
<p>Altering the size, shape, foundation type, or location of the structures or buildings associated with the Water Reclamation Centre at Site WH1 West as long as they continue to be situated within the defined building/structure setback and 150 m separation distance requirements, and their height is not increased above 240 MASL.</p>	<p>Relocating a structure or building associated with the Water Reclamation Centre at Site WH1 West within the defined building/structure setback requirement, as long as the 150 m separation distance requirement is met.</p>
<p>Incorporating additional structures, buildings or processes (i.e., heat and energy recovery), at the Water Reclamation Centre at Site WH1 West, as long as they continue to be situated within the defined building/structure setback and 150 m separation distance requirements, and their height is not increased above 240 MASL.</p>	<p>Incorporating additional structures, buildings or processes (i.e., heat and energy recovery), at the Water Reclamation Centre at Site WH1 West, outside of the defined building/structure setback as long as the 150 m separation distance requirement is met.</p>
	<p>Increasing the height of a building or structure associated with the Water Reclamation Centre at Site WH1 West, above 240 MASL</p>
	<p>Altering the site layout of the Water Reclamation Centre at Site WH1 West (i.e., relocating a unit process) within the defined building/structure setback and 150 m separation distance requirements.</p>
	<p>Purchasing additional property adjacent to the Water Reclamation Centre at Site WH1 West (potentially allows for the building/structure setback requirements and 150 m separation distance requirements to be altered)</p>

**No Amendment**

**Minor Amendment**

**Conveyance System to/from Water Reclamation Centre at Site WH1 West & YDSS Modifications Route A**

Altering the alignment, size, and/or appurtenances of the conveyance system to/from the Water Reclamation Centre at Site WH1 West where the alteration is within an existing road right-of-way (open) or utility corridor or the proposed easement.

Altering the alignment, size, and/or appurtenances of the conveyance system to/from the Water Reclamation Centre at Site WH1 West where the alteration occurs outside of an existing road right-of-way (opened) or utility corridor, or in an unopened road right-of-way or the proposed easement.

Altering the alignment, size, and/or appurtenances of the new forcemains associated with the preferred YDSS Modifications Route A where the alteration is within an existing road right-of-way (open) or utility corridor or the proposed easement.

Altering the alignment, size, and/or appurtenances of the new forcemains associated with the preferred YDSS Modifications Route A where the alteration occurs outside of an existing road right-of-way (opened) or utility corridor, or in an unopened road right-of-way or the proposed easement.

**Construction Access Roads/Staging Areas**

Altering the width and/or alignment of a temporary construction access road for the forcemains associated with the preferred YDSS Modifications Route A, as long as it is within the proposed temporary construction easement.

Altering the location of a temporary construction access road for the forcemains associated with the preferred YDSS Modifications Route A, outside of the proposed temporary construction easement.

Deleting a temporary construction access road or a construction staging area associated with the forcemains for the preferred YDSS Modifications Route A.

Adding a temporary construction access road or a construction staging area associated with the forcemains for the preferred YDSS Modifications Route A.

Modifying the shape, size and/or location of a construction staging area within the proposed temporary construction easement for the preferred YDSS Modifications Route A.

Relocating or adding a construction staging area outside of the proposed temporary construction easement for the preferred YDSS Modifications Route A.

Altering the proposed construction methodology for pipe installation associated with either the conveyance system to/from the Water Reclamation Centre at Site WH1 West or the new forcemains associated with the preferred YDSS Modifications Route A, as long as it is within the proposed temporary construction easement.

**Outfall**

Modifying the Outfall channel, structure, and/or discharge location provided that it remains physically connected to the Queensville Sideroad outfall.

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**No Amendment**

**Minor Amendment**

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**Total Phosphorus Off-Setting Program**

Changing the phosphorus removal technology at the 8 retrofit or new stormwater management ponds identified as part of the UYSS EA.

Retrofitting an existing stormwater management pond or building a new stormwater management pond not identified as part of the UYSS EA.

Changing the Low Impact Development technology at the one location identified as part of the UYSS EA.

Retrofitting an existing stormwater Low Impact Development or building a new stormwater Low Impact Development not identified as part of the UYSS EA.

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### 9.3 Major Amendments

A proposed change to the approved UYSS EA of a much more significant nature than a minor amendment would be categorized as a major amendment. In general, these proposed changes would alter the design of the Preferred Undertaking significantly in terms of what would be built, where it would be built, and how it would be built. Examples of these proposed changes may include:

- A new site for the proposed Water Reclamation Centre that is not contiguous to Site WH1 West
- A new outfall that is not physically connected to the Queensville Sideroad outfall
- A new alignment for the conveyance system to/from the Water Reclamation Centre Site WH1 West or YDSS Modifications Route A (forcemains) outside of an existing road right of way (opened or unopened) or utility corridor

In cases where the proposed change is determined to be a major amendment, York Region will conduct a new EA process for the major amendment that will either be considered, as applicable in the circumstances, to be a new undertaking as per Section 12 of the *EA Act* as amended or an undertaking in accordance with the provisions of the Municipal Class EA (Municipal Engineers Association October 2000, as amended in 2007 and 2011) established pursuant to Part II.1 of the *EA Act*.

In the case of a major amendment, regardless of the changes proposed, the conclusion that the Preferred Undertaking is required, and its status as the Preferred Undertaking in relation to the other alternatives considered during the UYSS EA, would not be affected or opened to re-evaluation. Therefore, the scope of the new EA process would focus on the proposed change that is determined to be a major amendment.