

November 20, 2024

Ministry of the Environment, Conservation and Parks
Highway 413 consultation
Environmental Assessment Branch
135 St. Clair Ave W, 4th Floor
Toronto, ON M4V 1P5

**Re: Highway 413 Act in Bill 212 Reducing Gridlock, Saving You Time Act 2024
(ERO 019-9213)**

We thank the Ministry of the Environment, Conservation and Parks for the opportunity to comment on the Highway 413 Act in Bill 212, Reducing Gridlock, Saving You Time Act 2024. The Highway 413 project will have major social, economic and environmental impacts on the residents and businesses of Peel, and also affect the Region's capital projects and services. As you are aware, Peel Regional Council is on record as opposing any and all advanced construction associated with preparations for a GTA West highway, including early works projects. While Peel Region is opposed to any preliminary design and construction work, Peel Region staff realize that there is a need for Ministry of Transportation (MTO) to complete some form of environmental assessment and the various elements of this project and will constructively work with MTO.

Peel Region staff highlight the need to assess Highway 413's potential impact on the environment and health, the importance of transparency and public and stakeholder consultation opportunities related to the project, as well as the potential impact to underground Peel Region assets. We also want to provide an update on the coordination between Peel Region and MTO on the Highway 413 project.

Peel Region's specific comments on the proposed legislation are outlined below. Please note that the following comments are provided by Peel Region staff and may be considered by Regional Council for endorsement at a later date. If additional or differing comments are provided through a Council resolution, they will be forwarded to the Ministry for consideration.

Assessing the Environmental and Health Impacts

The completion of an environmental assessment of Highway 413 would identify opportunities to avoid, mitigate or minimize the impacts of the highway on the environment and health. The Highway 413 Act proposes to exempt Highway 413 from the Environmental Assessment (EA) Act and replace it with a new, accelerated environmental assessment, which may not fully address and assess critical areas of climate resilience and health protection. While this accelerated assessment is not ideal, we understand that the Minister of Transportation must identify how MTO will mitigate the negative impacts of Highway 413 on the environment as identified in the abbreviated assessment and can use studies, research, evaluations, or other work in carrying out this expedited environmental assessment.

To that end, Peel Region staff recommend that MTO use *Ministry of Transportation Environmental Guide For Assessing And Mitigating The Air Quality Impacts And Greenhouse*

Gas Emissions Of Provincial Transportation Projects. Published in May 2020, the Guide sets out a standardized assessment approach and methodology for both individual and Class EA projects. While the project is exempt from the EA Act, this Guide can help inform the new expedited assessment and ensure that environmental impacts are fully assessed.

The Highway 413 Act not only allows “early works projects” to completely by-pass the Environmental Assessment Act, but these projects are not subject to the new environmental assessment. As these “early works projects” may have significant impacts on natural and environmental systems and health outcomes in Peel, it is important they are subject to the new assessment process in order to identify opportunities to avoid, mitigate, or minimize these impacts.

The Province has shown a willingness to think innovatively for how we power and move Ontarians. This innovative thinking can be limited if planning is expedited. Innovations in future highway corridors, such as tunneling, mass transit/rail, or inclusion of district energy infrastructure would be missed. This missed opportunity could have significant cost implications to future generations and should be assessed.

Under Schedule 3, Section 6(2), Paragraph 8 Subsection 2, the Highway 413 Act proposes that MTO provide a summary of the studies completed or updated after November 1, 2012, and provides a list of the studies included. Water resources management considerations, including hydrogeology and surface water features such as wetlands, highly vulnerable aquifer areas or recharge zones, are not included as part of the draft or final reports. This change differs from a previous consultation related to the Environmental Impact Assessment Report, where water resources management was considered as one of the components. Peel Region staff request that the Province ensure water resources management considerations are included within the environmental impact assessment for Highway 413.

Transparency and Consultation

Peel Region staff have identified several opportunities related to Highway 413 where MTO consultation with stakeholders and residents would be beneficial to the planning, design and building of the Highway and address environmental and health considerations. These are identified below:

- Without following the streamlined process of the Environmental Assessment Act, municipalities may miss the chance to properly review and comment on the draft environmental impact assessment reports and any addenda. Exempting the project from the Environmental Assessment Act means that feedback from the public and municipal officials is likely to be overlooked. Consequently, municipalities will miss the opportunity to document formal submissions during public comment periods, preventing them from providing detailed feedback and recommendations.
- Additionally, the Environmental Assessment Act facilitates coordination with various departments to ensure all relevant aspects of projects are addressed through formal submissions. It also ensures ongoing communication throughout the project to address any emerging issues and municipal concerns through consultation. Peel Region staff ask that the Ministry ensure there are ample opportunities for meaningful consultation throughout the lifespan of Highway 413.

- Peel Region staff recommends that MTO includes within the Environmental Impact Assessment Report how the construction of Highway 413 will impact existing and future proposed water and wastewater infrastructure, just as drainage and stormwater management will be included. Also, it would be preferred that coordination with local municipalities happen prior to the commencement of these early works projects to ensure that existing or future underground infrastructure projects are not negatively impacted.
- Given the importance of stakeholder consultation, where Highway 413 is exempt from the provincial Environmental Assessment process, an alternative approach is needed to support municipalities along the proposed route in achieving common interests. Peel Region staff recommend engaging municipalities along the proposed route in design review, where project design identifies and addresses environmental considerations. Specifically, Peel Region staff raise source water protection considerations under the Clean Water Act as an integral part of the necessary assessments and decision-making process. Assessment of source water protection considerations should be clearly documented in the Environmental Impact Assessment Report for the full project scope and at key stages of the proposed undertakings (including transportation planning and highway design, construction, operational and maintenance activities).

Potential Impacts of Highway 413 Project on Peel Region's Underground Assets

Highway 413 is likely to impact Peel Region's underground infrastructure and require relocation or rehabilitation of these assets prior to any work beginning. Comments on these impacts are highlighted below:

- The proposed legislation (Highway 413 Act) states that embankment and bridges projects were selected based on being located in areas that have been previously disturbed, which suggests that there may be buried infrastructure existing in those areas. Peel Region staff requests that MTO consult Peel Region at the very onset of design for all early works related to construction fencing, embankment, and bridges, to coordinate all roads and existing water and wastewater assets. The proposed early works may have major impacts to Peel Region's underground assets, which may require relocation or rehabilitation of pipelines prior to the proposed early works occurring.
- Peel Region sent a letter to the Ministry of Transportation on June 3, 2024 (attached) regarding the topics of technical design standards and cost sharing principles. It is requested that this apply for all Peel Region assets that require relocation/rehabilitation as part of the proposed early works.
- If the Province does exempt early works projects from the EA Act, Peel Region staff propose the construction of new water and wastewater assets along the Highway 413 route that are designed and constructed by Peel Region be included within the proposed Highway 413 Act list of early works projects. This would help Peel Region and its municipalities to meet the housing pledges from the Province's *Bill 23 – More Homes Built Faster Act, 2022*.
- With the proposed exemption of Highway 413 from the EA Act, Peel Region staff requests clarity on the following:

- Will the activities undertaken by Peel Region related to Highway 413, such as utility relocations or crossings, also be exempt from the Environmental Assessment Act?
- If so, will the exemption of Peel Region activities for the Ministry negatively impact Peel Region's ability to review and comment on the project?

Coordination between Peel Region and MTO on Highway 413

Peel Region staff are engaged in discussions with MTO Engineering and Real Estate staff to coordinate between the Region's ongoing capital projects and Highway 413. This includes the protection of Peel Region's assets including water, wastewater, stormwater, Public Sector Network (fibre optic communications) and Regional roads.

We ask that direct coordination continue between Peel Region and MTO to assist in the design and construction of Highway 413 while also allowing for Peel's Capital Projects including new road construction and widenings, and water and wastewater installations to support new housing starts. Developing a Memorandum of Understanding (MOU) that provides a consistent approach to coordinating the Region's projects in the Highway 413 corridor will be beneficial to MTO and ensure Peel Region's on-going capital works can continue in advance of the highway construction.

CONCLUSION

Peel Region staff have identified a number of issues for consideration within the Highway 413 Act as proposed in Bill 212. They include replacing the current EA process with an apparently less robust one, identifying potential opportunities for MTO to engage with Peel Region on the planning, design and building of the highway and addressing environmental and health considerations. We also underscored the need for MTO to consult with Peel Region near the beginning of the design for all early work projects and to coordinate all roads and existing water and wastewater assets. These projects may have a major impact to Peel Region's underground assets, possibly requiring relocation or rehabilitation of pipelines prior to the proposed early works occurring. Current coordination between Peel Region and MTO on Highway 413 has been positive and we ask that direct coordination continues.

Thank you for carefully considering our input. If you have questions or require additional information, please contact me at Kealy.Dedman@peelregion.ca.

Kind regards,



Kealy Dedman
Commissioner of Public Works

Attachment - June 3, 2024 Peel Region Letter to MTO regarding Technical Design Standard and Cost Sharing Principles regarding the Proposed Highway 413