

Ministry of the Environment  
and Climate Change

Ministère de l'Environnement  
et de l'Action en matière de  
changement climatique



Office of the Minister

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ENV1283MC-2015-1697

**JUL 27 2015**

Mr. Lito Romano  
Senior Community Liaison Officer  
Toronto Transit Commission  
1900 Yonge Street  
Toronto ON M4S 1Z2  
[lito.romano@ttc.ca](mailto:lito.romano@ttc.ca)

Dear Mr. Romano:

Thank you for submitting your Notice of Completion of the Environmental Project Report for the McNicoll Bus Garage (Project), which is following the transit project assessment process under *Ontario Regulation 231/08 – Transit Projects and Metrolinx Undertakings* (Transit Regulation), on May 21, 2015.

The Ministry of the Environment and Climate Change received 13 objections to the Transit Project. The ministry has completed its review and I wish to inform you that I am of the opinion that the Project will not have a negative impact on matters of provincial importance related to the natural environment or to a cultural heritage value or interest or have a negative impact on a constitutionally protected Aboriginal or treaty right. As such, you may now issue a Statement of Completion to complete the transit assessment process and proceed with the Transit Project.

Attached is a signed copy of the notice to proceed with the Transit Project issued in accordance with the Transit Regulation.

You are responsible for implementing the project in accordance with the Environmental Project Report and any subsequent documentation that forms part of the Project file including those included in the errata letter dated July 7, 2015.

Lastly, I would like to ensure that you understand that failure to comply with the provisions of the Environmental Assessment Act or its regulations is an offence and may result in prosecution under section 38 of the Environmental Assessment Act. I am confident that you recognize the importance and value of the Environmental Assessment Act and will ensure that the requirements of the Environmental Assessment Act and the Transit Regulation are satisfied.

Mr. Lito Romano  
Page 2.

Should you require further assistance please contact Mr. Adam Sanzo of the Environmental Approvals Branch, at 416-314-8360 or by e-mail at [adam.sanzo@ontario.ca](mailto:adam.sanzo@ontario.ca).

Sincerely,

A handwritten signature in black ink, appearing to read 'Glen Murray', with a stylized flourish at the end.

Glen Murray  
Minister of the Environment and Climate Change

Attachment

**MINISTER'S NOTICE TO  
PROCEED WITH TRANSIT PROJECT**

**Ontario Regulation 231/08**

**SUBSECTION 12(1)(a)**

RE: Proponent: Toronto Transit Commission

Project Description: The proposed construction of a maintenance and storage facility at the corner of McNicoll Avenue and Redlea Avenue (proposed). The facility will include offices, repair bays, paint shop, employee amenities, indoor storage, indoor fueling station, and two service lines with an exterior wash system. The facility encompasses 29,000 m<sup>2</sup> of a 62,000 m<sup>2</sup> property, and includes indoor storage for 250 buses, and 350 outdoor parking spaces.

In accordance with subsection 12(1)(a) of Ontario Regulation 231/08, I hereby give notice allowing the Toronto Transit Commission to proceed with the McNicoll Bus Garage in accordance with the applicable environmental project report.

The Toronto Transit Commission is now permitted to issue a statement of completion of the transit project assessment process. A statement of completion is the final part of the transit project assessment process. The process must be completed prior to the start of the construction phase of the project.

Dated the 27 day of July, 2015 at TORONTO.

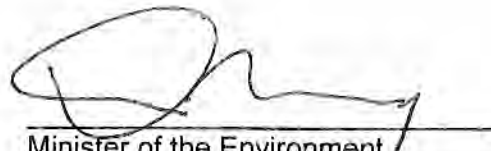
  
Minister of the Environment  
and Climate Change  
77 Wellesley Street West  
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Table 1 – List of overarching issues raised related to the natural environment, followed by a summary of the nature of concerns raised for each main issue.

Natural Environment Issues	Response	MOE Conclusion
<b>Air Quality</b>		
<p>Air quality assessment (AQA) predicts large increases in air pollution for adjacent communities and that the assessment underestimates air quality impacts, as the predictions do not represent a worst-case scenario.</p> <p>Sources of air emissions were not included in the EPR air quality assessment and that the assessment does not accurately represent real-world scenarios when the facility is in operation.</p>	<p>The Environmental Project Report (EPR) includes a report on air quality assessment. Findings suggest that no unacceptable health risks related to emissions from the proposed bus garage would be expected. In fact, estimated emissions from the proposed project represent a minimal to negligible contribution to the overall cumulative exposures for each of the chemicals of concern predicted for the sensitive receptor locations around the proposed facility.</p> <p>The worst case scenario of existing air quality was taken into account for the air quality monitoring and the modeling also assumed worst case scenarios from the facility and buses. It should be noted the predicted air quality concentrations are considered to be very conservative. They are based on combining the worst-case background ambient air quality concentration with the worst-case scenario facility concentration and roadway modelling, assuming they will occur at the same time. Compiling the three worst case scenarios indicated a less than 1% chance of exceeding air quality standards.</p> <p>The TTC conducted a roadway assessment that evaluated the increased bus traffic and employee vehicle traffic on the roadways surrounding the facility. The result of this assessment took into account the combined effect background concentrations, facility on-site emissions and offsite vehicle emissions from buses and employee vehicles. The assessment showed that the impact of the additional bus and vehicle traffic on Redlea Avenue and McNicoll Avenue is</p>	<p>MOECC technical staff have reviewed the modeling on which the Air Quality Assessment is based, as well as the outcome of the AQA, and have concluded that the assessment was conducted appropriately with reasonable assumptions.</p> <p>MOECC staff have confirmed that the TTC have adequately assessed the potential impacts to the natural environment, primarily air quality, as a result of the Project operation.</p>



	<p>very low. Given the conservative nature of the modelling and the predicted low number of exceedances of the guidelines, mitigation measures were not warranted.</p> <p>The TTC also undertook a Screening Level Human Health Risk Assessment (SLHHRA) to document any potential impacts to human health as a result of the Project. The assessment concluded that particulate matter (i.e., PM10 and PM2.5), in itself, is not considered to be carcinogenic. Rather, the potential carcinogenicity of the diesel particulate mixture is considered to be primarily a result of the carcinogenic nature of various chemicals adsorbed to the surface of the particulate, with the PM (such as PM2.5) being the delivery vehicle by which these carcinogenic chemicals are carried deep into an individual's lungs.</p> <p>The assessment clearly evaluated the carcinogenic potential of a number of Volatile Organic Compounds (specifically 1,3-butadiene, acetaldehyde, benzene, and formaldehyde) and the hydrocarbon group emitted as diesel engine exhaust. As such, both the carcinogenic and non-carcinogenic health implications of diesel engine exhaust were evaluated in the current assessment. This approach is consistent with guidance from the US EPA, and has been conducted in other similar assessments in the Province of Ontario. This response was originally provided to an interested party on March 5, 2015 and it is included in Appendix I of the EPR. Toronto Public Health was also consulted and reviewed both the air quality assessment and the Screening Level Human Health Risk Assessment. Toronto Public Health provided comments and the Medical Officer of Health, Dr. David McKeon, indicated in a May 15, 2015 letter to Toronto Transit Commission (which is also included as</p>	
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	part of the Environmental Project Report) that the impacts from the facility alone are negligible and unlikely to result in adverse health effects.	
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Table 2 – List of overarching issues raised that are not of provincial importance, followed by a summary of the nature of concerns raised for each main issue.

Issues	Response	MOE Conclusion
<b>Noise</b>		
<p>Concern about assessment of noise impacts:</p> <ul style="list-style-type: none"> <li>-existing noise levels not considered.</li> <li>-future no-build volumes are overstated thereby underestimating the future build impacts.</li> <li>-worse-case impact not assessed, as weekends not considered.</li> </ul>	<p>Concerns were raised by the public about the assessment of noise impacts, citing that the impacts were underestimated or not assessed correctly. The public is greatly concerned that the bus facility will produce high levels of noise and vibration, which will significantly impact the elderly population in the surrounding area.</p> <p>In response to these concerns, Toronto Transit Commission indicated that it conducted thorough and extensive noise study that was included as part of the Environmental Project Report. The assessment concluded that changes in sound levels due to the increase in bus traffic are unlikely to create any adverse effects.</p> <p>Mitigation measures are also proposed for construction impacts related to noise. These measures include maintaining equipment in an operating condition that prevents unnecessary noise (including properly secured components, and the lubrication of moving parts), restricting idling of equipment to the minimum necessary to perform the specified work, and assessing any noise complaints that may be received. Toronto Transit Commission has also identified that if persistent noise complaints are received, alternative noise control measures may be required, where reasonably available, subject to the results of a field investigation.</p> <p>Ministry of the Environment and Climate Change's technical staff reviewed the final Environmental Project Report and</p>	<p>MOECC's technical staff reviewed the final EPR and Noise Assessment, which include the above measures to mitigate noise related to both operations and construction. The review of the Noise Assessment indicated that the TTC should have considered certain noise emission sources (such as the public address system and bus testing within the facility) and that the traffic from the garage site should have not been included in the ambient sound level data. In order to address these comments, the TTC have prepared and submitted an errata letter to the MOECC on July 6, 2015 in which it commits to undertaking a subsequent noise assessment, to be included in its submission for an MOECC Environmental Compliance Approval for Noise, which will incorporate the comments from the MOECC technical noise reviewer.</p>



	<p>Noise Assessment. The review of the Noise Assessment indicated that the Toronto Transit Commission should have considered certain noise emission sources (such as the public address system and bus testing within the facility) and that the traffic from the garage site should have not been included in the ambient sound level data. In order to address these comments, the Toronto Transit Commission prepared and submitted an errata letter to the Ministry of the Environment and Climate Change on July 6, 2015 in which it commits to undertaking a subsequent noise assessment. The noise assessment is to be included in the Toronto Transit Commission's submission for an Environmental Compliance Approval for Noise, which will ultimately incorporate the comments from the Ministry of the Environment and Climate Change's technical noise reviewer.</p>	
<b>Traffic</b>		
<p>Potential impacts of the Project on local traffic. The Project will cause significant traffic impacts and may lead to increased pedestrian incidents with the numerous vehicles utilizing the facility.</p>	<p>A traffic assessment was undertaken and provided as part of the EPR. The traffic assessment was based on observed and forecast a.m. and p.m. peak hour volumes on adjacent roads within the study area and the future site itself in order to assess the impacts associated with the proposed bus garage. The City of Toronto Transportation Services Division, through an e-mail message dated January 19, 2015, "...looked at various sources of traffic projections namely Redlea EA, URS traffic work for the TTC Bus Garage, MMM study for the Steeles-Redlea Regeneration Area and also existing traffic volumes and would say that the traffic projections appear to be within a reasonable range...".</p> <p>The TTC also confirms that traffic issues do exist today at Kennedy Road and McNicoll Avenue, the site of the</p>	<p>MOECC staff are satisfied that TTC have adequately assessed potential impacts to the surrounding environment as a result of traffic impacts.</p>



	<p>Project, however only 3% of the buses will travel through this intersection. The traffic study indicates that the facility will generate relatively low traffic activity during peak periods on the adjacent road network (entering and exiting the facility during off peak periods – 4:00 am -7:30 am) – when it is busy at Kennedy Road and McNicoll Avenue, buses will already be distributed across the City serving customers. TTC also confirms that the addition of site traffic onto the network only accounts for a minor incremental change in the total traffic volume resulting in a negligible impact to the local road system. The traffic study confirms that adding capacity to the bus network can alleviate traffic in the area.</p>	
<b>Zoning</b>		
<p>Appropriate site selection, proximity of site to sensitive uses, application of zoning by-laws, and compliance with D-6 guidelines.</p>	<p>The proposed site was the only suitable, available site at the time of purchase. The TTC is unaware of an alternate suitable site that would meet the current schedule. Considering a site further from the routes that are being serviced would increase dead-head time and operating costs.</p> <p>The TTC confirmed that the site is properly zoned "Heavy Industrial" which permits the use of a transit facility. It is appropriately sized and situated in an area serviced by buses. This strategic location helps reduce deadhead time which will result in cost savings that can be channeled back into improving service, including north east Scarborough.</p> <p>With regards to the adjacent land uses, the City of Toronto Planning department approved a by-law amendment in August 2004 for the adjacent Long Term Care Facility and Condominium Complex. The Condominium developers were advised that they would be constructing next to an</p>	<p>MOECC staff does not consider zoning as part of the TPAP process. Compliance with municipal zoning requirements is the responsibility of the proponent.</p>

	<p>industrial-zoned property. The City required that the following wording clause for offers of purchase and sale to be included as a condition of site plan approval:</p> <p>"Future residents are advised that this development is in proximity to existing industrial facilities and industrially zoned lands whose activities may at times be audible and emit exhaust. These industries may legally expand their operations and/or hours of operations, including operations on a 24-hour/7 day basis and such operations at times may be audible which may affect the living environment of the residents, notwithstanding the inclusion of noise, vibration attenuation measures in the design of the development and individual units."</p> <p>MOECC advised the TTC that the D-6 guideline is not applicable for this project because the guideline is a land use planning document used for the purpose of developing official plans and zoning. One of the guidelines for D6 provides the recommended distance, but this can be exempted as long as environmental effects are mitigated, such as noise.</p>	
<b>Safety</b>		
<p>The potential for explosions and fires with fuel storage tanks on site, evacuation of nearby facilities, and increased accidents near the proposed site.</p>	<p>As described, the addition of site traffic onto the network only accounts for a minor incremental change in the total traffic volume on the road system. This minor incremental change is not anticipated to negatively impact pedestrian safety.</p> <p>The TTC conducts safety audits and training prior to initiation of any contract and the TTC operators undergo recertification every five years in the operations of buses and every three years for streetcars. The TTC will assess potential dangers and</p>	<p>MOECC staff are satisfied that TTC have adequately assessed safety requirements, and the potential impacts due to fuel storage and general emergencies.</p>

	<p>implement safety procedure to address the concerns. With respect to accident rates, the TTC's rate of bus collisions has remained relatively stable year after year. As of the end of 2014, the TTC Total Bus Collision Rate was 36.1 collisions per million miles which is comparable to large urban public transit agencies in North America. The TTC takes safety very seriously and has implemented a number of new policies as well as exploring new technologies to ensure the system is as safe as possible.</p> <p>TTC consulted with Metrolinx, the owner of the GO Transit rail line, regarding the required separation distance between the fuel tanks serving the McNicoll Bus Garage and the GO Transit rail line. The location of the tanks is beyond the minimum separation distance required by Metrolinx and is in compliance with the Railway Safety Act Regulation 32. Additionally, above-ground tanks are safer when it comes to detecting fuel leaks and thus pose a low environmental risk.</p> <p>The tanks used by TTC have double steel walls (sealed tank within another sealed tank) and are fire rated. If the primary tank was to develop a leak, it would be safely contained within the secondary tank. The space between the tanks contains a vacuum and is equipped with a fuel leak detection system, so any perforation of the primary tank is quickly detected. Tanks have a 2-hr fire rating. This rating protects the tank contents from fire for a minimum of two hours, which will provide time for Emergency Services to respond in the event of a fire. Tanks have also passed impact-testing and will be protected with a combination of jersey barriers and bollards. All tanks are ULC-approved fire rated.</p> <p>In regards to evacuation protocols, it is</p>	
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	<p>standard practice for TTC to maintain evacuation plans in the event of an emergency at its facilities. This includes similar garages such as the Duncan Shops, which are located adjacent to residential land uses.</p> <p>Long term care facilities are required by law to have evacuation plans in the event of an emergency. Evacuation of a building is undertaken by trained emergency personnel such as Toronto Fire, Police and Medical Services. If requested by Emergency Services, the TTC would make its buses available for temporary shelters as it has done in other cases.</p>	
<b>Consultation</b>		
<p>The TTC conducted a flawed consultation process.</p>	<p>An extensive consultation process was undertaken to assist in the planning and impact assessment process for the McNicoll Bus Garage project.</p> <p>At the public open houses, information about the project was presented on display panels arranged in sequence in a public meeting place. Project staff was available at the open houses to answer directly any questions or concerns raised by a member of the public. Two public open houses were held during the preliminary Planning Phase and a third open house was held during the TPAP.</p> <p>Meeting notices, newspaper ads and brochures were translated into Chinese and shared with the community. Chinese translators were also provided for all public meetings in order to fully engage the non-English speaking residents.</p> <p>In addition, the TTC undertook the various consultation activities with representatives for external agencies and interest groups. TTC plans to continue consultation with the</p>	<p>MOECC staff are satisfied that an appropriate level of consultation occurred for the project, as detailed in the EPR, and the level of consultation was in accordance with the requirements set out in the Transit Regulation.</p>



	community through the planning and construction stages and will assign a Community Liaison person as a single point of contact for residents and stakeholders.	
<b>Finances</b>		
The project cost to TTC.	The garage is funded for the full project cost of \$181 million with the support of the TTC Board and Toronto City Council.	No comments.
<b>Transit Project Assessment Process</b>		
The TPAP process was not appropriate for a project with these types of impacts.	This is a policy issue. TTC followed the Transit Project Assessment Process which was created by the Ontario government. TTC has carried out a thorough, highly consultative Transit Project Assessment Process (TPAP) for the McNicoll Bus Garage.	MOECC staff are satisfied that TTC met the requirements set out in the Transit Regulation and the TPAP.