



HE-A1-1

OFFICE OF THE MAYOR

November 30, 2009

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

REFERRAL TO _____
 RECOMMENDED _____
 DIRECTION REQUIRED _____
 RECEIPT RECOMMENDED

Dear Mr. Premier:

Re: 900 Megawatt Natural Gas-Fired Power Plant in the Town of Oakville

The Council of the Corporation of the City of Mississauga at its meeting on November 25, 2009, adopted the enclosed Resolution 0279-2009 regarding a 900 Megawatt Natural Gas-Fired Power Plant in the Town of Oakville.

The City of Mississauga supports the Town of Oakville's request to designate the TransCanada Company 900 Megawatt natural gas-fired power plant as an undertaking to which a full Environmental Assessment, under Part II of the *Environmental Assessment Act* should apply.

Resolutions No. 0078-2009, No.0192-2009 and No. 0230-2009 have already been passed by the City of Mississauga Council and forwarded to you, expressing Mississauga's grave concerns about adding further air pollution to an already "taxed" airshed. These resolutions are also enclosed for your reference.

I look forward to receiving your favourable reply.

LEGISLATIVE SERVICES	
COPY TO:	FOR:
Chair <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Committee
CAO <input checked="" type="checkbox"/>	
Corporate Services	<input type="checkbox"/> Council
Public Works	
Employee and Business Services Feb 4, 2010	<input type="checkbox"/> G.C.
Health Services <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> File MDH
Human Services	
Peel Living	

Sincerely,

HAZEL McCALLION, C.M.
 MAYOR



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-A1 -2-

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

Enc.



RESOLUTION 0279-2009
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on November 25, 2009

Moved by: P. Mullin

Seconded by: C. Corbasson

WHEREAS the Ontario Power Authority announced that TransCanada Company was selected to design, build and operate a 900 Megawatt natural gas-fired power plant, in the Town of Oakville at Royal Windsor Drive which is located within the western boundary of the Clarkson Airshed Study Area;

AND WHEREAS the Ministry of the Environment (“MOE”) has determined through the Clarkson Airshed Study, that the air quality in the Clarkson Airshed is a “taxed” airshed.

AND WHEREAS this Council has already adopted Resolutions No. 0078-2009, No.0192-2009 and No. 0230-2009 which addressed City concerns about adding any further air pollution to an already “taxed” airshed, and which Council in the most recent resolution called upon the Province to:

- (i) Ensure that the Provincial Task Force announced by the Province to develop and present a comprehensive action plan for improving air quality in the southwest GTA, specifically include as a goal the improvement of the air quality in the Clarkson Airshed Study Area, that the City have representation on the Task Force, that the Task Force be sufficiently funded, and that the appropriate environmental, health and engineering experts be retained.
- (ii) Implement the recommendations made by the Task Force and to monitor and report any changes in the air quality in the Clarkson Airshed Study Area.
- (iii) Ensure that it will not consider any Certificates of Approval for large industrial users in the Clarkson Airshed Study Area, including the proposed gas fired power plant in the Town of Oakville, until the Task Force recommendations have been implemented and it can be verified that the Clarkson Airshed is no longer a “taxed” airshed.

AND WHEREAS on October 20, 2009 the Council for The Town of Oakville passed a resolution that adopted a staff report regarding the TransCanada Power Plant, that among other things, called upon Provincial Parliament to ensure “[t]hat the Minister of the Environment immediately elevate the required project environmental assessment to an “individual” Environmental Assessment (EA) under Part II of the *Environmental Protection Act* and not permit the continuation of any ‘Screening’- level EA for this proposed project.”

AND WHEREAS on November 10, 2009, The Town of Oakville, through its external environmental legal counsel, requested Provincial Cabinet to adopt a regulation pursuant to section 39(d) of the *Environmental Assessment Act*, to designate the proposed Trans Canada Company gas-fired electricity generating station as an undertaking to which a full individual Environmental Assessment applies under Part II of the Act;

NOW THEREFORE BE IT RESOLVED THAT:

1. The City of Mississauga is supportive of The Town of Oakville’s request to the Provincial Cabinet to designate the TransCanada Company 900 Megawatt natural gas-fired power plant as an undertaking to which a full Environmental Assessment, under Part II of the *Environmental Assessment Act*, would apply.
2. That a copy of this Resolution be forwarded to the Premier of Ontario, Minister of the Environment, Minister of Energy and Infrastructure, The Town of Oakville, all local MPPs, Region of Peel and Region of Halton.

Carried
EC.06.CLA



RESOLUTION 0078-2009
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on April 8, 2009

Moved by: P. Mullin

Seconded by: C. Corbasson

WHEREAS the Ontario Power Authority is currently proceeding with a procurement process for the construction of an approximately 850 MW combined-cycle natural gas-fired generating facility in the Southwest Greater Toronto Area;

AND WHEREAS the Request for Proposals regarding this procurement states that the proposed facility will be located in Etobicoke, Mississauga, or Oakville, with a restriction being that it may not be located at the site of the retired Lakeview Thermal Generating Station in Mississauga;

AND WHEREAS it appears there are four qualified applicants arising from the first phase of the Request for Proposals, who will be eligible to compete in the second phase of the procurement process, and some or all of these are or may be contemplating the construction of the generating facility in the Clarkson area of Mississauga, such as Sithe Global Power Southdown ULC which has identified its proposed location as the Southdown Station, located in the Clarkson area;

AND WHEREAS the Ministry of the Environment conducted Phases I, II and III of an air quality study for the Clarkson area Airshed, and in the Phase III study, the Ministry recognized the value of proceeding with Phase IV being the establishment of the Clarkson Airshed Advisory Committee as a means by which to achieve better air quality in the Clarkson area and to get commitments from industry in the area to "go beyond compliance";

AND WHEREAS the Clarkson Airshed is stressed, with key contaminants being 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 introduction of a natural gas-fired generating facility in the Clarkson area will only exacerbate the existing stressed Clarkson Airshed, causing even greater risk of negative health impacts upon the people who reside and work in the Clarkson area;

AND WHEREAS the Province of Ontario has indicated through recent changes to the *Planning Act* under Bill 51, and now through Bill 150, that undertakings related to energy may be, or in the case of those undertakings described in Bill 150 will be, decided by the Provincial Government and not by local municipal and other authorities;

AND WHEREAS the *Environment Protection Act* states in subsection 3(1) that its purpose is to provide for the protection and conservation of the natural environment, and the Act goes on to charge the Minister of the Environment with responsibility for the administration and enforcement of this Act;

AND WHEREAS the *Environmental Bill of Rights, 1993* 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.

While the government has the primary responsibility for achieving this goal, the people should have the means to ensure that it is achieved in an effective, timely, open and fair manner.

AND WHEREAS the residents of Clarkson and of Mississauga, who are also people of Ontario, have a right as well to a healthful environment, and the City recognizes that the Government of Ontario has taken on the responsibility and the authority both through recent legislative activity, as well as historically having assumed the mandate for achieving the goal of providing a healthful environment for the people of Ontario under the *Environment Protection Act*;

NOW THEREFORE BE IT RESOLVED THAT:

1. The City of Mississauga believes that the Clarkson Airshed is too stressed to sustain the introduction of any new industrial activity or undertaking of any kind, including a natural gas-fired power generating facility, within the Clarkson area which will cause emissions into the environment, irrespective of whether the nature and volume of such emissions may comply with any existing Provincial regulations or standards.

2. The City of Mississauga calls upon the Province of Ontario to impose a moratorium on granting approvals, whether through a certificate of approval or through any other process, for the construction and operation of any new industrial activity or undertaking of any kind in the Clarkson area of Mississauga.

3. The City of Mississauga calls upon the Government of the Province of Ontario, the Minister of Energy and Infrastructure, the Minister of the Environment and the Ontario Power Authority to assure the residents of the City of Mississauga that in the current and any future procurement process for the construction of a natural gas-fired power generating facility in the Southwest Greater Toronto Area, the restricted locations will be extended to include the Clarkson area so that no such power generating facility will be constructed in the Clarkson Airshed study area.

A recorded vote was requested with the following results:

	<u>YES</u>	<u>NO</u>
Mayor H. McCallion	X	
Councillor C. Corbasson	X	
Councillor P. Mullin	X	
Councillor M. Prentice	X	
Councillor F. Dale	X	
Councillor E. Adams	X	
Councillor C. Parrish	X	
Councillor N. Iannicca	Absent	
Councillor K. Mahoney	X	
Councillor P. Saito	Absent	
Councillor S. McFadden	X	
Councillor G. Carlson	X	

Recorded Vote

Carried (Unanimous)

CD.09



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



RESOLUTION 0230-2009
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on October 14, 2009

Moved by: P. Mullin

Seconded by: G. Carlson

WHEREAS on September 30, 2009 the Ontario Power Authority announced that TransCanada Company was selected to design, build and operate a 900 Megawatt natural gas-fired power plant, in the Town of Oakville at Royal Windsor Drive which is a location close to the western boundary of the City of Mississauga;

AND WHEREAS the Ministry of the Environment ("MOE") has completed Parts I, II and III of the Clarkson Airshed Study in which the Clarkson Airshed Study Area encompasses an area approximately 20 square kilometres around the former Town of Clarkson which includes the western area of the City of Mississauga and eastern area of the Town of Oakville;

AND WHEREAS the location of the selected 900 Megawatt natural gas-fired power plant is within the Clarkson Airshed Study Area;

AND WHEREAS the Ministry of the Environment ("MOE") has determined through the Clarkson Airshed Study, that the air quality in the Clarkson Airshed is "taxed" as it is comprised of elevated levels of air contaminants;

AND WHEREAS the proposed power plant will certainly be a large industrial emitter of air pollution into the Clarkson Airshed Study Area and as such add more air pollutants to an already "taxed" airshed;

AND WHEREAS the Trans Canada Company will be required to obtain a Certificate of Approval from the MOE under the *Environmental Protection Act* and its regulations prior to the operation of the gas fired power plant;

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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 Provincial Government has recently announced that it "is launching a plan to help improve air quality in the southwest Greater Toronto Area following concerns raised in the community. The measures are designed to reduce emissions as well as reduce industrial energy consumption."

AND WHEREAS the Provincial Government's plan to help improve air quality in the southwest GTA includes, among other things, the following measures:

(i) That the MOE will launch a new task force that will develop and report back by the end of June 2010 on a detailed action plan to improve air quality through the reduction of emissions from local industrial, vehicular, and residential sources in the southwest GTA. It will include air quality improvement targets, timelines, strategies and reporting requirements; and

(ii) The establishment of a Working Group on Cleaner Energy and Industrial Efficiency with cement company Holcim Canada Inc., along with MEI and OPA, to examine cleaner industrial emission.

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AND WHEREAS this Council has already adopted Resolutions No. 0078-2009 and No.0192-2009, which addressed City concerns about adding any further air pollution to an already “taxed” airshed, in which Council resolved in the most recent resolution that:

(i) The City called upon MOE to take into account the principles in its own Statement of Environmental Values if it is asked to consider any approval under the EPA, such as a certificate of approval, for any proposed industrial use in the airshed area;

(ii) The City called upon the Provincial Government, the Chief Medical Officer of Health and the MOE to assure the residents that the findings in the Clarkson Airshed Study will be taken into account in the review of any approval under the EPA for an industrial user in the airshed area;

(iii) The City called upon the Provincial Government, the Chief Medical Officer of Health and the MOE to review the Certificates of Approval in the Clarkson Airshed for existing major polluters whenever expansion is considered taking into account the existing regulatory standards, the cumulative effects of their emissions and background pollutant concentrations;

(iv) The City called upon the Provincial Government and the MOE to consider applying the “polluter pay” principle by attaching to any approval a condition that the industrial user pay the costs of any increase in pollution level in the Clarkson Airshed, including any increase in health care costs attributed to the rise in pollution; and

(v) The City called upon the Provincial Government and the MOE to ensure that strict monitoring and public reporting requirements be attached to any approval under the EPA such as a certificate of approval.

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;

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NOW THEREFORE BE IT RESOLVED THAT:

1. 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 Provincial Task Force which will be established to develop and present a comprehensive action plan for improving air quality in the southwest GTA will state as one of its goals the improvement of the air quality in the Clarkson Airshed Study Area and that the Task Force be appropriated sufficient funds by the Provincial Government to carry out all the work that it is necessary to complete its comprehensive action plan;

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 City will be provided with representation on the Provincial Task Force and that the Provincial Government will ensure that the necessary environmental, health and engineering experts are retained by the Province to provide the necessary expertise required by the Task Force to carry out its mandate of developing and presenting a comprehensive action plan for improving air quality in the southwest GTA;

3. The City of Mississauga calls upon the Government of the Province of Ontario, to implement the recommendations from the Provincial Task Force necessary to improve the air quality in the Clarkson Airshed Study Area and to monitor and report to the public any change in the air quality;

4. 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 it will not consider for approval any certificates of approval for large industrial users in the Clarkson Airshed Study Area, including the proposed gas-fired plant in the Town of Oakville, until the recommendations from the Provincial Task Force to improve the air quality in the southwest GTA have been implemented and it can be verified through further airshed study that the air pollution in the Clarkson Airshed has decreased to a level where the airshed is no longer a "taxed" airshed;

5. 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, Medical Officer of Health for Peel Region, Medical Officer of Health for Halton Region, all local MPPs, Region of Peel and Region of Halton.