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## **Official Report of Debates (Hansard)**

**Tuesday 23 October 2001**

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Ministry of the Environment

## **Journal des débats (Hansard)**

**Mardi 23 octobre 2001**

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON ESTIMATES

## COMITÉ PERMANENT DES BUDGETS DES DÉPENSES

Tuesday 23 October 2001

Mardi 23 octobre 2001

*The committee met at 1536 in room 228.*

### COMMITTEE BUSINESS

**The Chair (Mr Gerard Kennedy):** I call the meeting to order. We have brief committee business that I'm going to seek the opinion of the participant parties on. The succeeding ministry is the Ministry of Energy, Science and Technology. The minister has written to me as Chair and advised that he is not available and has offered us his deputy instead for what I think will be the entire time, if I'm reading the calendar correctly.

**Mr Wayne Wettlaufer (Kitchener Centre):** Today or—

**The Chair:** It doesn't start, I believe, until tomorrow. I believe he may be available tomorrow, but next week he is not available; he's also not available November 6. In prior instances we've not actually had a minister that unavailable. I'm acknowledging the honourable member's report of his circumstances, so I have to seek the pleasure of the committee. Should we try to juggle the schedule for the minister's availability? If we do so, we lose Ministry of Economic Development and Trade time, it would seem, in terms of where we're at on the schedule now. So I'd like to hear the opinions of the committee about what we might do in this instance. Unfortunately, we have not been able to ascertain from the minister when his time is available, so we do not know at this moment whether we're in a position to improve the time he can spend with this committee.

I'm wondering if I can ask if committee members have an opinion.

**Mr James J. Bradley (St Catharines):** Does the Speaker have powers to require ministers to appear before this committee when their estimates are on, or do they not under the new rules?

**The Chair:** Ministries are required to provide information. Although we note that back in 1996 there were occasional appearances by parliamentary assistants, the main tradition in the Legislature has been for the ministers themselves to come forward, and this committee has, in recent years at least, tried to accommodate the schedule. But this is a minister who has told us that for the next three occasions, in fact every occasion on which he would be called upon, he won't personally be able to attend on behalf of his ministry.

**Mr Bradley:** That would be disappointing, because Minister Witmer, despite a very heavy schedule, has made herself available and accommodated us. We accommodated her on one occasion when she was unable to be with us for a very good reason. I do not understand why a minister would be that unavailable.

**The Chair:** Would there be a suggestion from the official opposition, Mr Bradley, in terms of how you would like to proceed? Our option is to seek an accommodation with the minister. As I say, any delays will cost time out of Economic Development.

**Mr Wettlaufer:** I don't remember which party selected which ministry, but would it be possible to bring one of the other ministries forward?

**The Chair:** I think we'd need the consent of the House leaders. We'd need an amendment to the motion because our standing orders are rather clear: each party selects and the sequence in which they are selected would go forward. If each party would take it back to their House leader, we could seek such unanimous consent and we could instruct the clerk to try to find what convenient times might be workable on that basis. That's certainly a constructive suggestion.

Any other comments?

**Mr Wettlaufer:** I'd be willing to take that back to our House leader. I think we have to realize that all of the ministers have certain things that will take them away from the Legislature at any one time. I don't want to question what his schedule is.

**The Chair:** I want to be very clear on the record that I'm not questioning the honourable minister's intent here. It just so happens he indicated that he has two occasions on which cabinet business will preclude his being here and a third occasion on which a health appointment or a health engagement of some kind would keep him away. So we have that circumstance, which is, again, unusual.

Mr Martin, any opinion from the third party on how to deal with this matter of Energy, Science and Technology not being available?

**Mr Tony Martin (Sault Ste Marie):** No.

**The Chair:** I think, if there is no disagreement, we'll pursue the suggestion of the government party and see if perhaps we can work something out with Energy, Science and Technology and Economic Development, that would allow us to use the remaining time. I would say that between now and tomorrow we'll see what arrangement we can make; otherwise, we'll proceed on the

original schedule and I'll seek further direction from this committee.

#### MINISTRY OF THE ENVIRONMENT

**The Chair:** I'm sorry for the delay, Minister. I'd like to reconvene the standing committee on estimates for the Ministry of the Environment. Mr Martin, you have 13 minutes remaining in your party's time.

**Mr Martin:** I want to spend some of my time today speaking to the minister about some of the new regulations where water and sewer are concerned, and some of the challenge that presents to communities across the province, particularly smaller communities in some of the northern and rural areas. To put in place the new technology and to comply with some of the new requirements and regulations will cost them literally millions of dollars, and they just don't have that money. I know that a number of them have done a lot of work putting together proposals under various funding bodies to access some money from government to move on this because they're being required to meet the regulations and standards, and I think we all want them to do that. But on the other hand, they don't have the money, nor do they have the capacity in some instances to go out and leverage the money to cover the cost of some of these projects. I know that my colleague from Nickel Belt spoke last week, I believe, on a project in her area, and we certainly have a project in Sault Ste Marie.

Maybe just a general question to start with: when do you think we'll see some of this money start to flow, and what advice do you have to some of these communities that find themselves really in difficulty trying to live up to what they want to live up to in terms of the new regulations and requirements? What do we tell them when we meet with them and have to respond to some of their questions?

**Hon Elizabeth Witmer (Minister of the Environment):** I certainly appreciate the seriousness of the question that you have just asked, Mr Martin. I know personally from talking to people in some of the smaller municipalities that there's a tremendous amount of concern about being able to meet the regulations and also the financial consequences and some of the onerous reporting. However, the work that was to be done by the Ministry of the Environment has been completed and it's now up to SuperBuild and OSTAR. Of course, the money will come from SuperBuild and it will be announced by the Ministry of Agriculture, Food and Rural Affairs. So the decision as to the timing remains with those two bodies and certainly it would be my hope that the money would flow as quickly as possible, because the letters I'm receiving indicate that there certainly is some urgency.

**Mr Martin:** You mentioned SuperBuild and OSTAR, and they're certainly two of the agencies that people speak of when they speak to me and others about this. Can you give us any understanding about how that all works? Does it work together? Who ultimately makes those decisions? What, in your understanding as a min-

ister in the government, needs to be done yet so that announcements can be made and some of this money can flow?

**Hon Mrs Witmer:** Certainly, Mr Martin. I'm going to ask the associate deputy minister, Bob Breeze, who is responsible for the liaison with SuperBuild and the Ministry of Agriculture, Food and Rural Affairs, to bring you up to date on what our role has been and how the decision-making will unfold from there.

**Mr Bob Breeze:** There are two basic roles for the Ministry of the Environment. One of the roles is to review the mandatory engineering reports that need to be submitted by municipalities under the regulation and, then, on the basis of those reports, to issue draft certificates of approval. The purpose of issuing those certificates is so that we're exercising all due diligence that the activities they're proposing to do will fully comply with the requirements of the drinking water protection regulation. That's activity number one, and it's engineering-based. There's a lot of due diligence in it, where we are evaluating engineering reports. There is an ongoing discussion between our engineers and the engineers of the municipality to make sure that we're really on target, that what they're proposing is the most cost-efficient and effective way of actually complying with the regulations. So that's role one; it's a technical role.

The second role is reviewing the actual applications for funding, and that comes in after they have received their draft certificates of approval. They can then take a look at it, and there may be different options that they can follow to actually comply with the regulation. Then they choose the option and submit an application to us. We will evaluate that application only insofar as, do these activities that they're proposing to be funded fit within the regulation? If the answer is yes, that package goes on to OMAFRA, the OSTAR secretariat, to actually make the final decisions and to roll it out. So those are our two activities.

**Mr Martin:** OK. So how confident, then, should we be, given the work you've done—and obviously your ministry understands, or should, the priorities that are here, which communities are more at risk than others and all of that. How confident should we be that once you pass that on to OMAFRA or to OSTAR, or particularly to SuperBuild—I don't think I'm speaking out-of-school here. SuperBuild is a very politically charged organization within the government to make decisions about where some of this very significant capital funding is going to go. How confident can we be—perhaps to the minister more than to yourself—that the people in SuperBuild and OSTAR will in fact hear what you suggest to them or recommend to them in terms of priorities? How confident are you that they understand the environmental impact of each one of these things and how important one is, perhaps, over another, or that even these decisions need to be made ASAP?

**Mr Breeze:** They understand fully. I've just come from a one-hour meeting, working with SuperBuild and OMAFRA and talking through the technical issues, and

they do understand the fundamental importance of these decisions.

**Mr Martin:** So you're convinced that when they come down and as they begin to roll out, hopefully sooner than later, they will reflect the priority that your ministry has put on each one of these?

**Mr Breeze:** Yes, sir.

**Mr Martin:** I don't know if you can speak to any one particular project. I know, as I said earlier to the minister, that my colleague from Nickel Belt mentioned a project, and I'm sure each one of us around the table here knows of at least one outstanding application that should have been addressed long ago and is still waiting.

**The Acting Chair (Mr James J. Bradley):** Did I hear you say Niagara-on-the-Lake as well or not?

**Mr Martin:** I think I did.

**Mr Wettlaufer:** You're the Chair; you're supposed to be quiet.

**The Acting Chair:** I was trying to hear, though.

**Mr Martin:** He's got good ears. In Sault Ste Marie, we have a project that's of some significance. It has actually been on the table for quite some time. It's a sewage diversion and some upgrades, some sewer rehabilitation, and a sludge composting facility that amounts to probably between \$40 million and \$45 million. We're waiting for an announcement. The actual application itself went in on October 4, 2000. We got a reply back rather quickly on October 12. We were notified that the application had actually been received, but we haven't heard a thing since. Can you shed any light on why that would be and perhaps when we might expect to hear more?

**Mr Breeze:** I can't speak specifically. We'll undertake to look at it, but my understanding is this would be Millennium funds?

**Ms Jan Bush:** SuperBuild.

**Mr Martin:** SuperBuild. It's under SuperBuild.

**Mr Miller:** You're talking Sault Ste Marie or Sudbury?

**Mr Martin:** Sault Ste Marie.

**Hon Mrs Witmer:** Yes, Sudbury's Millennium.

**Mr Martin:** Yes. Sault Ste Marie is SuperBuild because I checked into it. There are two projects that they've put forward for SuperBuild. One of them is this one.

1550

**Hon Mrs Witmer:** In Sault Ste Marie.

**Mr Martin:** Yes.

**Mr Breeze:** I will be able to take a look at it. I don't have the figures or the details in front of me, but I'll undertake to dig into Sault Ste Marie and find out the status of it.

**Mr Martin:** I wonder if the minister has any insight.

**Hon Mrs Witmer:** No, I'm sorry. I don't have any further information regarding the situation in Sault Ste Marie.

**Mr Martin:** OK. I want to take this opportunity as well to bring up a subject that you and I broached a couple of weeks ago—and I apologize for not having Mr

Brown beside me here as I ask this question—but Wawa, a community that I grew up in and perhaps was exposed—and I don't want any smart remarks from my colleagues here—

**Mr John Gerretsen (Kingston and the Islands):** No, I've been to Wawa.

**Mr Martin:** No, in terms of the fact that I lived there and was exposed to some of the arsenic that has now been found to—

*Interjections.*

**Mr Martin:** Yes, it is. It used to have a smelting plant that belonged to Algoma Steel, and studies have been done over the last while that indicate there's a high level of arsenic in the ground there. There's a particular area of town that has presented as being a level 3 risk to the people who live there, and their children. What the community is looking for is participation by your ministry to actually come in and do some remedial work so they can be confident that their children, who go out and play, and they themselves, who perhaps plant gardens and that kind of thing, don't put themselves at any further risk than they are now.

**Hon Mrs Witmer:** The information I have regarding the arsenic in soil in Wawa is that the ministry has worked and is continuing to work very closely with the municipality, as well as the Algoma district medical officer of health and the other members of the local steering committee, in order to address any potential health and environmental concerns. I understand that ministry staff are providing complete information to all of the stakeholders.

**Mr Martin:** In talking to the municipality, and indeed in talking to them after I spoke to you a couple of weeks ago, they're not saying that. They're saying that basically they're being stonewalled on this issue, that the ministry really isn't forthcoming in terms of participating in the analysis and providing to the community any assurance that they're not at further risk, and coming forward and then doing some of the remedial work they feel they require.

**The Chair:** I'm sorry, I'm going to have to defer the answer and the assurance you're seeking to the next round. I'll now turn to the government party.

**Mr John O'Toole (Durham):** To the minister, I would also like to acknowledge that I'm fortunate to have a legislative intern working with me this session. His name is Nathan Fisher, and any of the insightful observations and questions I have might be more appropriately attributed to him. With that being said, he has been directed—

*Interjection.*

**Mr O'Toole:** That shows that you work in a team environment.

I'm mainly going to spend some time looking at the whole issue of emissions trading and the nature of the current regulations with respect to that. I just want to start, if I may, with more of a diatribe on my part, with ultimately a question being flushed in now and then.

**Hon Mrs Witmer:** John, you just go ahead.

**Mr O'Toole:** OK. I really do appreciate the opportunity—

*Interjection.*

**Mr O'Toole:** —no—to put on the record some very important concerns raised by significant constituents of mine. Certainly, Mr Bradley might want to listen as well.

General Motors has, as you know, been a long-time participant in the Great Lakes pollution prevention partnership, which has been a joint, voluntary auto sector and provincial and federal government initiative. Their position at the moment is that the participants in that voluntary program are not being appropriately recognized under PERT, which was the pilot emissions reduction trading credit system developed in July 1998. There wasn't a clear, broad representation of Ontario businesses, in their opinion, of which they were not a part.

But it could be on the record that over the past while there has been much done by this voluntary Great Lakes pollution prevention partnership. Unfortunately MOE, as they see it, is now signalling it does not want to continue this relationship, and that's most regrettable for my constituents, and perhaps Mr Bradley's. I think they do, as good corporate citizens—and I say that in all sincerity—want to achieve not just a Kyoto but the whole protocol on emissions. “Under the voluntary challenge registry, VCR, GM Canada has voluntarily reduced total energy consumption by 36%, reduced projected energy consumption per vehicle produced by 30% for car assembly and 22% for truck assembly, and reduced CO<sub>2</sub> emissions, including off-site generation, by 42% for the period from 1990 through 1999.”

The proposal, as they see it, is deemed to be unworkable virtually by all industrial sectors. That's important, and you may want to respond to that because of the close focus, the suspicion being that it is a very targeted emissions focus, perhaps on power generation, perhaps on the petroleum industry and other sectors. The EPA in the US and Environment Canada question the viability of the emissions trading program.

“Ontario's proposal is restrictive, complicated, potentially difficult to implement and much too regulatory to facilitate a free-market system. Experience with emissions trading in the United States indicates that successful emission-trading systems are based on simplicity and flexibility,” together, I might say, with accountability. “Ontario is moving forward with the proposed regulation at the behest of one constituent,” in their view, “without a full and adequate consultation on the broader implications for the province and other sectors.”

Future caps should not be applied to businesses and/or sectors that are on target to clearly meet Ontario's goal of a 45% reduction using voluntary initiatives. Imposing caps on an industry may send the wrong signal to investors that Ontario is not open for business. We don't need that, as our economies are in a global competition. I put to you the importance of harmonizing the regulations and reporting mechanisms provincially and federally. I might put to you that there are cross-border issues that are important in an economic business case.

If future caps are necessary for a certain sector—the petroleum industry might be an example—discussions with that sector would most appropriately take place before the proposal is finally designed. Business must be part of the development and discussions phase.

I would like to switch the focus here a little bit. Where is there room for voluntary measures in the future, with clear goals and not such a stringent hierarchy of intervention, if I could use that term? Setting the emissions baseline must take into account market volatility for the specific sector and/or business, such as the auto industry, which may experience significant swings in production over a period of time, thereby affecting emissions and other outputs. Levels swing from year to year for reasons related to economic cyclical natures, downtime for investment, life-cycle stage of production, labour work stoppages, etc. A good example would be having a longer horizon line. Rather than 36 months, it would be perhaps a 10-year business cycle. I know, with 30 years in that industry, it is a cyclical business; it's seven years up and maybe one or two quarters or years down.

The baseline should be normalized to a time period that accurately represents the economic conditions and emissions on a steady-state basis—so smoothing out the business cycle. The creation of an emissions reduction credit is very important, actually. “The MOE assumption that corporate-level actions to reduce emissions will not improve societal emissions is incorrect and places unreasonable restrictions on the ability of business to create emission-reduction credits for emissions reductions.” For example, outsourcing of a unit could lead to a more efficient production process that would require fewer emissions per unit. Or a company could choose to consolidate its business to improve efficiencies and close a facility like the Ste-Thérèse, while maintaining its total current level of production with lower-volume emissions. Over a longer business cycle, conditions for competitive and other economic reasons will change, and should change, and your regime should be able to adapt to that.

**1600**

This position is inconsistent with the trading regimes in the United States, and we must recognize the importance of harmonizing. I'm not qualified to say on what sorts of emissions, but let's agree that we need to meet those emissions, whatever the experts say they are—we need clean air and water and the other goals that you've set—and work with the sector so as not to kill the economy.

If a reduction is achieved, then the ERC should be created. Restrictive conditions should not be placed on the method of achieving the reductions. Rather, the process should focus on the results achieved.

A five-year life of emissions reduction credit: they made the case here, for instance, that if you're looking at a business case of investing in a new paint shop, these are long-term investments of capital, huge amounts of capital over perhaps 25 or 30 years, and they need the confidence in the investment climate that there is a window there, that the regulations and standards are clearly out

there and that they're going to reflect their business cycle. For example, a very large investment, such as the replacement of the paint shop, which typically would cost half a billion dollars, could yield significant emission reductions for a lifecycle of approximately 30 years.

"To facilitate a free trade market system and high capital investments," which we're prone to support, "that significantly reduce emissions over a long time frame, businesses should receive ERCs for the life of the ERC-producing investment." A short limit on the life of the ERCs could discourage businesses from taking real action to reduce emissions. MOE needs to provide a mechanism for business to request a longer life cycle where appropriate.

I could go on, as I'm basically just reading, but this is a significant issue—

**Mr Wettlaufer:** And so you should.

**Mr O'Toole:** Mr Wettlaufer, I completely agree. I will submit this to the Chair so that they all have a chance to look at an important sector in our economy.

The auto industry is very important to Ontario. It's probably a seven-to-one multiplier, or even bigger, the number of jobs created directly and indirectly. "This year, the GMCL facilities in Ontario will be certified to the international environmental management systems standard ISO 14001." Ford already has achieved it and others are destined to be partners in that as well.

Given the voluntary Great Lakes pollution prevention program in that sector and its success, and the lack of participation by this very important sector in the PERT system, perhaps you could respond to that, and I'll read ahead and have a next question when you're finished.

**Hon Mrs Witmer:** I personally am very aware of the concerns that the auto industry has regarding the whole issue of air emissions, particularly GM. In fact, I think we have a copy of the notes from which you're reading.

I'd just like to begin by referencing Kyoto. I think you made reference to that at the start of your comments. This past weekend, on Thursday and Friday, Mr Wilson and I hosted all the provincial, territorial and federal ministers of environment and energy on the issue of Kyoto and the agreement because we have a concern in that there has been no economic analysis done as to the impact of achieving the targets that would be established under the agreement. I guess we're all concerned about the fact that if the United States is not going to be a signatory to the agreement, we need to consider how this is going to impact on the competitiveness, not only of Ontario but of all of Canada.

I'm very pleased to say that at that conference I think there were some significant steps made in that the federal government now realizes we are serious. We need to see the economic analysis. We need to see the impact. We also need to see how we are going to achieve the targets that will be provided for Canada. We also need to see how it's going to impact on each sector. So, we certainly can understand the concern of General Motors and others, because there is a need to see how you're going to be expected to accomplish a target, obviously, before you would sign any agreement.

We're also aware of the fact that there is this whole business cycle that needs to be taken into consideration and the need for long-term planning. It would be our hope that as we move forward with the whole issue of air emissions and trading, there would be ample consultation. I'm going to ask one of the ministry staff, Tony Rockingham, to respond to the consultation we've had thus far, and the consultation that we would plan to have, because we do recognize the need to be sensitive to business and industry and also their need to remain competitive. We know that 90% of Ontario exports go to the United States.

**Mr Tony Rockingham:** Thank you, Minister. My name is Tony Rockingham. I'm the director of air policy and climate change at the Ministry of the Environment.

In response to your question, I would just make a couple of points. First of all, we have had an extensive consultation process around emissions trading. What we're proposing to do is find a tool that provides the flexibility the industry needs to retain their competitive position but at the same time is able to accelerate the reduction of air emissions such as NO<sub>x</sub>, which is related to smog, and SO<sub>2</sub>, which is related to acid rain and also to smog.

We've made proposals for a trading system and for caps that would be applied initially to the electricity sector. Those caps would require emission reductions in that sector immediately and would provide a path for how that sector must reduce emissions in a more substantive way over the long term.

We started the consultation process a number of years ago and in March of this year released a consultation paper that proceeded through some 14 of the major concepts associated with emissions trading and touched on a number of the very issues the member has raised in regard to concerns of General Motors.

In response to the discussion paper, the ministry received 61 comments formally through the EBR process—the Environmental Bill of Rights process—and I can assure the member that General Motors responded through that process. We are very aware of the sorts of concerns General Motors has raised and we are working with a number of stakeholders to find the right way to address those concerns.

You talked about the VCR and the sorts of reductions that General Motors has been able to document through the voluntary challenge and registry program. We are very much aware of those. Those are the sorts of data that are very useful for us when we consider emissions trading and the possibility of extending emissions trading to gases outside of the smog- and acid-rain-related gases, possibly to greenhouse gas emissions trading in the future. As you know, greenhouse gas emissions trading is one of the flexibility mechanisms that is recognized in the Kyoto protocol, so we think it is an important tool that we have to learn about.

In particular, you noted that General Motors is concerned about how they would be able to earn credit for early action, and perhaps I can just describe that for the committee for a moment. Any time you change or

introduce regulations, one has to be aware of the events that have led up to that and properly accommodate those or be aware of those in the design of the regulation. Credit for early action would be taking into account the activities that have been undertaken that might affect the operation of the regulation, but those activities have taken place before the regulation comes into force. That's what we're talking about when we talk about credit for early action.

In fact in the proposal, both the concepts that were described in March in the discussion paper and more recently, when the ministry went forward with a posting on the Environmental Bill of Rights of a draft regulation, we have proposals on how to deal with credit for early action. What we've said is that activities that have been undertaken since January 2000, when the government formally announced their intention to move forward with an emissions trading system, would be recognized as long as the appropriate documentation has been submitted or will be submitted through the process. So, we are in discussion with industry stakeholders about whether that is going to meet their need.

Credit for early action is also related to another issue which we refer to as baselines. Right now we are proposing just to cap the emissions from the electricity sector. We have said, though, that the experience we gain with the electricity sector may be useful in considering whether that tool can be applied to other sectors. Certainly the concern we have heard, not just from the automotive industry but from other industry sectors that you described, the petroleum industry and the chemical industry—they want to know exactly how their baselines would be set if emissions trading and emissions caps were applied to them. In the discussions we've had so far, I think they recognize that the issue of what's the baseline, what is the base year upon which the caps will be based, is related to exactly how we will treat activities that have been undertaken prior to the regulation coming into force or prior to the regulation being applied to that sector. So there is a relationship there and we are in contact with a number of industries, including General Motors.

**1610**

The other point I would make is that when we posted the draft regulation, we had a number of comments as well. I believe we had 41 comments on that. Those comments were dealing with the very specific details that we laid out in the regulation, and we are still considering those details and will consider those comments when final decisions are made on the trading regulation.

**Mr O'Toole:** Just quickly, I reflect on the comment with respect to Kyoto and Canada's participation in NAFTA and the free trade agreements. It's important that if we're not in harmony with the other trading partners, we're going to be economically disadvantaged. Clearly, the people of Ontario need to be educated on that topic. A healthy economy and a healthy environment kind of work together. Look at Brazil, if you need a better example. They have no economy so they have no

environment; it's that simple. We can't sacrifice one for the other. I trust you will find ways of moving forward, not slamming the door.

The open market on generation is very important, the point there being the whole issue of the set-asides. The set-asides are important, but there's no provision for a future extension beyond the one kiloton set-aside for renewables in the draft regulations on emissions trading. That's problematic as well. I think they become an economic stimulus to investment. If they get financial credits, they can go to offsetting the high cost of wind power, whatever sustainable forms exist. I commend early action. I suspect any trading system should recognize and in fact reward early reduction initiatives that have been taken on, specifically that stress the voluntary participation.

My last point is that the EPA, a very important trading partner—this isn't purely economics. Environment Canada questioned the viability of the program that you're putting forward. I use their observation and analysis—

**The Chair:** Mr O'Toole, I'm afraid I'm going to have to interrupt that and ask you to bring this over into your next opportunity. Now to Mr Gerretsen and Mr Bradley.

**Mr Bradley:** Before we get to Mr Gerretsen and some issues he wants to raise, I want to follow up on this and urge the minister not to capitulate to pressure. Obviously, pressure will be put on you, because there's a recognition, in my view at least—and we have to remember that it is my view—there will be a perception in the business community that a Conservative government can be easily moved from its environmental agenda. This can be done in a variety of ways, and I would hope the government would not get into a mode where it's placing a good deal of emphasis on voluntary action. Voluntary action is fine for the people who are volunteering. The problem is there are some people in a sector who won't volunteer. Therefore, not only is it unfair to the population at large, but it is also unfair to those competitors within that sector who don't wish to volunteer.

I just heard one of your members do essentially, in my opinion, the bidding of a major corporation that does not want to comply with your regulations. Were I minister, I would be—I shouldn't say that, because I can't say that. Were I in your shoes—let me put it this way. I would urge you to resist the temptation of bowing to caucus members who have been given sheets of paper to read to you that in fact are defending a position of a particular corporate entity that does not want to comply with the laws of the province of Ontario. I trust that you will give the representations made the appropriate consideration. Would I be fair in saying that?

**Hon Mrs Witmer:** You can be assured, Mr Bradley, that I will do exactly that. They will receive appropriate consideration. I think it's important, as we move forward with the whole issue of emissions trading, that we do very carefully reflect upon the concerns that have been expressed, but also recognize at the end of the day that the world is moving to emissions trading and we need to learn to ensure that we make this a competitive advantage for us. We're moving away from the regulations.



**Mr Bradley:** Emissions trading as it relates to global warming is probably more acceptable—I'm not a fan of it, in any event—than it is in terms of dealing with the issue of smog, I think you would agree, where often more local sources of smog have a direct impact. When we're talking about global warming and the whole globe is dealing with the issue, there may be some virtue, in fact, in having some exchanges of emissions that are made. So I would urge that you take that into consideration. I'm sure that you will.

My colleague Mr Gerretsen is eager to get on with the OSTAR questions, including, I'm sure, Niagara-on-the-Lake.

**Hon Mrs Witmer:** Don't you wish you had the minister of OMAFRA here?

**Mr Gerretsen:** No, I'm very pleased to see you here, Minister, and my questions will be totally directed at you, because I want to talk about the political responsibility and accountability and the political decision-making process. I'm sure that your highly competent and efficient senior management staff that you've gathered around you here, in the hundreds it looks like, don't want to get involved in the politics of it, but I really think we are here elected to make political decisions, and I would like your political responses to the questions I have.

I guess it starts off with a comment Mr Martin made earlier when he said that an application in his particular community had been made on October 4, 2000. I know of applications in my own community where they were made more than a year ago. In other places, applications have been around for much longer than that. Don't you think it's a crying shame that these municipalities that cannot possibly do the kind of work they're envisioning under these applications have had to wait around for more than a year to get a political decision from your government as to whether or not you're going to fund those programs?

So my first question is, how many applications are you aware of or do you know that have been made under OSTAR that affect the Ministry of the Environment in one facet or another? Can you give us those numbers?

**Hon Mrs Witmer:** I'm going to ask Mr Breeze to give you those numbers since I know he has been, as I say, facilitating the discussions with both SuperBuild and OMAFRA.

**Mr Breeze:** We have received to date 685 mandatory engineering reports from municipalities for individual water treatment—

**Mr Gerretsen:** Is that 685 applications then?

**Mr Breeze:** No, there's a difference between the mandatory engineering reports that will end up resulting in a technical certificate of approval as prescribed by the legislation. Those are individual facilities, the 685. If I transcribe that into the number of OSTAR applications, that works out to 171. The reason there's a difference is that some municipalities will have more than one application.

**Mr Gerretsen:** What dollar amount do these applications represent when you total up the requests that meet

the criteria? I realize some of the applications may not, as far as you're concerned, meet the criteria of your ministry etc, but let's just deal with the ones that actually meet the scientific criteria or the engineering criteria. What's the total dollar amount of those applications?

**Mr Breeze:** It's too soon to say, because all of the certificates of approval have not been issued. When I was here before, I spoke to the number of certificates of approval that have been issued. There are 685 mandatory engineering reports. Each will result in a certificate of approval. There are more than 300 certificates of approval, and that was two weeks ago, so it would be well under the mid-300s that have been issued.

**Mr Gerretsen:** You must have a ballpark figure. You know you've got \$240 million to spend, and hopefully by anteing it up with other ministries, according to various press releases, or by other levels of government, local government and the federal government, you hope to put this into a three-quarters-of-a-billion-dollar fund, I believe the Minister of Municipal Affairs and Housing stated in one press release. So you've got \$750 million, potentially, if everybody buys into the program, and \$240 million of that is provincial money. It's all taxpayers' money, but basically it comes through the province. You must have some idea as to what these various applications out there actually total. Is it three times the amount of money you've got available? Twice? Four times?

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**Mr Breeze:** The applications that come in actually need to be tested against a certificate of approval. Municipalities will initially come in with a guesstimate that could be two and three times what the actual number is. So we haven't, as of this date, actually added all of those numbers up, because it has to go through the testing process that results in the—

**Mr Gerretsen:** The 685 applications that you've approved—what does that amount to in dollars and cents if those applications were put into creation, if the work was actually done?

**Mr Breeze:** The 685 isn't approved. That's 685 mandatory engineering reports that have been received, of which about 300 certificates of approval have been issued. But in those certificates is simply a technical evaluation—it's an engineering evaluation. At that point, there are no dollars that have been allocated against—

**Mr Gerretsen:** Thank you very much. I'll then go back to the minister. Minister, you are part of a committee, according to this one press release, which states that your ministry, together with the Ministry of Municipal Affairs and Housing, Agriculture, Food and Rural Affairs and Northern Development and Mines, is part of an advisory group that deals with all of these applications. You surely must know what the applications that have come into SuperBuild relating to this portion of the fund amount to.

**Hon Mrs Witmer:** We don't have that information at the present time.

**Mr Gerretsen:** You have no idea how much the applications that you're dealing with, that your ministry is involved in, would cost if they were all implemented?

**Hon Mrs Witmer:** We don't have that information. I think that's part of the process that's involved when these applications go to SuperBuild.

**Mr Gerretsen:** But can you tell me why it has taken almost 15 months in some cases to get an application approved? Do you find it acceptable, as a politician, to have a municipality or to have anybody put an application in to a government under an announced program that is supposed to assist us in environmental cleanup, and have to wait for 15 months without a word from anybody as to whether or not their application has been approved? Do you think that's acceptable, Minister?

**Hon Mrs Witmer:** I think it's important to keep in mind that this is a very complicated, technical process. I would ask Mr Breeze to speak to all of what is involved in making some of these decisions.

**Mr Gerretsen:** Just a minute now, before you turn to Mr Breeze. Look, our municipalities are run by competent individuals, by and large, just as competent as they are within the provincial civil service, just as competent as the political leadership that we have here on all sides of the House. Applications are made to your ministry and to other ministries for this kind of funding. I realize checks have to be made to make sure that there isn't overbilling done, or to make sure that the mathematics work out and that the engineering works out, etc. But at some point in time, a decision has to be made that, yes, this is a valid application or it's not a valid application. Then a decision politically has to be made that we're going to fund it, because we really do care about clean water and proper sewage treatment facilities, etc. I'm asking you, Minister, whether or not you think that waiting 15 months for an answer in a particular situation is an unduly long period of time.

**Hon Mrs Witmer:** Let's remember, this is the first time in the history of this province that we have undertaken this type of comprehensive review. It's never, ever been done before. Obviously, we want to ensure that the process is completed as quickly as possible. However, I would just hearken back to the fact that it is a very complicated process, a very technical process on our part. We have hired additional staff to deal with the process. Then the information that we gather is forwarded to SuperBuild and eventually the announcements are made through OMAFRA. But again, I think we need to appreciate that this is something that is complicated and some of these current Cs of A date back as far as 1970.

**Mr Gerretsen:** I'm not just talking about the Cs of A; I'm talking about the actual applications that have been made under OSTAR. Do you not find it embarrassing, as Minister of the Environment, who is concerned about the environment of all Ontarians, that in effect the final decision is not made by your ministry, as it was when we had similar programs under MISA a number of years ago, when the Ministry of the Environment was sort of the lead ministry in deciding as to what was and wasn't going to be funded? Do you not find it embarrassing that basically, from what you told me here the last time I asked these questions, all your ministry does is only

make a recommendation to SuperBuild, but you really don't have any final say in that matter? Are you not embarrassed by that? I would be if I were in your position.

**Hon Mrs Witmer:** I'll let Mr Breeze speak again to the process.

**Mr Gerretsen:** No, I'm asking you as minister. Are you not embarrassed about that, that you really don't have any control over that?

**Hon Mrs Witmer:** I am very proud of the fact that our government is working very, very hard to ensure that people in this province have access to safe drinking water.

**Mr Gerretsen:** But you haven't approved any of these applications.

**Hon Mrs Witmer:** I'm proud of the fact that we have undertaken a very comprehensive and rigorous review. Some of these Cs of A go back to 1970 and we need to ensure that there is compliance with the drinking water protection regulation that has been put in place.

**Mr Breeze:** I think I should speak to this as well. There is nothing that the engineers are doing that is off-the-shelf; everything is net new. There are a number of points of applications. There were 210 municipalities that asked us for funding to do the mandatory engineering reports. Every one of those applications has been approved. Three million dollars is flowing to municipalities to do the engineering reports. Now, in these engineering reports, engineers need to go out to the water treatment plants, they need to take samples, they need to evaluate the pieces of equipment and they need to get lab results in. At the end of it, they need to come forward with recommendations as to what sorts of technical changes need to be undertaken or not. Nothing is off-the-shelf.

**Mr Gerretsen:** And you have no idea as to whether the work that has been approved under these 210 projects—

**Mr Breeze:** We've funded the mandatory engineering reports.

**Mr Gerretsen:** You've got 200 situations where in effect you've done some studies and you are now putting out \$3 million to do the engineering studies. You have no idea whatsoever as to what it would cost in total—not just the provincial share but the total share, wherever it comes from—to implement the work that is required in these 210 particular projects.

**Mr Breeze:** At that point in time, municipalities would not be telling us those numbers, because they had yet to receive the certificate of approval that ends up being generated, and there are four or five steps that have to happen. With the mandatory engineering report, an engineer has to go out and do a detailed evaluation of that facility. They need to take a look at if it's a groundwater source; they need to take a look at whether there is infiltration from the surface water into that groundwater source. That takes hydrogeologic and other analyses that take a considerable amount of time. They will submit very detailed technical reports, and each and every one of those reports will be different. Not one report will be

comparable to the other because it looks for the actual environment where the report is located. Then we take our engineer to do the due-diligence and he takes this technical report and evaluates it to make sure that the assessments from an engineering perspective are absolutely correct. Not one application is the same as the next is the same as the next, because one might have an agricultural operation next door and the other one may have a mining operation next door and the considerations—

**Mr Gerretsen:** But they all have problems that need to be corrected, and so far not a penny has flowed out in the last 15 months. If I'm incorrect about that, correct me. I stand to be corrected, then, as to how much money has actually flowed to the various projects that have requested funds under OSTAR or whatever other program is out there that you've done your studies on.

**Hon Mrs Witmer:** Mr Gerretsen, I recognize that you used to be a mayor of a municipality.

**Mr Gerretsen:** That's in the Stone Age. It doesn't count any more. I'm not talking about that. These municipalities are crying for some help.

**Hon Mrs Witmer:** That's right, but—

**Mr Gerretsen:** They do not have the financial wherewithal itself and they're looking to you for help. Some of these places applied 15 months ago and you haven't even communicated with them, other than a formal letter saying, "Yes, we've got your application and you'll hear from us."

**Hon Mrs Witmer:** I go back, because I think what we all remember, if we've been involved in municipal politics in the past, is that there used to be projects that were on the shelf throughout the province of Ontario and people would look for grant money for those projects. You need to realize that what is being accomplished here and what is being designed is totally different.

We are trying to ensure that each one of these municipalities undergoes a rigorous review in order to ensure that the work that's undertaken is in compliance with the drinking water protection regulation. I think Mr Breeze has attempted to point out to you that there is a lot of work. It isn't just something you grab off the shelf and say, "Here, match this, province; match this, federal government." We're making sure that this is going to comply with this new drinking water protection regulation.

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**Mr Gerretsen:** I can assure you that no municipality would suggest a solution to a problem and spend the hard-earned tax dollars they've received from the taxpayer as well if they weren't sure that was the best and proper way to proceed. I agree you should do due diligence, but we're talking about 15 months in a lot of these cases. When are you going to make the announcements? I feel sorry for you, I really do—

**Mr Bradley:** Close to the election.

**Mr Gerretsen:** —the fact that Mr Lindsay has taken over this entire portfolio and it's purely politically driven, and probably some time before the next election we'll get

an awful lot of announcements etc. In the meantime, many of these municipalities have waited, and I don't think there's any excuse whatsoever.

**Mr Bradley:** If I can add to that very briefly before you answer, and you can answer both—

**Hon Mrs Witmer:** There is money, by the way, that has flowed. There has been some money flowed.

**Mr Gerretsen:** How much?

**Hon Mrs Witmer:** I don't have the total, but I do know, because I heard you say—we'll endeavour to get that answer for you.

**Mr Gerretsen:** You're giving us an undertaking that you will supply that to the committee, as to how much has flowed to each municipality?

**The Chair:** I think the minister made that commitment.

**Mr Gerretsen:** Did she?

**Hon Mrs Witmer:** I did.

**Mr Bradley:** Isn't the real problem that you encountered, Minister, that you've had wrestled away from the Ministry of the Environment a responsibility it once had to evaluate projects and flow the money directly to those projects, that that has now been wrestled away from the Ministry of the Environment and given to a political person, David Lindsay, who is going to make political decisions as to where the money is going to flow under this so-called SuperBuild? The flexibility you had and the direct involvement that the Ministry of the Environment had in the past of flowing that money directly is now gone because somebody wants to politically control the timing and politically control where that money's going to go.

**Hon Mrs Witmer:** I think, Mr Bradley, you're well aware of the fact that all money now flows through SuperBuild. Whether it's hospitals—

**Mr Bradley:** Exactly.

**Hon Mrs Witmer:** —whether it's educational money for universities, whether it's transportation or whether it's work that's done through our ministry, all capital flows through SuperBuild.

**Mr Gerretsen:** When is David Lindsay coming to the House to answer some questions on these issues?

**Hon Mrs Witmer:** That would be the responsibility of the Minister of Finance, who is responsible for SuperBuild.

**Mr Gerretsen:** Excellent.

**The Chair:** We unfortunately don't have him before the committee, so we'll now turn to the third party and Mr Martin.

**Mr Martin:** Which actually brings me back to the point I was trying to make earlier. How can we be confident that within this SuperBuild organization there are people who understand the priority, significance and sensitivity of some of these projects and these issues? Can you give me the names of some people within SuperBuild who have the knowledge, for example, that you have of environmental impacts and can make that case when ultimately decisions are made, as they will be, across the board?

You've got one big pot of money now and you've got to decide who's going to get it and what the priority is. It's not within ministries any more, where you have people who have experience and knowledge and expertise in a particular area, but you've got now a group of people who, for all intents and purposes, have political acumen in an organization—SuperBuild—who are going to make decisions about this.

How confident are you, and who in that organization are you counting on to carry the message from your ministry that will assure us the right decisions are made?

**Mr Breeze:** We work at all levels with OMAFRA and SuperBuild to make sure they're aware of the results of our technical evaluations. It's the Ministry of the Environment that provides the technical review. It's the Ministry of the Environment that will make clear, environmentally based, technically based and sound engineering recommendations forward to SuperBuild for consideration. That is our role, to make sure that the evaluations are sound, are on the mark, and absolutely meet the needs of the drinking water protection regulation. We have the ear of everyone at all levels, in SuperBuild and OMAFRA.

**Mr Martin:** Give me a name. Who will be at the table ultimately when these decisions are made who will be able to speak for you and your very professional people in the ministry? Who will be there to translate to the folks who are charged with the political decision of deciding who gets what when, and in what order?

**Mr Breeze:** As I said, we will give sound and clear recommendations. It certainly is up to SuperBuild to make the final decisions in the end, but we will make sure our recommendations are crisp, clear and appropriate.

**Hon Mrs Witmer:** Ultimately I go back to what I said before, that SuperBuild is the responsibility of the Minister of Finance.

**Mr Martin:** Will you be at the table, Minister, to make sure you are able to make the case for your particular projects, given the sensitivity of this issue and the concern that's out there right now?

**Hon Mrs Witmer:** I think Mr Breeze has indicated that all of the professional advice and recommendations will be provided, and certainly the need for each one of the projects to move forward in accordance with the recommendations of our staff then will be very carefully considered by SuperBuild.

**Mr Martin:** OK, but at the end of the day there will be decisions made to give some money to education, some money to health care and some money to the environment. I don't think anybody around this table today, given what happened in Walkerton, will disagree that the environment is a very high priority, and it's not just in water. I'm going to speak again in just a couple of minutes about arsenic in Wawa. But who will champion your portfolio at that table?

**Hon Mrs Witmer:** I think we've tried to tell you that this process involves, as it would when I was Minister of Health, or would if you were Minister of Education,

making the recommendations based on the sound advice that you receive from staff to SuperBuild, and then ultimately it is up to the Minister of Finance to make the final decision, based on the minister's recommendations.

**Mr Martin:** There will be nobody, though, from your ministry at that table to speak to or champion or argue for your investments?

**Hon Mrs Witmer:** Mr Martin, it is the same. SuperBuild is responsible for all capital money. All ministries work co-operatively together, and in this endeavour, as in others, we work together as a team.

**Mr Martin:** OK. Just to get back then to the Wawa issue and arsenic, I'm not sure who can answer these questions for me and for the people of that wonderful community, but it is now known that the ministry was aware back as early as the 1970s that there were elevated and excessive levels of arsenic in the air and soil. Can you comment on that?

**Hon Mrs Witmer:** I'm going to ask staff, because that's obviously information they might have.

**Mr Jim Smith:** Jim Smith, director of standards development branch.

In terms of soil monitoring in the province, the ministry has conducted that extensively for many years. What's important is, when does scientific information become available that identifies that there may be risks to ecological receptors such as plants, or there's concern about human health?

The ministry developed comprehensive guidelines for soil in terms of understanding what the current science says about health and environmental receptors in 1996, so although there would be information throughout the province on levels of metals and arsenic, it was in 1996 when we had the most comprehensive understanding of what the effects were.

**1640**

In terms of Wawa and other communities where there are contaminants in the soil, there are two important types of work that are done so that you can inform the community about what these contaminants mean in their soil. Those are risk assessments which look at, in this case, what the arsenic levels in soil mean in terms of their health, in terms of the backyard vegetables they eat, in terms of their children playing in their backyards, in terms of the levels in the air as well. That was done in Wawa, as it has been done in some other communities in Ontario. The second part, and very important, is what's called a health study. That's really starting to look at residents and understanding if they are experiencing any health effects or if there were any past health effects.

In Wawa we've been in a very fortunate situation where the local medical officer of health has taken a lead role in working with the community and ourselves. Both of those undertakings did happen, so there was a risk assessment and there was, in essence, some health study work in the community. Our people actively provided information on levels in soil and our toxicologist also supported the process by assessing the health risk information and giving advice.

My understanding is that the levels were not of concern in terms of the residential levels in soil for arsenic. The medical officer, however, is still following up with one more follow-up in terms of looking at arsenic levels in urine—I think it's specifically for toddlers—just to make absolutely sure that the best information has been provided.

We've had these types of studies in the province in other situations, and for arsenic we have good expertise and understanding. So I'm certainly convinced that the information and the approach we took in Wawa take into account our most current understanding of the science.

**Mr Martin:** I want the minister to hear this because ultimately I think she'll have to decide what needs to be done. There are reports apparently out there that indicate the ministry knew as far back as 1970 that there were high concentrations of arsenic being pumped into the air and on to the soil, and the ministry termed it elevated and excessive. Is that correct, that there were elevated and excessive concentrations of arsenic in the air and the soil back as early as 1970 in reports from the ministry?

**Mr Smith:** I don't have that information in front of me. I would say that the ministry in communities does have historic information. I guess the part of the information I would have to check on is—you're saying "excessive." Excessive would be relative to the standards of the time. I can't speak to that without looking into it.

**Mr Martin:** That's what the ministry termed it as back in those reports apparently: excessive and elevated.

In 1999 the township was informed—this was after the company closed down—that Wawa's soil was contaminated with concentrations of arsenic as high as 50 times the provincial guidelines. How many times the provincial guidelines, in your view, can we go and still be safe? You said a few minutes ago that the ministry determined that this was not abnormal, this was still safe, that it was no big deal, there was no concern. The township was informed that their arsenic levels were as high as 50 times the provincial guideline. Should that run up a red flag for somebody and give cause for some action to be taken and some leadership to be taken by the ministry?

**Mr Smith:** If I can speak to that, you're referring to the guideline. The guidelines Ontario has are trigger values. In the 1996 reference I made, the province put into place comprehensive soil guidelines for 117 chemicals. Those guidelines are used to make decisions about cleaning up sites and they are trigger values.

I don't have the value for arsenic in front of me, but for arsenic, for example, if you're below that value and you're redeveloping or changing the land use on a site, if your levels are below that, you don't have to be concerned about future redevelopment of the site changing the land use.

If you're above that value, it does not mean the residents or the ecological receptors on the site are at risk. It means that you have a choice to make. One is that you can clean the site up or, second, do an assessment of the site. This is what I was saying we've done in Wawa. This is a health risk assessment where, in this case, in the

community you would look at the population, you would look at the exposures, the levels, and do a full scientific study to assess what really are the risks. Unfortunately, our guidelines quite often are used as absolute standards and result in concern, primarily because the audience that's communicated to doesn't understand that if you're above them, it means that an assessment is what should be done, and that's exactly what was done in Wawa: an assessment on the health risks and a follow-up on the health of the community. So it's unfortunate, the 50 times, if that's the context, which I believe it is. It's not correct in alarming people. It means further assessment should be done, and further assessment was done.

**Mr Martin:** As far back as the 1970s, the ministry termed the level of arsenic concentration in air and soil as "elevated and excessive." In 1999, the ministry informed the township by letter that arsenic concentrations contaminating their soil were as high as 50 times the provincial guideline, and you're saying to me that was not sufficient to trigger any kind of—

**Hon Mrs Witmer:** Mr Martin, I'm not sure what document you might have, but if you have some information there that you would like to share with us, that would certainly be quite helpful. I'm not sure where you're getting your data, but we'd love to take a look at it.

**Mr Martin:** I'm sure you have these data. I think all you have to do if you don't, and I'd be surprised if you don't, is go to the township of Michipicoten and they'll give it to you. They have the letters; they have the reports. As you can imagine, they're as keen on this as any of us are.

**Hon Mrs Witmer:** Let me just clarify this. Are you, then, today representing the mayor and the council of Wawa?

**Mr Martin:** No. I'm an MPP from Sault Ste Marie who was at a meeting of the Federation of Northern Ontario Municipalities last year when this was raised. I have family who live in Wawa. I lived in Wawa myself. I may be affected myself, personally. I have spoken to several of the officials from Wawa, and they indicate to me that they have some really grave concerns about this and are quite disappointed that the ministry hasn't come in to help them with the very significant costs they've incurred so far to gather the information that's required and to continue to make the case that needs to be made on behalf of their citizens. I am doing my job, as you would as an MPP, on behalf of the people of this province, which we do here collectively, to make sure that the ministry understands the gravity of this circumstance and to call you to account and do the right thing. I'm just making a case here, and if that's uncomfortable, I appreciate that too.

**Hon Mrs Witmer:** No, not at all. I know that this is in Mr Brown's riding and I have discussed the issue with him. Obviously, if the mayor and councillors have concern, I would certainly encourage them, because the ministry has been working with the municipality. If there are some additional issues that need to be addressed, obviously if you had information in writing from them, there needs to be more of a dialogue.

**Mr Martin:** They tried to get a meeting with you when they were down here for the AMO conference, and you wouldn't meet with them. I think they may have met with the parliamentary assistant or something, but they didn't meet with you.

**Hon Mrs Witmer:** Yes, I believe there was a meeting provided. We've certainly tried to work with them very co-operatively.

**Mr Martin:** They want to meet with you because they think you can make some decisions that would help them to get to the bottom of their problem. I'm here today and continue to make that case. I know you brushed me off at a meeting that I had with you a couple of weeks ago by suggesting that since this is Mr Brown's jurisdiction I shouldn't be sticking my nose in. I don't think there's anybody around this table here who doesn't from time to time go into somebody else's jurisdiction and look at an issue and participate with citizens around trying to come up with some resolutions and all of that.

Are you suggesting that because this is Mr Brown's constituency I shouldn't be concerned or involved? Is that what you're suggesting?

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**Hon Mrs Witmer:** No, I simply wondered if you had additional information or if you had a letter that had been given to you on behalf of the municipality, and we would certainly try to address the additional concerns that had been presented since the meeting that was had. We know they do want money for their health study and I understand that they have submitted an application to the Ministry of Health and Long-Term Care. That's the most recent request that we have received. If there are additional concerns, I think it would be important that they put those concerns to the Ministry of the Environment. I think that's what's important.

**The Acting Chair (Mr Gerretsen):** You have two minutes left, Mr Martin.

**Mr Martin:** And that's what I'm doing here this afternoon, if the Chair doesn't mind. I ask you and your official if "elevated and excessive" doesn't mean anything. Does "50 times the provincial guideline" mean anything?

The fact that the ministry didn't think it necessary to test private residential properties until the mine and the plant closed down and then decided at that point to conduct soil tests in people's yards for the first time, wouldn't indicate to you that somebody within your ministry has some very real concerns that would indicate to you that you need to be taking leadership and a more active role in trying to resolve this issue?

**Mr Smith:** The 50 times you're quoting again, that was a level that triggered a concern that more intensive study needed to be done, which was done. Being above the guidelines, as I mentioned before, is a trigger; it does not mean that health is being compromised or the environment is being compromised. It means that you need to investigate it further. We did that with the medical officer. There were also a number of public meetings held. That's an important part of having a health risk assess-

ment, a health study, bringing the information forward so you can have input and hear from—

**The Acting Chair:** OK, we'll have to leave it at that. From the government side, Mr Wettlaufer or Mr Miller.

**Mr Wettlaufer:** I'll do it first, and then he can do it.

**The Acting Chair:** Oh, Mr Wettlaufer; seniority, yes.

**Mr Wettlaufer:** The old man, is what you're saying, right?

**The Chair:** No, no, seniority in years of service.

**Mr Wettlaufer:** Minister, when a few of my constituents heard last week that I was going to be in estimates committee with the environment ministry, they asked me to ask a few questions. One of them related to General Environmental's proposed purchase of the Canadian Blower and Forge property in Kitchener. You're aware of it; it's adjacent to a city of Kitchener swimming pool. You will recall, I think, back in the spring there was a petition of about 8,100 names that came from my riding and it related to a request for an environmental assessment on that property. They were wondering about the status of it.

You probably will recall that the company, General Environmental, that purchased the property was to have notified all adjacent neighbours, but the company somehow inadvertently forgot to notify the city of Kitchener, which was an immediately adjacent neighbour, and they somehow forgot to notify a couple of other neighbours in the immediate vicinity, and a great big foofaraw developed.

I would say that I have some sympathy for these neighbours. Many of them felt that they hadn't been consulted properly. While the company has advised that it notified some of the neighbours, it didn't advise most of them, and posted the information on its Web site. It was only discovered accidentally by one of the neighbours. Many of the people in my riding are very concerned about this and they're wondering about the status of the environmental assessment request. I wonder if you could shed any light on that.

**Hon Mrs Witmer:** I'm going to ask ministry staff because, obviously, I don't get involved in the process. I know that you've been working diligently on behalf of these individuals because unfortunately, as you've just indicated, the company neglected to do the consultation with the neighbours and with the city. Just as you've received phone calls and letters, I can assure you I have as well. So I'll ask Mr Carl Griffith to report on the status of that request, because we did extend the timelines, if you remember.

**Mr Carl Griffith:** Carl Griffith, assistant deputy minister of the operations division. There has been an awful lot of dialogue, discussion and consultation around the project. The proponent and others have asked for extensions on the applications so that consultation could continue with it, and the application is still under review. We are still doing our technical review, we're still accepting comments. When those comments are in, that technical information will all be assessed, and then the technical recommendation will be assembled.

**Mr Wettlaufer:** Would there be any timeline on that at all? Do you have any idea?

**Mr Griffith:** I don't right now. I can get back to you. There is a lot of interest in this project and a lot of comments are coming in that all have to be assessed, but the staff are working as quickly as possible to formulate a technical opinion on it.

**Mr Norm Miller (Parry Sound-Muskoka):** I'd like to ask the minister a question about water. As the minister knows, I've certainly been quite involved with regulation 459, in particular, how that applies to small operators and small businesses in the Parry Sound-Muskoka area. I certainly know the government has acted very responsibly post-Walkerton and has implemented tough rules to ensure that the people of this province have safe drinking water.

I also know that since regulation 459, you've also got a new regulation posted on the EBR to do with schools, daycare facilities and long-term care facilities. The businesses, the small operators in Parry Sound-Muskoka—the campgrounds, resorts, children's camps and marinas that might be caught up by regulation 459—are quite concerned about some of the high costs involved with it and whether it necessarily makes sense for some of those small operations. I know the ministry has gone through a consultation process across the province and, in particular, I actually attended one of the consultations held in the town of Parry Sound on that regulation. Speaking to the people running that consultation, they said they were getting a fairly consistent message from the various meetings they'd been holding across the province. So I'm wondering how the information from those consultations is going to be used by the ministry.

**Hon Mrs Witmer:** I appreciate the question. Actually, the issue of safety of water supply was one that came to the attention of the media today because there are several trailer parks and campgrounds in the Kitchener-Waterloo area that are reporting adverse water samples. I'm sure Mr Wettlaufer is aware of that. Obviously, the priority for government is to ensure that all Ontarians everywhere have access to clean, safe drinking water. Having said that, we are undertaking to review to ensure that all of the owners and the operators of the small, private communal systems—the systems that are not covered by the ministry's drinking water protection regulations, such as campgrounds, trailer parks and rural sub-divisions—are aware of the need and the methods to provide safe, clean drinking water.

**1700**

We've actually undertaken some initiatives that acknowledge the concerns expressed by these owners, operators and users of the private systems.

The first thing we've done is, we have undertaken to hold these consultations. Twenty-eight consultations were held across the province. You were one of almost 1,000 people who attended them, Mr Miller.

We've also engaged external consultants to visit the systems and speak personally with the owners and the operators to hear from them first-hand what issues and

concerns they are facing. As you can imagine, some of it is just the costs involved and some of the paperwork involved.

There also have been meetings with the Ontario Private Campground Association to discuss their concerns. As well, I have a letter here from Resorts Ontario. I've heard from some of the chambers of commerce regarding the impact on business.

What are we doing? As of yesterday, we did start to provide free training to the operators of small systems so they could better manage their waterworks and so they could qualify for the appropriate licence.

I've also asked the ministry to prepare a guide, something that would be user-friendly, to assist the owners and operators in providing clean, safe drinking water that would meet the standards of the drinking water regulation as well as the needs of the users.

We're also developing additional educational material so that everyone who has a role clearly understands their responsibilities and also the tools and technology that are available to them, because this is a whole new area that people are being asked to become involved in.

However, I think most important, we are now carefully considering all of the feedback we have received based on the consultations. What we need to do, once we've heard and taken a look at that information, is to have a further consultation with the individuals involved. I think at this point in time we will send out Ministry of Education staff, because I find that these owners and operators are looking to speak to people who have knowledge of the regulation and also knowledge of what would be required.

So basically it's reviewing the input we have received from the 28 consultations that have been held throughout Ontario.

**The Acting Chair:** Could I just ask a question for clarification? I believe you said, "Ministry of Education staff."

**Hon Mrs Witmer:** Oh, environment.

**The Acting Chair:** OK. It just shows you that I'm listening to every word you're saying, Minister.

**Hon Mrs Witmer:** I hear that, Mr Gerretsen.

**The Acting Speaker:** I didn't want you to mislead Mr Miller. So it's Ministry of the Environment staff.

**Hon Mrs Witmer:** I just wondered if anybody was paying attention.

It would be our hope that in the very near future we could take a look at how we can address the concerns that have been expressed by those individuals who are responsible for these water systems. As I said, they are concerned about testing costs and they're concerned about the cost of the certificates of approval. Obviously, there are additional concerns related to paperwork and administrative details. So we'll take the information, we'll review it and we'll have one more consultation in order to ensure we can have the safest, cleanest drinking water possible but also take into consideration the concerns they have expressed.

**Mr Miller:** Thank you very much. That sounds like progress is being made. I would like to state that I'm sure

all businesses are keen to be sure that their water meets the Ontario Drinking Water Objectives. It's certainly in the interests of businesses as well to make sure their water is safe, and businesses are keen to do that. Businesses are keen to upgrade their systems to meet the Ontario Drinking Water Objectives and provide safe water for all the residents of Ontario and visitors to the area as well.

My riding is Parry Sound-Muskoka. I believe that you even have a cottage in the beautiful riding of Parry Sound-Muskoka.

**Hon Mrs Witmer:** We do. It's beautiful, Muskoka.

*Interjection.*

**Mr Miller:** Everyone seems to have a cottage in Parry Sound-Muskoka. I'm sure Mr Bradley probably does as well.

Of course, as you mentioned, it is very beautiful in Parry Sound-Muskoka. A lot of the cottages are located around the beautiful lakes, whether you're on Georgian Bay or on many of the thousands of inland lakes in our spectacular area.

**The Acting Chair:** Would you like to name those lakes?

**Mr Miller:** Lake Muskoka is particularly nice. That's where I happen to run a business—where my wife runs a business.

**Mr Bradley:** The name of the business is?

**Mr Miller:** It's Patterson-Kaye Lodge. It's a fine lodge, but I wouldn't want to offer any personal comment on that.

**Mr Bradley:** I'll put up the posters in my riding for you.

**Mr Miller:** Tourism, in all seriousness, is the number one industry in Parry Sound-Muskoka, with people going to stay at campgrounds, at resorts, and the many people who have cottages in the area. Probably one of the most important reasons they go to the area is because of the quality of water in the lakes and the beauty of the lakes in the area, so it's of utmost importance to me that the water quality be maintained.

My question is, what is the role of the Ministry of the Environment in ensuring that the quality of the water in the lakes of Parry Sound-Muskoka and indeed across the province is maintained for the future?

**Hon Mrs Witmer:** That, obviously, is our number one priority: to ensure that all people in this province can be assured of the safest, cleanest drinking water possible. As you know, the regulation that we put in place, 459, certainly ensures that will happen. In fact, much of what has happened in the province in the past year has been duplicated or is being duplicated by other provinces that also recognized that they needed to have a stricter framework to ensure safe drinking water.

I'll ask the ministry staff to share with you what the role of the Ministry of the Environment is in the protection and provision of clean, safe drinking water.

**Mr Miller:** Not just drinking water but the lakes themselves for recreational use and the quality of the water in the lakes. Of course, in most cases—in all cases,

I think—it's safe to say the lakes are used as surface supplies for just about all the cottages and for many businesses, so the two are tied together—but general water quality of the lakes.

**Mr Brian Nixon:** My name is Brian Nixon. I'm director of water policy with the ministry.

Just to add to the minister's comments, in terms of lake water quality in Muskoka, the district of Muskoka is probably the leader in Ontario and was a pioneer in adopting the lake capacity model for ensuring water quality relative to the development on the lakes across the district. That model is still in use by the district and local municipalities. It was developed in conjunction with the ministry, which obviously provides assistance to the municipalities and other agencies and cottagers' associations in that area to undertake regular testing.

There are obviously quality standards associated with drinking water for all the public drinking water facilities that exist in Muskoka. Those are set both through the regulation that the minister spoke to and through the individual certificates of approval for those plants.

**Mr Miller:** Does the ministry provide much technical assistance to the district of Muskoka, and what about other areas across the province? For example, Parry Sound is very different from Muskoka in that the district of Muskoka does cover the whole district, and in Parry Sound, in the case of that side of the riding, there are 26 small municipalities and unorganized territories.

**Mr Nixon:** As the member would know, we have district offices across the province, and those district offices work with the local governments on water quality issues where they have been identified as a concern. As well, we have our regular responses to incidences of water quality on a very site-specific geographic basis across the province. That assistance is ongoing and it is very much relevant to the needs of the particular area and the quality concerns that may arise in those areas.

**Mr Miller:** I know that a lot of the cottage associations are doing their own lake plans. I attended the Mary Lake Association's annual meeting, and at that meeting they had hired a consultant and were doing a study of all uses of that particular lake, and other small lakes in the area are doing the same thing. The district of Muskoka, then, is doing testing. Does the ministry share that information so that it has a picture of the quality of the lakes across the whole province?

1710

**Mr Nixon:** I'm looking at my colleagues—somebody from our monitoring branch.

**Dr P.K. Misra:** My name is P.K. Misra. I'm the assistant director of the monitoring and reporting branch of the ministry. Our branch produces reports on the water quality periodically and we distribute that information to the public and to everyone who is interested in getting the report.

**Mr Miller:** Does the district of Muskoka share their water tests with the ministry?

**Dr Misra:** Yes, they would, and that information will be reported in the reports that we produce.



**Mr O'Toole:** If I have time, on the same theme—

**The Acting Chair:** Yes, Mr O'Toole, you have three minutes.

**Mr O'Toole:** Regulation 459 is not a large issue with respect to community wells in my riding, but there were a couple of occasions where it became an issue. I'm just wondering: Minister, you said in response to Mr Miller's question that further consultations were pending. I think there are a couple of issues here. There's a date sometime in the future when they must be in compliance. That's one thing I'd like a response on. Is that going to be reviewed to give them time?

Second, there were technical things with respect to contact with chlorine, very technical kinds of mechanics they have to put in place. If they've never had a reported incident, I can see that there would be a need to have more frequent testing and reporting. Would that be sufficient, in your opinion, to meet and/or exceed the guidelines? What are the measures in the small communities, mostly rural subdivisions, I would call them, where in some areas it's a fairly important way of doing business?

In fact, what I'm finding now is that around Lake Scugog and that area there are many communities that over time have been developed and now they need to have some confidence that community wells, with appropriate mechanisms, might be the way to go. But they don't want to make it so rigorous that—and the region, the upper-tier level of government, is somewhat reluctant to just assume responsibility; otherwise, they assume the liability. Could you perhaps expand on that? I think it's important, going forward—

**Hon Mrs Witmer:** To your first question, the treatment standards must be met as of December 31, 2002. Individual communities' situations can be reviewed and changes made to that date by the director. I will ask staff to provide you with the additional information.

**Mr Doug Barnes:** I'm Doug Barnes, assistant deputy minister of policy and planning. Regulation 459 was designed to put in place a number of safeguards. We are reviewing all of those. We have had quarterly reports from all municipalities for a year. We have a number of reports from individual large, private waterworks. We're going over those reports to determine the effectiveness of the regulation and we've also undertaken to commission work in terms of water alternative technologies and service providers which could help these communities achieve the quality of water that we want them to achieve, but to make sure that we can get them the best service and the best price.

**The Acting Chair:** We'll have to leave it at that. Next turn goes to the opposition.

**Mr Bradley:** I'll lead off. I have a couple of colleagues who will have questions as well. This is a matter that deals with the environmental assessment branch, I believe, and the waste management branch, so the minister probably will want to have that staff ready. This is a matter of an application dated March 29, 2001, by 1456444 Ontario Inc for a waste transfer station at 424

Glendale Avenue in the city of St Catharines. I understand that the minister is the one who ultimately makes the decision on this matter.

I want to draw to the attention of the waste management branch or the minister what people are concerned about. The minister will comment as she deems appropriate in this circumstance, I understand. They are concerned about a waste transfer station on a site which already has been the subject of many complaints from the neighbourhood. It's a metal processing site at this time. The proposal is for a waste transfer station for, I believe you would call it, commercial type of waste, industrial type of waste. They're concerned about odours and smells, dust and wind-blown dirt, noise, visual aesthetics, risk of fire, risk of accidental spillage, risk of malevolent action, traffic congestion, the load on the roadbed and services, access from Wembly Drive, which comes out on to Glendale Avenue, and property value impact. There have been two meetings held. The second meeting had well over 300 people at it. I could have counted on one hand the number of people who would entertain even the possibility of it happening.

Perhaps you could respond by informing us in the committee how this would go through the process and how the evaluation would take place. I understand that as minister you are not at this point in time in a position to comment on the merits of the case.

**Hon Mrs Witmer:** I want to thank you for sharing with me a copy of the letter that had been sent to me regarding this particular application. As you know from your days in this position, all designation requests are very seriously considered and reviewed. There's a tremendous amount of work involved. Obviously, until such time as there is a recommendation that comes forward from the Ministry of the Environment staff, after the careful review, it is important that the minister remain impartial. I would call on Carl at this point in time to share with you the steps that will be taken.

**Mr Griffith:** Of course, with anything that's related to the environmental assessment process, whose principles are to be able to assess the negative and positive implications of any particular undertaking, comments are asked for, an assessment would be done, public consultation would be held, posting of implications would be done and a technical determination would be conducted not only by our ministry but, if the implications cut across other ministries, then the Ministry of the Environment would go to those other ministries that had the technical expertise which could then advise the Ministry of the Environment on the significance of the issues that were raised in the context of a particular undertaking. Then, staff would look at the technical issues and formulate a recommendation on that particular undertaking.

**Mr Bradley:** Would one of the matters that you would consider be the fact that an applicant in any case would do as a store owner does sometimes: the store owner sells something at \$399.99 so it's not \$400, which sounds like a lot more. In this particular application it is

one tonne under what would normally trigger an environmental assessment, I believe an automatic environmental assessment. Would that be one of the things that might be taken into consideration in this matter?

**Mr Griffith:** Yes, it would.

**Mr Bradley:** I appreciate your response to that. I'll share the Hansard with the people in the area so they know that it is going through a very detailed process, a very careful assessment by your ministry, and ultimately the minister, based on that, will make a decision as she deems appropriate.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** To the minister: I have some questions with regard to the media release that was issued by the Ministry of the Environment on October 5. It was with regard to, "Environment Ministry Orders Corrective Action at 79 Municipal Water Treatment Facilities." Of course, Ontario Liberals applaud any move by the Ministry of the Environment to ensure the safety of drinking water within communities in Ontario. We think it's very important that people in those communities are made aware as soon as possible if there is any question with regard to the safety of their drinking water. We also think it's absolutely appropriate that this information come from the ministry via a media release.

But we do know that from time to time errors are made, and I am aware that in this particular instance an error was made. Do you agree, Minister, that when that is the case, it would be appropriate for the ministry, in like fashion as the people were notified by your ministry through a media release, to notify the community that might be identified in error that the drinking water there would in fact be safe?

1720

**Hon Mrs Witmer:** I'm going to let Mr Shaw respond to the particular question regarding the release.

**Mr Bob Shaw:** My name is Bob Shaw. I'm the regional director of the central region. I'd like to start by clarifying that when the ministry issues a release with regard to deficiencies it has found at various municipal water treatment facilities across the province as part of its inspection program, it is not advising that the water in these communities is not safe. Our annual inspection of municipal water treatment plants is only one component of the initiatives that are undertaken by the municipalities, the local medical officer of health and the Ministry of the Environment to ensure that residents are provided with safe drinking water.

The most critical component of ensuring that is the fact that regulation 459, drinking water protection, of the Ontario Water Resources Act sets out a minimum sampling requirement for municipalities and also sets out a requirement that if there is an exceedence of a provincial drinking water standard, a laboratory—and it must be an accredited laboratory doing the analysis—must report that exceedence directly to the Ministry of the Environment as well as to the medical office of health. As well, the municipality is required to report back to the ministry and the medical officer of health to ensure that

both agencies are made aware of the situation and that corrective action can be pursued.

**Mrs Dombrowsky:** Absolutely. I think that's a very important process and would support that. But in the identification of those communities where there needs to be that sort of remedial work to improve the quality of water, if a mistake is made in identifying such a community, do you not think the ministry has some responsibility to make that information known in a like fashion; that is, to issue a release?

Just so you can understand the particular case to which I'm referring, it is with regard to the town of greater Napanee, which was identified as one of the 79 municipalities. I know the minister has a letter from the municipality that indicates the ministry failed to verify the facts and subsequently wrongly informed the public about the safety of the water system. It was in the release on October 5 that the town of greater Napanee was not complying with OR 459. The draft had errors, which were the basis of the naming of the community, and I think the issue that has been raised by the municipality is valid. They've stated in their letter that the impact of such a statement on the public is profound, particularly given the events of Walkerton and the public's concern about the tragedy in New York.

When a false statement is made under the ministry's name, it is difficult for local authorities to redress the situation. When local residents inquire, "Is it safe, or should I be boiling my water?" and the municipality says, "There's been an error made," while the Ministry of the Environment says, "You're not complying," there is some significant question and anxiety within the community.

My question to the minister again is, do you think it is appropriate that when there has been an error and it can be verified, a release would come from the ministry to assist the community, so we can somehow avoid the kind of anxiety that has resulted from this particular situation?

**Hon Mrs Witmer:** I haven't personally received a copy of the letter from which you are quoting, but you can be assured that when that letter is brought to my attention, I will certainly endeavour to ensure that the facts and the issue are addressed by ministry staff. If indeed there has been an error, I think it is important that we communicate with the community and reassure the public.

**Mrs Dombrowsky:** I certainly am encouraged to hear that, and for your information, if you would be inclined to go to your office and look it up, it was to you, dated October 10.

**Hon Mrs Witmer:** OK. We'll certainly look for that letter. Thank you very much for bringing that to my attention. I really appreciate that.

**The Acting Chair:** Ms Di Cocco?

**Ms Caroline Di Cocco (Sarnia-Lambton):** Minister, I'm going to return to the topic of hazardous waste. What I'd like to have clarified is one aspect of concern to me locally—it's also because of the cumulative effect of the coal-burning electrical generating plant we have in the

area, the Lambton generating station just south of Sarnia. Forty per cent of the chemical industry in Canada is located in Sarnia. We have, of course, the stack at Safety-Kleen, which emits some of the tremendous amount of pollutants in hazardous waste.

The issue I have been raising consistently regarding raising the standards so they will impact the area—each time, each day, each year we leave that stack not up to even non-hazardous stack standards, the concern is, what does it take before we actually change the regulation for the hazardous waste stack to meet, or even comply with, United States clean air monitoring? It's just such a cumulative effect. My concern is that air quality is consistently being jeopardized. I really would like to see some steps from the ministry that will address this, and not in six years' time but with some immediacy.

I guess I'm just asking for some commitment, not that in six years' time we'll look at it again, but to actually address the situation in a fairly urgent way.

**Hon Mrs Witmer:** Are you wanting to discuss hazardous waste?

**Ms Di Cocco:** Well, the incinerator on the hazardous waste site—it's a hazardous waste incinerator; it's at the landfill. They burn—it depends, I guess, on the liquidity of the waste. If it isn't liquid, then they dump it into the ground there. In making your decisions on how quickly you're able to address the matter—what I'm trying to do is equate that as part of a bigger picture, but I'm focusing on that. I'm trying to deal with one thing at a time, basically, and seeing if there's some commitment to truly address it with some expediency.

**Hon Mrs Witmer:** I'll try to answer part of your question and then perhaps to put it in the context of the entire Lambton community, which I think you're also asking about.

**Ms Di Cocco:** Yes.

**Hon Mrs Witmer:** We are very seriously committed to strengthening and improving the management of hazardous waste. As I have said here before, we will be bringing forward and making announcements regarding the management of hazardous waste in the near future. So there is activity. Obviously what we want to do is ensure we have a framework that is very consistent with what is happening in the United States. That would be our goal. But I know the ministry can give you information as to how all the industries in Lambton are working together.

1730

**Mr Barnes:** I'm Doug Barnes, the assistant deputy minister of the integrated environmental planning division.

Part of what we have in the Sarnia-Lambton area is probably one of the best innovations we have in Ontario, and for a great distance, which is the Lambton Industrial Society, a self-monitoring group. That group currently has four ambient air quality monitoring stations. Principally, those stations look at sulphur dioxides—

*Interjections.*

**The Acting Chair:** Excuse me, gentlemen, if you'd like to have your conversations outside, we'd appreciate

it. We're trying to pay attention to the minister and the questioners. Thank you very much. Mr Barnes, please continue.

**Mr Barnes:** The monitoring facilities they have, the four stations, do ambient air quality monitoring. Principally it's for sulphur dioxide, but sulphur dioxide itself is a good indicator of many airborne metals and carcinogens. When air quality starts to deteriorate in the Lambton area, the society, through its procedures, gives notice and the different industries in Sarnia cut back actual production and, therefore, cut back emissions until they have achieved a six-hour standard in terms of air quality.

**Ms Di Cocco:** I'm aware of the Lambton Industrial Society. It's name has changed now; I believe it's a little different.

**The Acting Chair:** You've got two minutes left, Ms Di Cocco.

**Ms Di Cocco:** OK. I understand the Lambton Industrial Society. I'm looking to the ministry specifically on an incinerator that is not even up to non-hazardous incinerator standards. All I'm asking is, does the Ministry of the Environment not see it as urgent to change the regulation or at least review the certificate of approval—I know you've said no—to make sure that stack is up to standards that are even greater than non-hazardous waste standards? They can monitor that all they want, but that stack is not up to that standard, and that's my concern. I won't go into the detail of the Lambton Industrial Society and what my experience has been with them, but that's the question. Unless the Environmental Commissioner was incorrect in his analysis of the certificate of approval, that incinerator, which is burning hazardous waste, is not up to non-hazardous waste standards.

**Hon Mrs Witmer:** I'll ask Mr Smith to respond specifically to that question.

**Mr Smith:** Jim Smith, standards development branch director.

**The Acting Chair:** You have one minute, sir.

**Mr Smith:** In terms of air quality in the province, specifically for toxics, we have two types of standards that would apply to the facility.

The first are ambient air standards, and over the last few years the ministry has updated and moved forward on over 100 standards that would apply to that facility. Even this year we promulgated 18 updated standards—and there was a new one there as well—which would apply to that facility if it is emitting those chemicals. Many of those chemicals are toxic chemicals.

The second area is technology standards, and under the Canadian Council of Ministers for the Environment we took a lead role in moving forward on a number of standards, in this case, for mercury, and there were also standards developed for dioxins and furans. These are really important standards in terms of these toxic chemicals. They do apply directly to the Safety-Kleen facility. They will be phased in, and they are stringent. I can provide you with further details on that.

In terms of that facility itself, there are comprehensive sets of standards that apply to it that are based on current science and are protective.

**The Acting Chair:** Thank you very much, sir. Mr Martin?

**Mr Martin:** You might as well stay. You're probably going to be back anyway, as I'm going to continue questioning on the Wawa arsenic issue.

Just to bring people up to speed, I've been asking the minister and the ministry about an issue in Wawa, where arsenic levels have been found to be as high as 50 times the provincial guideline. I had shared with you that there were reports back to the 1970s that termed the concentrations elevated and excessive. In 1999, there was a letter to the township that suggested that arsenic concentrations were as high as 50 times the provincial guidelines. It's important for people to note here that if the provincial guidelines are 20 particles per whatever—we're not talking 70 here, we're talking 50 times 20, so we're talking 1,000, which is quite significant. But the ministry, even though they knew there were high levels of arsenic, didn't decide to test private residential properties until after the company closed down. Would you inform me why they wouldn't have done that before and why they chose to do that then?

**Mr Smith:** I can't comment on the timing; I don't have that information. I did want to highlight the 50 times the guideline; again, it's an inappropriate reference to a number that's a trigger. It's a value that, if it's exceeded, requires further assessment, and that's what was done in Wawa. As I indicated earlier, there were two types of assessment undertaken, and it was done in partnership with the medical officer of health and the Ministry of the Environment. There was public consultation on that, public meetings. There's still one additional item the medical officer is asking for, and that's some further analysis on levels of arsenic in urine for a specific age group, I believe toddlers, children.

That is to provide the community with the best science and the assurances that up to now have indicated that no action is warranted in terms of levels found on residential properties. That's where it's at. There is still that one further test that's being done, and at that point, I believe, the final message can be quite conclusive.

**Mr Martin:** Just to share with you, there was in fact a reading done during that testing near the mine gate, directly across from a residence in the town, that indicated there were 1,000 parts of arsenic per million in the soil, and the provincial guideline is 20. I guess I'm having a difficult time understanding how you could say there isn't a problem when you've got one place—and I'm sure it probably exists in others; if it's one, there's the possibility that it's in others—where there would be 1,000 parts of arsenic per million. The guideline is 20, yet you say there's no problem.

**Mr Smith:** What I'm saying is that the guideline of 20 is a trigger level, and the 20 is actually based on protection of plants. There would be a higher number that would be a trigger level; if you exceeded that for human health you should do further investigation.

Those guidelines were developed for cleanup purposes; individuals can make decisions on whether they

want to clean up to that guideline or undertake a further assessment to determine if there are any impacts on human health or the ecosystem. In this case, that work was done. I don't have the report in front of me; I don't have the specifics on the numbers. Generally, for communities you will see differences in levels. Particularly if the source, the facility that released those emissions, is in that community, you would expect to have higher levels on their property versus off-site on residential properties.

I don't want to speculate on the information you've provided, but the 1,000—any level above the 20 did trigger the fact that additional work was done and scientific assessment was brought to the community to understand the situation and provide the best advice.

1740

**Mr Martin:** And you're saying that with that information, there is no further action required, even though—

**Mr Smith:** There's still a follow-up study that's being led by the medical officer.

**Mr Martin:** So even though in the 1970s the ministry was terming the concentrations of arsenic elevated and excessive, and in 1999 we had arsenic as high as 50 times the provincial guideline and in one spot in the community we had 1,000 parts of arsenic per million in the soil, in your view that's still not good enough to indicate that something needs to be done.

**Mr Smith:** No. I guess it does indicate to me that something needs to be done, and it was done, and there's still work continuing. I'm not saying those levels don't require follow-up. They did and that follow-up was done and it was done with public involvement and there is still additional work going on.

**Mr Martin:** If you had a family, children, and you were living in Wawa and you knew this information, would you be satisfied with that answer?

**Mr Smith:** Well, you're looking from a position where I'm a knowledgeable individual who understands how these assessments are done. Yes, I would be personally satisfied with that information. In terms of the community, I would say yes, people would be concerned, and it's our job and the job of the medical officer to explain the science. My understanding is that, through the public meetings, that was certainly the objective of that, to let the public know what was done, how the assessment was undertaken and what that assessment concluded. What I'm relaying to you are the conclusions, plus the fact that there is some additional work happening.

**Mr Martin:** It's noted that even though these excessive levels existed, the community was actually never warned before 1999 that there was a problem. Then all of a sudden, boom, a letter went to the municipality indicating we had 50 times the provincial guideline. Why do you think that happened?

**Mr Smith:** In terms of the chronology, I would have to discuss the matter with our regional staff to give you specifics on the time events.

**Hon Mrs Witmer:** Just to set the record straight, Mr Martin, we discussed the meeting this summer with—I

think you said it was the mayor. It was the clerk of the municipality who met with the parliamentary assistant at AMO on August 21, 2001. Also, there were meetings held with the reeve of Wawa and a council member in July, with MOE representatives. I just wanted to make sure we had that on the record, as to whom the meetings did take place with.

**Mr Martin:** That's fine. I wasn't quite sure. To be honest with you, all I knew was that officials made overtures, did meet with Mr Arnott.

**Hon Mrs Witmer:** Yes. I knew we had certainly responded in the affirmative for a request for a meeting.

**Mr Martin:** In my discussions with them and others concerned about this, they're still not satisfied that the ministry is taking this as seriously as they obviously feel it is, living in the middle of it. They're quite concerned that they've spent a significant amount of money themselves up to this point trying to get a handle on just exactly what the problem is and what should be done to remedy it. They don't seem to be getting any satisfaction that the ministry is willing to participate with them to that end.

Their biggest concern of course is, how do they get somebody in to do some of the remedial work that's obviously required, particularly in section 3, the part of the community out by the plant? There are still people living out there and there are further developments going on. As a matter of fact, it's indicated that the property values of some of the folks out there have plummeted quite significantly because of this issue. They're looking for some help in getting on with this and getting the remedial work done. I'm wondering today, from somebody, what would trigger that? What level of seriousness of contamination would trigger the ministry taking this seriously and ordering, as you have the power to do, a cleanup of the contaminant?

In my own community we had a train derail over the weekend; it spilled some fuels on the ground which flowed into some residential property. It probably wasn't half a day before you had big tractors and people in there. They moved all the people out and remedial work was being done immediately. What does Wawa have to do and what do the levels have to be before some action is taken to give these folks the peace of mind and security they need that their children aren't at risk?

**Mr Smith:** In terms of the scenario on the spill and the cleanup, that's quite different from the community. Two types of scientific approaches have been brought to bear in terms of assessing what these elevated levels of arsenic mean and what the implications are to human health. The findings to date have shown, for the residents and their properties, that no further action is needed, subject to this final study the medical officer has asked for. My understanding is that that's underway.

Each community is looked at very seriously. I can personally attest to that fact. I am concerned where there are historical elevated levels of contaminants in soil in communities. In each situation there is an assessment that requires considerable expertise and is dependent on the local exposure conditions in terms of the type of soil

that's there, the levels, the distribution of those levels, and do the people consume vegetables from their backyards? Then there is the health part of that study: does biological testing show any elevation of arsenic, in this case in urine, because that's what's appropriate. That's what's brought to bear in making a reasoned scientific decision on, are the residents at risk and do risk-reduction measures such as remediation and soil removal have to be taken? What I'm bringing to the table here is that that's the process that was followed for the community.

**Mr Martin:** Yet if that's the process that has been followed so far, as I've already shared here this afternoon on a number of occasions—we have elevated and excessive concentrations. We have 50 times the provincial guideline. In some instances we have 1,000 parts of arsenic per million in the soil, where the guideline is 20. The list goes on and on. Given that the US Environmental Protection Agency warns that arsenic doesn't evaporate, nor does it break down—it's there, it's real and it's not going away—shouldn't we at least be a little more aggressive, at the very minimum, in trying to deal with this and do something about it, wouldn't you think?

**Mr Smith:** Again, I believe that's what we have done. For arsenic, you've raised a very good point. Arsenic is ubiquitous in the environment. It's in food. The population, all of us here, are exposed to arsenic. In Wawa and in other assessments, that's looked at. We look at what is the total exposure, what is the additional exposure that residents in Wawa would receive from their normal use of their properties related to soil exposure. In addition, as I mentioned, there was follow-up biological testing, which is still under way. So it is serious and the appropriate approach was taken.

In addition, there was public consultation. It's difficult, particularly when you're hearing that a ministry guideline is being exceeded by 50 times. That, again, does not imply that there is an immediate risk to health. It implies that, yes, further assessment needs to be taken, and that's what was done.

**Mr Martin:** Let me put this to you, then: the guideline of 20 parts per million was formally adopted in 1996, but it had regularly been used as a draft guideline starting in 1989. Prior to that, ministry reports cited excessive arsenic levels in the town from 1969 to 1977. Copies of a memo marked "confidential" in the material that people are now looking at up there show that the ministry was clearly concerned about arsenic's cancer-causing effects as early as 1975. Why aren't we as concerned now?

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**Mr Smith:** What I'm addressing is the current situation. We are concerned about arsenic and we know it's carcinogenic. We understand what levels are of concern. We understand what the exposures are in Wawa, and that assessment was done. Again, the value in our guideline is based on the protection of plants; it would be a higher value—I don't have that in front of me—for human health, as a trigger that requires further assessment. Reaching into the past, I would have to look at the documents you're citing. Certainly the scientific understanding of arsenic would be different 10, 20 years ago.

**Mr Martin:** OK. I just have a couple of other questions. One is, are there other communities in Ontario where arsenic is a problem now?

**Mr Smith:** We have undertaken studies in other communities, such as Deloro. We did a very comprehensive health and health risk assessment in Deloro which provided us with probably the most comprehensive current understanding of arsenic toxicity, arsenic exposure, and it allowed our scientists, certainly in the ministry, to bring that knowledge to the Wawa situation.

**Mr Martin:** What are you doing in that situation?

**Mr Smith:** In Deloro?

**Mr Martin:** Yes.

**Mr Smith:** In terms of that situation, the assessment showed that the levels of arsenic on the residential properties did not require follow-up. I believe there were follow-ups on some other contaminants in that community.

**The Acting Chair:** One more minute, Mr Martin.

**Mr Martin:** Just for the edification of the minister perhaps and others in the room, I haven't done a whole lot of study of this particular issue. I'm coming at it very much as a layperson who lived for a fairly significant amount of his time in that community and has some concerns. I have family still there; I visit there quite often. Anything that happened to that town affects my city. In terms of the questioning I'm bringing to you this afternoon, just to answer the minister's question of a while back—what document am I referring to and what letters do I have?—I don't have any documents or letters. I simply have an article that was written in the Toronto Star by Bill Schiller on August 26. Those are the questions he was asking and wasn't getting any answers from the ministry on. I just thought I'd put them on the record here today. We'll take a look over the next couple of days at the answers to see what else we need to do to bring some comfort to these folks that somebody is going to do something that will give them some relief.

**The Acting Chair:** We have five minutes left for the government side.

**Mr O'Toole:** In anticipation that you'll return tomorrow, I certainly want to put on the record my appreciation for the sincere and, I would say, complete responses. I've been able to ask very unedited questions and received what I think are clear responses. It just shows the strength of the ministry to deal with many, many complex issues. To have you at the helm in that position certainly gives me confidence that we have someone who wants to do the right thing. I think the Premier, in appointing you to that position, was sending that signal, and you're continuing in that tradition here. I understand your mandate to have the highest standards and the highest quality in air, water and soil.

I just wanted to put on the record, from my perspective, some quite—I'm just a citizen when it comes down to it and, as such, don't have all the information; clearly your staff would have. You've talked about the air, specifically the Drive Clean initiative of this government. Transportation is the largest contributor to smog and other kinds of things in the air. There's an initiative there,

Drive Clean. What we were talking about was the emission credits, and what we're dealing with is the generation of power and how that contributes. From the discussion today, I see action on that front. I have some concern, and I'm wondering, in the response—if I leave you any time—about rail transit as a contributor, diesel and all that kind of stuff. Also, airplanes; when they take off, you can almost virtually see the fuel. I'm not sure who is in charge of that, but perhaps you might want to respond. More needs to be done, clearly, and there are other people who have to take some responsibility.

My friend here, Mr Miller, mentioned water. Certainly a lot of the water my constituents drink comes from Lake Ontario. Lake Ontario—I'm just wondering who is really in charge there. Have we renewed the Canadian—

**The Acting Chair:** Would you like any of these questions answered or are you asking this rhetorically? I just want to help.

**Mr O'Toole:** I'm putting them on the record. Tomorrow I may not be here and have the opportunity, because we like to share our time. Have we renewed the Canadian-Ontario agreement respecting the Great Lakes basin ecosystem? That's an important agreement, because the drinking water—with all we can do at the plant, we've got to look at the source of some of these clean water issues, and there may be some other partners; perhaps Jean Chrétien, I don't know.

The other one is soil. I'm looking at the bigger discussion we've had here in the last few days. There are initiatives that are sort of attached. On the Waste Diversion Organization initiatives that have come forward, there's more to be done there. The brownfields initiative, which is part of Bill 56, is part of an environment of, how do we deal with these contaminated sites? But also for me personally it has great resonance when I look at the biosolids utilization, paper sludge. It's clearly on the record. I've since mailed all that out to my constituents; thank you for that, and your staff.

It all comes down to looking at this as a model. On the air, water and soil issues, it comes down to first having research and capacity in and outside the ministry to look ahead and deal with issues, but also compliance and enforcement. I've heard you talk about the SWAT team and other responses to deal with that. So if you wanted to respond to those three, the Drive Clean, the Great Lakes and the other initiatives, in the brief time I've left you.

**The Acting Chair:** You've got two minutes to do so.

**Mr O'Toole:** Perhaps I've left her too much time. I mean that quite seriously, because I've really appreciated the openness of the estimates process. It's important for the people of Ontario to know that really we're here to ask questions of interest to our constituents and to the constituents of Ontario. I think it's been a very rewarding process, so I thank you, as the minister, for allowing that to happen.

**Hon Mrs Witmer:** Thank you very much, John. Maybe in the time that remains I'll just briefly respond to the question you had about the Canadian-Ontario agreement respecting the Great Lakes basin ecosystem. I'm very pleased to announce that as of September 28 of this

year the Ministry of the Environment and Environment Canada released a new draft Canada-Ontario agreement that will enable us to continue to clean up Ontario's areas of concern. It will allow us to continue focusing on the reduction of harmful pollutant releases to the lake and of developing lake-wide management plans.

I should say that we have—

**The Acting Chair:** I hate to say this, but Mr O'Toole didn't leave you enough time. It's 6 o'clock on this clock

that we've been going by, so I will have to hear about this tomorrow.

**Hon Mrs Witmer:** It's all good news.

**The Acting Chair:** As the temporary Chair of this committee, I would just like to thank you and your staff for allowing me to chair the last half of this because it's been a very educational experience for me as well. With that, we'll adjourn until tomorrow.

*The committee adjourned at 1759.*

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