

September 19, 2006



The Honourable Laurel C. Broten
Minister of the Environment
12th Floor, 135 St. Clair Avenue West
Toronto, ON M4V 1P5

Dear Minister,

I am writing to you today to appeal the denial of my request for elevation of the Portlands Energy Centre to a full Environmental Assessment. In response to my letter in August requesting this elevation, I received a letter from James O'Mara, the Director of the Environmental Assessment and Approvals Branch denying the request.

I understand there is a 15-day period in which to appeal the denial of elevation requests to the Minister of the Environment. Mr. O'Mara's letter is dated August 31, 2006, but postmarked September 5, 2006. I received the letter by regular post on September 6, 2006.

Mr. O'Mara claims that there “are no provisions under the EAA or Ontario Regulation 116/01 to allow the Minister to reconsider her decision to deny an elevation request or to require the proponents to complete an individual EA”. Mr. O'Mara has refused to consider the fact that new evidence was presented that was unavailable at the time of the original environmental screening. A portion of this evidence was compelling enough that it led the Medical Officer of Health for the City of Toronto to

“request the Ontario Minister of the Environment and the City of Toronto to consider the cumulative impact of emissions from any new or modified industrial facility on adjacent residential areas with elevated burden of illness/mortality, or that have a disproportionate share of pollution point sources, such as in South Riverdale, prior to issuing a Certificate of Approval.”

While there are no specific provisions to reconsider decisions based on new evidence, neither is there a prohibition.

Mr. O'Mara also failed to inform me of the 15-day period to appeal to the Minister. I had to research this myself. In EBR documents, the importance of this right of appeal was emphasized:

It is important that an opportunity be provided for a review of the Director's decision on elevation requests because the elevation request process is the only appeal-type mechanism that these electricity projects will be subject to.

Mr. O'Mara's failure to inform me of the right of appeal is therefore a fundamental breach of public trust.

I am enclosing a copy of my original letter detailing the reasons for asking for an elevation. I hope to hear from you soon with a positive message in support of the environment and health of citizens who rely on your decision.

Thank-you,

Adriana Mugnatto-Hamu
Secretary
Toronto Energy Coalition