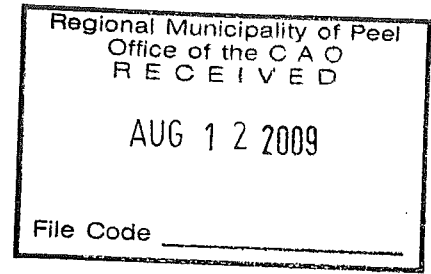


HE-C17-1



OFFICE OF THE MAYOR



August 7, 2009

The Honourable Dalton McGuinty
Premier of Ontario
Queen's Park
Room 281, Main Legislative Building
Toronto, Ontario
M7A 1A4

Dear Mr. Premier:

Re: Clarkson Airshed Study

The Council of the Corporation of the City of Mississauga at its meeting on August 5, 2009, adopted the enclosed Resolution 0192-2009 regarding concerns over the Clarkson Airshed.

The Ministry of the Environment has already determined through the Clarkson Airshed Study that the air quality in the Clarkson Airshed is "taxed" and that the industrial sector accounts for 25-36% of the key contaminants identified by the Ministry of the Environment (MOE). The MOE's own Statement of Environmental Values includes several principles which must be taken into account when considering a Certificate of Approval under the Environmental Protection Act.

On behalf of Mississauga Council, I urge you to assure the residents that in the consideration of any Certificate of Approval for any industrial activity in the Clarkson Airshed, the application strictly meets all regulatory requirements including the principles enunciated under the Statement of Environmental Values and Parts I, II and III of the findings made by the MOE during the Clarkson Airshed Study. I would request that any such application for approval be submitted to the Chief Medical Officer of Health at the Region of Peel for review.

LEGISLATIVE SERVICES	
COPY TO:	FOR:
Chair <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Committee
CAO <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Corporate Services	Council
Environment, Transportation and Planning Services	
Employee and Business Services <i>Sept 10/09</i>	<i>G.C.</i>
Finance	
Health Services <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> File <i>MDH</i> <input checked="" type="checkbox"/>
Human Services	
Peel Living	

REFERRAL TO _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED



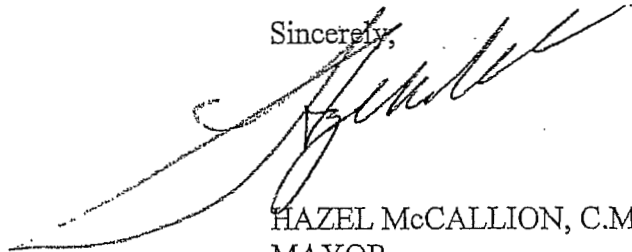
THE CORPORATION OF THE CITY OF MISSISSAUGA
300 CITY CENTRE DRIVE, MISSISSAUGA, ON L5B 3C1
TEL: 905-896-5555 FAX: 905-896-5879
mayor@mississauga.ca

HE-C17 -2-

Given that the Clarkson Airshed is already taxed, I also call upon the Province and the Chief Medical Officer of Health to review existing certificates approved for major polluters in the Clarkson Airshed whenever expansion is considered. In addition, the City of Mississauga requests consideration of applying the "polluter pay" principle to any approval under the Environmental Protection Act, wherein the industrial user shall bear all monetary costs caused by any increase in the pollution level including any health care costs that can be reasonably attributed to the rise in pollution levels.

Your favourable consideration of the enclosed resolution is requested and I look forward to receiving your reply.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hazel McCallion', is written over a horizontal line. The signature is fluid and cursive.

HAZEL McCALLION, C.M.
MAYOR

cc: The Honourable John Gerretsen, Minister of the Environment
The Honourable George Smitherman, Minister of Energy and Infrastructure
Mississauga MPPs
Chairman Emil Kolb, Regional Municipality of Peel
Chairman Gary Carr, Regional Municipality of Halton
Members of Council
Chief Medical Officer, Region of Peel
Municipal Services Office, Ministry of Municipal Affairs and Housing, Central Region
Association of Municipalities of Ontario
Mary Ellen Bench, City Solicitor

Enc.



RESOLUTION 0192-2009
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on August 5, 2009

Moved by: P. Mullin

Seconded by: C. Corbasson

WHEREAS the Ministry of the Environment (“MOE”) has determined through the Clarkson Airshed Study, Parts I, II and III, that the air quality in the Clarkson Airshed is “taxed” as it is comprised of elevated levels of air contaminants;

AND WHEREAS the MOE has identified the key contaminants in this taxed airshed to include particulate matter less than or equal to 10 microns in size, particulate matter less than or equal to 2.5 microns in size, nitrogen oxides and volatile organic compounds;

AND WHEREAS the MOE has determined that the industrial sector in the airshed accounted for 25-36% of the total measured values for the key contaminants identified by the MOE.

AND WHEREAS Ontario Power Authority as an independent non-profit corporation, established by the Province through the *Electricity and Restructuring Act, 2004*, has among its objectives the provision of safe electricity and conducting independent planning for electricity generation;

AND WHEREAS the Ministry of Energy and Infrastructure states that a top priority for the Ministry is the ‘protection of our environment’;

AND WHEREAS the *Environmental Bill of Rights, 1993* (“EBR”) sets out the following principles in its preamble:

The people of Ontario recognize the inherent value of the natural environment.

The people of Ontario have a right to a healthful environment.

The people of Ontario have as a common goal the protection, conservation and restoration of the natural environment for the benefit of present and future generations.

AND WHEREAS the purposes under the EBR include “the prevention, reduction and elimination in the use, generation and release of pollutants that are an unreasonable threat to the integrity of the environment”;

AND WHEREAS the Statement of Environmental Values for the MOE include the following principles:

The Ministry adopts an ecosystem approach to environmental protection and resource management. This approach views the ecosystem as composed of air, land, water and living organisms, including humans, and the interactions among them.

The Ministry considers the cumulative, additive and synergistic effects on the environment; the interdependence of air, land, water and living organisms; and the relationships among the environment, the economy and society.

The Ministry considers the effects of its decisions on current and future generations, consistent with sustainable development principles.

The Ministry uses a precautionary, science-based approach in its decision making to protect human health and the environment.

The Ministry’s environmental protection strategy will place priority on preventing pollution and minimizing the creation of pollutants that can adversely affect the environment.

The Ministry endeavours to have the perpetrator of pollution pay for the cost of clean up and rehabilitation consistent with the polluter pays principle.

AND WHEREAS the MOE shall take into account its Statement of Environmental Values when it is considering an application for an approval under the *Environmental Protection Act* (“EPA”) such as a certificate of approval;

AND WHEREAS the area of Mississauga bounded by the CN line on the north, Lake Ontario on the south, Winston Churchill Blvd on the west and Southdown Rd on the east is a heavily industrialized section of the City that has presented Mississauga Fire and Emergency Services (MFES) with a significant number of dangerous fires, explosions, hazardous materials incidents and localized evacuations over the years;

AND WHEREAS MFES would consider a large natural gas fuelled generating plant as a significant tactical challenge where the possibility of a very large fire or explosion would certainly exist;

AND WHEREAS in Resolution No. 0078-2009, adopted unanimously by the Councillors present, the City resolved that:

- (i) The City believes that the Clarkson Airshed is too stressed to sustain the introduction of new industrial activity.
- (ii) The City called upon the Province to impose a moratorium on granting approvals, whether through a certificate of approval or other instrument, for the construction and operation of any new industrial activity in the Clarkson area.
- (iii) The City called upon the Province, the Minister of Energy and Infrastructure, the Minister of the Environment and Ontario Power Authority to assure the residents of the City that in the current and future procurement process for the construction of a natural gas-fired power generating facility in the Southwest Greater Toronto Area, that the restricted areas will be extended to include the Clarkson Airshed.

AND WHEREAS on June 25, 2009 the Region of Peel adopted Resolution No. 2009-765 calling upon the Minister of Energy and Infrastructure to terminate the procurement process to site an electricity generating facility in the Clarkson airshed area because of the adverse impact such a facility will have on ambient air quality in the vicinity;

AND WHEREAS on July 15, 2009 Halton Regional Council adopted a similar resolution because of the potential impacts the air contamination in the area identified by the Clarkson airshed study, can have to human health;

AND WHEREAS the impact on the health of residents extends beyond municipal boundaries, and by virtue of s.81(3) of the *Health Protection and Promotion Act*, R.S.O. 1990, as amended, the Provincial Chief Medical Officer of Health must keep himself informed in respect of matters related to occupational and environmental health;

NOW THEREFORE BE IT RESOLVED THAT:

1. The City of Mississauga calls upon the Government of the Province of Ontario and the Minister of the Environment, to assure the residents of the City of Mississauga that if the MOE is asked to consider any approvals under the EPA, such as a certificate of approval, for any industrial activity in the Clarkson Airshed, that in addition to considering whether the application strictly meets all of the regulatory requirements (such as O.Reg 419/05), that the MOE shall take into account, in any decision making process, the principles enunciated under the Statement of Environmental Values. More particularly, that it be reviewed taking into account an ecosystem approach to environmental protection, the cumulative effects of all industry present in the Clarkson Airshed, the effect of any approval on future generations, the pre-cautionary principle, the priority on the prevention and minimizing of pollution that can adversely affect the environment and the polluter pay principle. Furthermore, that any future application for approval be submitted to the Chief Medical Officer of Health for review.

2. The City of Mississauga calls upon the Government of the Province of Ontario, the Chief Medical Officer of Health, and the Minister of the Environment, to assure the residents of the City of Mississauga, that the findings made by the MOE in Part I, II and III of the Clarkson Airshed study, shall be taken into account and form part of any review, under the EPA, of an application for approval that may be required by an industrial user in the Clarkson Airshed.
3. Given that the Clarkson Airshed is a "taxed" airshed, the City of Mississauga calls upon the Government of the Province of Ontario, the Chief Medical Officer of Health, and the Minister of the Environment, to review existing certificates of approval for major polluters in the Clarkson Airshed whenever expansion is considered, taking into account existing regulatory standards, the cumulative impacts of their emissions and background pollutant concentrations.
4. The City of Mississauga calls upon the Government of the Province of Ontario and the Minister of the Environment, to consider applying the "polluter pay" principle by attaching to any approval provided under the EPA to an industrial user a condition that the industrial user shall bear all the monetary costs caused by any increase in the pollution level in the Clarkson Airshed, including any increase in health care costs that can be reasonably attributed to the rise in pollution levels.
5. The City of Mississauga calls upon the Government of the Province of Ontario and the Minister of the Environment, to ensure that a condition be attached to any approval under the EPA such as a certificate of approval, that would require an existing industrial user to strictly monitor all emissions from its operations and that all monitoring results be made available to the public.
6. That a copy of this Resolution be forwarded to the Premier of Ontario, Chief Medical Officer of Health, Minister of the Environment, Minister of Energy and Infrastructure, all local MPPs, Region of Peel and Region of Halton.

Carried

CD.09