

June 24, 2004

The Honourable Leona Dombrowsky  
Minister of the Environment  
12th Floor, 135 St. Clair Avenue West  
Toronto, Ontario M4V 1P5  
FAX: (416) 314-6748

**RE: Red Hill Creek Expressway and Lake Ontario WaterKeeper's Request for Review Under Section 11.4 of the Provincial Environmental Assessment Act.**

Dear Minister Dombrowsky,

We are a concerned citizen from Hamilton. It has come to my attention that Mr. Mark Mattson from the Lake Ontario Waterkeepers has requested a review of an environmental assessment done **19 years ago**, under s. 11.4 of the Ontario Environmental Assessment Act. He submitted this request August 2003 and again March 2004. He had not yet received a response from your office.

This environmental assessment was approved in 1985 for the building of an expressway through green space in East Hamilton. Under s. [11.4 \(1\)](#) of the EAA, "If there is a change in circumstances or new information concerning an application and if the Minister considers it appropriate to do so, he or she may reconsider an approval given by the Minister or the Tribunal to proceed with an undertaking. 1996, c. 27, s. 3; 2000, c. 26, Sched. F, s. 11 (6)."

We believe that there is no doubt that there have been changes in circumstances and new information. First of all, the City of Hamilton has been found guilty of an offence contrary to s. 36(3) of the Fisheries Act. The City of Hamilton also pleaded guilty to violations of s. 30(1) of the Ontario Water Resources Act. Both charges stemmed from deleterious discharges allowed to flow into the Red Hill Valley Creek. In my opinion, this constituted new information. The City of Hamilton has shown that it does not have clean hands and so any applications it has made with regards to the environment, particularly with the Red Hill Valley, should be carefully reviewed.

We also believe that it is logical to assume in the past 19 years, new information on the health and environmental impacts of roadways has come up. In fact, just recently Dr. Jim Quinn of McMaster University published research that was peer-reviewed and printed in the prestigious scientific journal *Science* that suggests particulate matter caused by industry and vehicle emissions causes inheritable genetic mutations.

We are writing to urge you to provide Mr. Mattson with a response to his request for a review under Section 11.4 of the provincial Environmental Assessment Act. There are many concerned Hamiltonians who want to know whether you and your Ministry believe new evidence warrants such a review. You and relevant Ministry staff have either come to the conclusion that the new information we have provided warrants a review of the 1985 Consolidated Board Hearing decision on the expressway project or it does not warrant a review. The community deserves to know what your decision is on this request.

We look forward to seeing a decision from you and your Ministry on this important matter. Please do not hesitate to contact us if you would like to discuss my concerns further.

Yours truly,

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Cc Ms. Andrea Horwath, MPP – Hamilton East  
Mr. Mark Mattson, Lake Ontario WaterKeeper  
Mr. Gord Miller, Environmental Commissioner of Ontario  
Mr. James O'Mara, Director, Environmental Assessment & Approvals Branch