

February 5, 2010

To Durham Regional Council and Clarington Council
From Kerry Meydam, Courtice

Please consider as Council correspondence for both Durham Regional Council and for Clarington Council.

Regional and Clarington Council members,

Council Correspondence asking Councils to consider passing an air quality by-law, specifically targeting Particulate Matter PM2.5 (fine/ultra-fine)

Please take to the time to read the **two attachments** regarding the health protective by-law just approved by the Town of Oakville.

- Feb 4 - [Town passes air quality by-law](#) - North Oakville Today (Holroyd)
- Feb 2 - [Oakville passes air quality bylaw](#) - Oakville Beaver (Arnott)

Municipalities are given the authority to pass such by-laws through the Municipal Act, 2001. This allows municipalities to pass legislation that identifies public nuisances as well as protect the health, safety and well being of its citizens as long as it does not conflict with provincial law.

Given that the province and the federal government have yet to regulate PM2.5, the Region or Town has the right to go ahead and create their own solution.

There is considerable scientific evidence of serious impacts to human health associated with exposure to fine Particulate Matter (PM2.5), and consider also that an EFW (incinerator) is a major producer of PM2.5 and below, and that the proposed filters are unable to capture much of the 2.5 and smaller particulate matter.. Monitoring will also not cover PM2.5 or smaller particulate specifically, the most damaging to health. How is this protective of human health?

According to the EA study documentation:

"During normal operations, emissions from the Facility in combination with existing air quality levels are predicted to meet all applicable provincial/federal air quality criteria for all contaminants (continuous operation at maximum capacity). During process upsets, (including start-up and shut-downs) emissions from the Facility in combination with existing air quality levels are predicted to meet all applicable provincial/federal air quality criteria for all contaminants."

Since the Province and the Federal Government do not regulate PM2.5, how is this protective of human health?

I request that Council look at the by-law specifically targeting PM 2.5 and consider implementing a similar by-law for our Municipality.

I have additional information on the Oakville Health Protection and Air Quality by-law which was approved on February 1.

Attached you will find:

1. Oakville Staff Report from Legal Department and Environmental Policy, dated January 25, 2009.
2. By-Law Number 2010-035, the Health Protection and Air Quality By-Law

Also available are the Draft By-law 2009-197 and Comments received during the consultation period (see links below).

- **Oakville Health Protection By-Law and Appendices**

Health Protection Air Quality By-law - [Staff Report](#)

Health Protection Air Quality By-law - Appendix A - [By-law 2010-035](#)

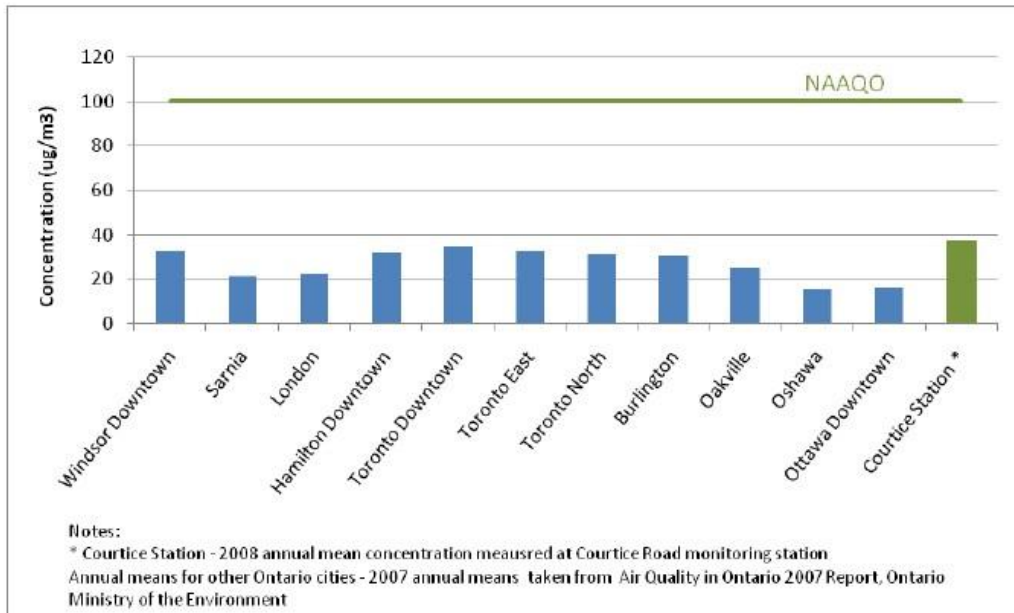
Health Protection Air Quality By-law - Appendix B - [Draft By-law 2009-197](#)

Health Protection Air Quality By-law - Appendix C - [Summary of Comments During Consultation Period](#)

I hope you will take the time to read and carefully consider a Health Protection By-Law for Durham Region. With the already poor air quality and the addition of the 407 and eastern link in Courtice, along with possibly an EFW facility, it is something that is needed.

Residents have raised the concern regarding already high NO₂ levels in the Courtice area, as well as particulate matter. **On the chart shown below, from the Durham/York EA documentation, you will see that Courtice has the highest NO₂ levels when compared to Windsor, Sarnia, Oakville, Hamilton and yes, even Toronto.** This was not brought to your attention in any of the Jacques Whitford/Stantec presentations before you voted to approve the incinerator and EA studies. The information was there, but was in one of the appendices, which most of you probably didn't have the time to read. You depended on the summary presentations (all positive) given by the consultants, as you have many reports on many different Regional issues to consider each month. However, this is only one example of hidden information in Appendices that was never included in any of the Consultant's presentations to Council or Committee. It was always all made to look good, without the fine details that show the risks and the cause for concern of the residents of Durham, especially those in Clarington and Oshawa, closest to the planned incinerator.

Figure A2-4 NO₂ Annual Means at the Courtice Station and Selected Ontario Cities



Residents have spent hundreds of hours poring through the thousands of pages of documentation, and have raised many concerns at committee and council levels, but these concerns have largely gone unheeded, and are still not considered by Council because you've been told everything is good, the technology is clean (it isn't), and even with amendments and addendums to the original EA, their conclusions haven't changed.

Information such as this is why I am asking you to consider a health protection and air quality by-law for Durham Region. If the incinerator will be as clean as you've promised residents that it will be, there should be no reason NOT to add such a by-law for the protection of our health. You have the authority to pass such by-laws through the Municipal Act, 2001, as reported by Oakville's legal department's research on the matter.

I hope you will give serious consideration to my request. Thank you for your time.

Kerry Meydam
 Courtice