

THIRTY-EIGHTH Meeting - Special Session

The Town of Oakville Council met in special session this 20th day of October, 2009 in Council Chambers of the Oakville Municipal Building, 1225 Trafalgar Road, Oakville commencing at 7:00 p.m.

- Present: Mayor - Rob Burton
- Councillors - Tom Adams
- Keith Bird
- Mary Chapin
- Cathy Duddeck
- Allan Elgar
- Marc Grant
- Alan Johnston
- Max Khan
- Jeff Knoll
- Roger Lapworth
- Fred Oliver
- Ralph Robinson
- Staff - R. Green, Chief Administrative Officer
- J. Clohecy, Commissioner of Planning and Development
- G. Lalonde, Commissioner of Corporate Services
- D. Carr, Town Solicitor
- J. Courtemanche, Director of Strategy, Policy and Communications
- C. Toth, Director of Environmental Policy
- R. Northey, External Legal Counsel
- M. De Paoli, Executive Assistant to the Mayor
- C. Best, Town Clerk
- K. Patrick, Supervisor of Council and Committee Services

Declarations of Pecuniary Interest

No declarations of pecuniary interest were declared.

Delegations

Susan Hyatt, Citizens for Clean Air (C4CA), re: TransCanada Power Plant, Item 1 on this evening's agenda.

Pauline Watson, Citizens for Clean Air (C4CA), re: TransCanada Power Plant, Item 1 on this evening's agenda.

Doug MacKenzie, Citizens for Clean Air (C4CA), re: TransCanada Power Plant, Item 1 on this evening's agenda.

John Kay, re: TransCanada Power Plant, Item 1 on this evening's agenda.

Lawrence Scott on behalf of Oakville MP Terence Young, re: TransCanada Power Plant, Item 1 on this evening's agenda.

Oakville MPP Kevin Flynn, re: TransCanada Power Plant, Item 1 on this evening's agenda.

Gary Carr, Regional Chair, re: TransCanada Power Plant, Item 1 on this evening's agenda.

AGENDA ITEM(S)

1. TransCanada Power Plant

- **Report from Environmental Policy and Legal Department,
October 13, 2009**

The meeting recessed at 9:00 p.m. and reconvened at 9:24 p.m.

Moved by Councillor Bird

Seconded by Councillor Chapin

1. That the Ontario Power Authority (OPA) be requested to provide the Town with:
 - a. the detailed results of the Request For Proposal (RFP) evaluation and rating assessment of the four proposals received for the Southwest Greater Toronto Area (GTA) power plant; and
 - b. all records received, commissioned or requested by the OPA that address technical, environmental, social and/or economic issues relevant to the RFP evaluation.
2. That TransCanada Energy Ltd. be requested to release to the Town all related documents and reports submitted to the OPA and/or the Ontario Ministry of the Environment respecting technical, environmental, social and/or economic issues, including system requirements and data relating to: air quality, human health, ecological health, environment, infrastructure, property values, operations, plume, emission controls, noise, vibration, and any other related impact assessment data, for public review.
3. That the Province, including the Premier and the Ministers of Energy and Infrastructure, and the Environment, be advised that the Town does not accept as adequate for this large-scale project in this urban setting the environmental assessment process referenced as the 'Environmental Screening Process' under the *2001 Electricity Projects Regulation*, as it has no substantive standards, no process to consider alternatives, allows the proponents to define what impacts are or are not significant, involves no provincial approval, and permits no hearing or appeal by affected parties.
4. That Members of Provincial Parliament, Oakville MPP Kevin Flynn and Halton MPP Ted Chudleigh and Mississauga-South MPP Charles Sousa, be requested to ensure the following:
 - a. That the Minister of the Environment immediately elevate the required project environmental assessment to an "individual" Environmental Assessment (EA) under Part II of the *Environmental Assessment Act* and not permit the continuation of any 'Screening'-level EA for this proposed project.
 - b. That the Minister of the Environment establish sufficient law or policy to direct or otherwise ensure that the appointed director under the *Environmental Protection Act* will, for any required Certificate of Approval or permit process for this project, demand necessary information on and consider:
 - i. All contaminants emitted from the proposed project, including toxic substances for which the Ministry has no binding standards, such as particulate matter (PM_{2.5});
 - ii. The quality of the existing environment in relation to its existing impacts on or risks to human health;
 - iii. Emission standards necessary to ensure protection of human health and the environment;

- iv. Emission controls necessary to prevent any adverse effects from the project, alone, or in combination with existing pollution levels;
 - v. The risks to human health, assessed quantitatively, from anticipated and worst-case levels of project emissions, and with and without proposed emission controls and/or other mitigation and with due regard for times during stressed airshed conditions.
 - c. That the Minister of the Environment establish sufficient law or policy to direct or otherwise ensure that the full rights of public notice and access to information, as set out and/or provided in the *Environmental Bill of Rights (EBR)*, exist for any instruments required by this proposed project, and that such rights are not exempted by the use of Ministerial powers or opinions set out in S. 32 of the EBR.
5. That the local Members of Parliament, the Honourable Lisa Raitt and MP Terence Young, be called upon to ensure that:
- a. the Minister of the Environment makes an interim order and future regulations under the *Canadian Environmental Protection Act* to deal with the significant danger to human life and health presented by PM_{2.5} emissions from the proposed project; and
 - b. the appropriate federal departments and agencies, including Environment Canada, Health Canada, Fisheries and Oceans Canada, and Transport Canada, are engaged in the review of the potential health, environmental, and safety impacts of the siting of a natural gas fired power generating station in south east Oakville.
6. That Region of Halton Chair Gary Carr be requested to ensure that the regional Health Department continue to monitor and provide input throughout the approval process addressing human health and air quality impacts of the proposed generating station in south east Oakville.
7. That the Town of Oakville file a request with the Environmental Commissioner seeking the establishment of a provincial regulation on PM_{2.5} emissions.
8. That the submissions received this evening from Doug MacKenzie, Citizens for Clean Air (C4CA), be forwarded to staff for review.

CARRIED

CONSIDERATION AND READING OF BY-LAWS

Moved by Councillor Knoll

Seconded by Councillor Duddeck

That the following by-law be passed:

2009-161 A by-law to confirm proceedings of a meeting of Council

CARRIED

ADJOURNMENT

The Mayor adjourned the meeting at 9:26 p.m.

ROB BURTON
MAYOR

CATHIE L. BEST
TOWN CLERK