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## 9. Approvals and Permits

In accordance with *Ontario Regulation 231/08*, a notice to proceed must be obtained from the Minister of the Environment before the project can proceed to implementation. In addition to carrying out the Transit Project Assessment Process in accordance with *O. Reg. 231/08*, there are also a number of other provincial, municipal, and other approvals/permits required for the UP Express Electrification undertaking in order to implement it. As a result, the following section summarizes the permits and approvals that are anticipated to be required based on the current preliminary level of design detail and input received from review agencies to date.

In addition, before the UP Express Electrification project can proceed to implementation, the provincial *Environmental Assessment Act* requirements related to *Hydro One's Union Pearson Express Electrification Traction Power Substation Class Environmental Assessment* need to be fulfilled.

### 9.1 Federal

#### 9.1.1 Canadian Environmental Assessment Act

The *Regulations Designating Physical Activities* under the *Canadian Environmental Assessment Act (CEAA) 2012* identify the physical activities (i.e., types of projects) that constitute "designated projects" that may require a Federal EA. As part of the UP Express Electrification TPAP, a review of the Regulations was carried out by Metrolinx with respect to the proposed electrification undertaking. Based on this review, the UP Express Electrification project is not anticipated to constitute a designated project under CEAA.

### 9.2 Provincial

#### 9.2.1 Ministry of the Environment

##### 9.2.1.1 Environmental Compliance Approval (Air and Noise)

An Environmental Compliance Approval (ECA) for Air and Noise for the EMU Maintenance Facility will need to be obtained from the Ministry of Environment (MOE) under Part II.1 of the *Environmental Protection Act* (EPA), prior to its implementation. It is also noted there is potential for MOE to require an Acoustic Audit as a condition of the ECA which would require that a monitoring study be completed by an independent third party during construction and operation of the facility in order to demonstrate that it complies with the MOE sound level limits outlined in the ECA.

In addition, an ECA for Noise will need to be obtained from MOE for the proposed paralleling stations, prior to implementation.

### **9.2.1.2 Environmental Compliance Approval (Stormwater Works)**

An Environmental Compliance Approval (ECA) for stormwater works will be obtained from the MOE with regard to the Ordinance paralleling station stormwater management design.

In addition, modification to existing Environmental Compliance Approvals for stormwater works will be obtained with respect to the stormwater management plans for the 50 Resources Rd. site and 3500 Eglinton Ave. W. site, as required.

### **9.2.1.3 Permit to Take Water**

Permits to Take Water (PTTW) are issued under Section 34 of the *Ontario Water Resources Act* (OWRA) for temporary water takings that exceed the trigger threshold of 50,000 L/day (or 7.5 lpm). The need for dewatering during construction activities will be confirmed during detailed design, as will the requirement for a PTTW (if more than 50,000 litres per day of groundwater is to be pumped). It is noted that dewatering is not anticipated to be required during construction activities, with the exception of potential for dewatering as part of installing the building foundation for the EMU Maintenance Facility at Resources Road. Potential impacts would be assessed and strategies for mitigation will be proposed as part of the PTTW application process, if required.

## **9.2.2 Ministry of Tourism, Culture and Sport**

The following approvals from the Ministry of Tourism, Culture and Sport will be required:

- Ministry of Tourism, Culture and Sport sign-off on proposed archaeological assessment documentation (included as Appendix D); and
- Alterations to a Provincially Significant Heritage resource will require a modified Conservation Plan, which will need MTCS approval.

## **9.2.3 Ministry of Transportation**

Permits will be required from the Ministry of Transportation (MTO) prior to any work taking place within or adjacent to the Highway ROW. MTO encroachment permits are also required for any investigation or survey work within the ROW prior to construction.

## **9.2.4 Independent Electricity System Operator**

Customers requesting a new or modified connection to Hydro One's transmission system must apply and register with Hydro One and the Independent Electricity System Operator (IESO). Prior to connection, the connection facility owner must register with the IESO and Metrolinx must also register as a Market Participant. To register and connect to the IESO-controlled grid, Metrolinx will need to

complete a System Impact Assessment which gathers technical information to ensure that the facilities meet required performance standards and IESO Market Rules.

## **9.2.5 Hydro One Networks Inc.**

### **9.2.5.1 Connection Agreement**

Metrolinx will continue to work with Hydro One Networks Inc. to ensure all implementation issues are addressed as required for the UP Express Electrification project. In addition, Metrolinx will need to make a Connection Application to Hydro One. Hydro One will complete a Customer Impact Assessment and conduct a Cost Estimate Study. A Connection Cost Recovery Agreement is required to secure funding and to contract for engineering, construction and commissioning work done by Hydro One. Prior to connection, Metrolinx will enter into a Transmission Connection Agreement for ongoing operations with the Transmitter.

### **9.2.5.2 Hydro One Infrastructure**

Potential requirements related to Hydro One's infrastructure were discussed with Hydro One as part of the EA process, including the following:

- Any potential interference with Hydro One transmission lines will be examined and mitigation measures will be implemented;
- Hydro One facilities will not be obstructed in any way by the construction / implementation of the new electrification infrastructure;
- Transmission line clearance requirements will be complied with;
- No adverse effects will occur to Hydro One facilities.

## **9.3 Municipal**

Although Metrolinx, as a Provincial Agency, is not subject to municipal permits and approvals, Metrolinx policy is to adhere to the intent of the relevant permits/approvals requirements to the greatest extent possible, and to submit applications for review and information.

### **9.3.1 City of Toronto**

Metrolinx will continue to communicate and engage with the City of Toronto during the subsequent detailed design phase and during construction planning to ensure that any municipal concerns are addressed in the construction plans prior to commencement of construction activities, as follows:

- As a Crown Agency, Metrolinx is not bound by zoning by-laws passed by municipalities under s.34 of the *Planning Act* and as such does not have a requirement to apply for and obtain zoning amendments. However, Metrolinx will consult with, and have regard for, the City of Toronto's

planning policies with regard to specific projects (or components thereof) and will comply with the City's requests when and where reasonable;

- When developing plans for new or expanded infrastructure, Metrolinx will coordinate with municipal staff to ensure infrastructure is constructed to meet municipal requirements to the greatest extent possible;
- Submissions relating to building permits and Site Plan approvals (e.g., paralleling stations, EMU Maintenance Facility) will be made in the spirit of co-operation and to provide the Municipality with an opportunity to comment;
- Submissions relating to sewer discharge approvals, in accordance with City of Toronto;
- Submissions relating to permits for construction within the existing road allowances (through the City of Toronto);
- Submissions relating to City of Toronto Ravine, Natural Feature Protection By-law, Private Tree By-Law, Street Tree By-Law, and Parks By-Law (as applicable);
- Any new works within 60m of an existing TTC structure will require formal submissions, coordination meetings.

### **9.3.2 City of Mississauga**

Metrolinx will continue to communicate and engage with the City of Mississauga during the subsequent detailed design phase and during construction planning to ensure that municipal concerns are addressed to the greatest extent possible in the electrification construction plans for the airport spur prior to commencement of construction activities.

### **9.3.3 Toronto and Region Conservation Authority**

As a Crown Agency, Metrolinx is exempt from the *Conservation Authorities Act* and as such does not have a requirement to apply for and obtain permits from conservation authorities. Wherever possible, Metrolinx will engage conservation authorities on specific projects (or components thereof) and will adhere to requirements, when and where possible:

- Tree protection and removal/injury in accordance with TRCA requirements;
- Sewer discharge in accordance with TRCA requirements;
- TRCA requirements for work within a regulated area.

## **9.4 Other**

### **9.4.1 CP Rail**

The following agreement from Canadian Pacific (CP) Rail will be required:

- A Memorandum of Understanding to deal with electrification impacts on the MacTier Subdivision including:
  - EMI/Grounding and Bonding/Signals
  - Safety/Training/Protocols

#### **9.4.2 CN Rail**

Various safety, training, and protocols will be established as required, with respect to operating in an electrified railway environment.

#### **9.4.3 Utilities**

As discussed previously, potential effects on known utilities due to electrification of the UP Express were considered, and mitigation measures identified as appropriate as part of the EA process. There are a significant number of utilities and utility owners within the rail corridor. These utilities have been contacted and advised of the potential impacts due to electrification but the final assessment of utility conflicts due to the proposed UP Express Electrification infrastructure will need to be reviewed by Metrolinx as part of the Detailed Design phase. Implementation and construction obligations will be undertaken pursuant to the crossing agreements with each of the utility companies as required.