



ISSN 1181-6465

Legislative Assembly
of Ontario
Second Session, 37th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 37^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 10 October 2001

**Journal
des débats
(Hansard)**

Mercredi 10 octobre 2001

**Standing committee on
estimates**

Ministry of the Environment

**Comité permanent des
budgets des dépenses**

Ministère de l'Environnement

Chair: Gerard Kennedy
Clerk: Susan Sourial

Président : Gerard Kennedy
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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
3330 Édifice Whitney ; 99, rue Wellesley ouest
Toronto ON M7A 1A2
Téléphone, 416-325-7400 ; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ESTIMATESCOMITÉ PERMANENT DES
BUDGETS DES DÉPENSES

Wednesday 10 October 2001

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The committee met at 1536 in room 228.

MINISTRY OF THE ENVIRONMENT

The Chair (Mr Gerard Kennedy): I'd like to call the meeting of the standing committee on estimates to order for examination of the Ministry of the Environment. We welcome the minister. I'd also like to introduce our clerk, Susan Sourial, and our other staff. We have Anne Marzalik from leg research and Arleen Oostwoud from Hansard. I would also ask that the staff who will speak later on from the ministry to identify yourselves for the purpose of the record.

We are now in that part of the introduction where we have 30 minutes for each party. What that means is the minister gets to present and then each party gets to respond. The 30 minutes that exists for the government caucus can be used either by caucus or by the minister, depending on their arrangement, one or the other.

Hon Elizabeth Witmer (Minister of the Environment): I do want to thank all members of this committee for the opportunity to discuss the Ministry of the Environment's estimates for the fiscal year 2001-02. Today I will be focusing on the ministry's accomplishments over the past year, as well as what we are currently doing and our future directions. I'm very pleased today to be joined by the members of the hard-working staff at the Ministry of the Environment. Of course, they are here to assist in answering any detailed questions that you may have regarding their different areas of responsibility.

Protecting environmental health is a key element of the "21 Steps Into the 21st Century" outlined in April's speech from the throne. As the former Minister of Health, I am certainly very acutely aware of the link between our health and clean air, water and land. Of course, as my colleague Finance Minister Jim Flaherty has stated, "A well-protected environment is an important part of Ontario's competitive edge." In my presentation today, I want to focus on our efforts to ensure the best possible environmental safeguards for Ontario.

This is a very exciting time for the Ministry of the Environment is in very large part because of the work that has been undertaken by Val Gibbons, whose committee report on best management practices has identified the strategic shifts we must make to make Ontario a leading environmental jurisdiction. The Ontario government has embraced the vision contained in the Gibbons report.

The Premier has made it clear that clean air, water and land are integral to a healthier and more prosperous Ontario. The Premier said, on June 26 in the Legislature, "Ours is a vision that promotes and manages growth to sustain a strong economy, strong communities and a healthy environment." In accepting the Gibbons report, the Premier said, "We want Ontario's children and grandchildren to inherit a province with clean air, land and water. The Managing the Environment report recommends a new forward-looking government vision which will ensure that all ministries take responsibility for environmental protection." And, of course, the emphasis is on "all." "This report calls for a break from the way the Ministry of the Environment has been run for many decades and represents"—when you read it—"a bold new vision for environmental protection."

This bold new vision includes a realization that no single ministry can shoulder the sole responsibility. I know Mr Bradley is here today, a former Minister of the Environment, who was recognized for the good work he did. He can certainly appreciate the fact that no single ministry can do it all alone. You do need to have the support of all the other ministries. In fact, government can't do it alone. There's a recognition that sharing responsibility for the environment today not only rests with the other ministries in government but it also involves municipal government, the federal government, regulated communities, the scientific communities, the environmental communities, the technical communities and, of course, the public and each individual.

I have to say, when I go about my travels in Ontario, I am very impressed with the responsibilities that have been assumed by many of our stakeholders and the responsibility that many of our citizens have taken to ensuring protection and enhancement of our environment. This government's resolve is backed in the Ministry of the Environment's budget estimates for 2001-02, which do include increased resources to support our aggressive environmental agenda. As you will see during the course of my remarks, we are continuing to deliver our core businesses—environmental protection, conservation and stewardship—while moving forward with a new vision founded on the principle of continuous improvement.

Today, I will be covering a wide range of the ministry's activities including: (1) the 2001-02 estimates, (2) tough enforcement, (3) Operation Clean Water, (4)

fighting smog and other forms of air pollution, (5) reducing waste and protecting land resources, (6) improving access to the environmental information that is so vital to sound decision-making, and (7) becoming a leading environmental jurisdiction.

Let's turn to the estimates. The Ministry of the Environment's commitment to continuous improvement is supported by the business plan and estimates for this fiscal year. The ministry's approved budget for 2001-02 is \$241 million. This includes \$223.1 million for ministry operations. That is \$57.5 million, or 34.7%, more than last year's operating budget. This increase is largely due to the need for tougher enforcement to protect our environment and human health.

Let's turn to tough enforcement. One of the key areas for increased resources is our compliance assurance strategy for the environment. I cannot state strongly enough that traditional practices like enforcement, as well as standard setting, inspection and abatement, will remain the foundation for our environmental protection strategy. In fact, if you take a look at the Gibbons report, these tools are the essential backbone.

Let's take a look now at the environmental SWAT team. One very important step to strengthen this backbone was the creation in September 2000 of the environmental SWAT team. It is a highly mobile and focused compliance inspection and enforcement team. It was formed to crack down on deliberate and repeat polluters to ensure that they comply with Ontario's environmental laws. SWAT is now fully employed as a permanent unit within the ministry. To date, this team has completed more than 450 inspections, primarily in the electro/metal plating, hazardous and solid waste hauling, septic waste hauling and industrial, commercial and institutional sectors. The environmental SWAT team complements our other work to ensure compliance. We are investing in computer supports for our field staff and we are training them to use these technologies to expand our inspection capabilities.

Turning now to investigations and enforcement: Our staff here continue to vigorously pursue polluters. In fact, ministry investigators laid 23% more charges in the first six months of 2001 than in the same period of 2000. This is significant because environmental stakeholders like the Sierra Club have criticized the government sharply in the past when the number of charges declined. So I hope those who are critical will take note of this improvement.

I hope as well they will recognize that we are seeing much greater success in the courts, with convictions increasing from 160 to 451 during the same period. We are also seeing an increase in fines levied by the courts. Total fines increased by more than \$1 million, about 118% in the first half of 2001 compared to the same period last year. I do expect to see this trend increase as we start to see the results of amendments to provincial environmental legislation to give Ontario the highest fines and longest jail terms in Canada for major environmental offences.

As you can see, our government is backing its environmental vision with strong enforcement programs. We

have strengthened and are strengthening our inspections, compliance and enforcement capabilities, and we are sending and will continue to send a very clear message to polluters and would-be polluters that we will not allow the serious consequences of environmental degradation to go unchecked. They will be caught and the attendant consequences will be significant.

I'd like to turn now to Operation Clean Water. Maintaining high standards for drinking water is one of this ministry's most important commitments. The citizens of this province rightfully demand and expect no less. It has been a very intense and busy 14 months since Operation Clean Water was launched with the goal of having, in the Premier's words, "the safest water in Canada, with high standards, frequent testing, prompt reporting and tough penalties." I believe that we have made excellent progress toward this goal, and I would like to express my sincere appreciation to the many people throughout the Ministry of the Environment who have worked so hard to achieve the goal that has been reached.

Let's take a look at the drinking water protection regulation. As the members of this committee are aware, we passed the regulation in August 2000, about one year ago, giving Ontario its first-ever legally enforceable standards for drinking water quality as well as strict requirements for testing, treatment and reporting. We are conducting and have conducted annual inspections of Ontario's more than 650 municipal water treatment facilities to monitor their compliance with provincial requirements.

On the second round of inspections, although there was some improvement in compliance levels, I am still not satisfied with those results. Obviously there's more that needs to be done.

We are committed to ensuring that all water treatment plants in this province are operated in accordance with the highest standards.

I want to be very clear that we treat all instances of non-compliance seriously. Corrective action is ordered whenever a potential threat to human health is identified.

Of course, the most recent round of inspections were between April 1 and August 31 of this year. There were 79 orders issued and there were 2,182 waterworks inspected.

Amendments to the Ontario Water Resources Act will ensure that the most serious violations of the drinking water protection regulation are subject to the higher penalty regime for environmental offences.

During this year as well, we will review our drinking water surveillance program to ensure that it is doing the best possible job of supporting our new clean water initiatives.

1550

Let's take a look at the drinking water protection regulation for designated facilities. This is to ensure safe drinking water from smaller systems that serve some of our most vulnerable populations: our children and the elderly. This proposed regulation would require regular testing, analysis and treatment of drinking water;

notification to the medical officer of health and Ministry of the Environment by both the owner of the system and the laboratory in the event of an adverse water quality sample; all waterworks to produce engineering reports on their systems; that annual reports be prepared by the owner of the system; and the owner of the system ensure that a copy of the analysis of water samples, the annual reports and the new regulation are available to the public.

While these regulations protect water at the tap, we must also ensure that we take a holistic approach to the protection of water, and that means we need to protect our sources. So let's take a look at groundwater protection.

We have provided more than \$4 million for groundwater studies to the provincial water protection fund. Thirty-four studies across the province were approved. These studies have been completed because we accelerated the process to protect the health of Ontario residents.

On August 22 I announced the largest single investment in groundwater protection in the province's history. We will invest \$10 million in groundwater studies between now and March 2002, and this investment will help municipalities that depend on these resources to make more informed decisions. These studies will also provide information that local and provincial governments need to assess the best solution for the protection of groundwater.

As announced in the budget, some \$2 million of this money is reflected in the printed estimates for 2001-02, while the remaining money was subsequently approved in-year. So this is new and additional money.

Our investments will target municipalities that are highly dependent on groundwater and that are ready and able to begin the work immediately. The participating municipalities will receive funding to cover between 70% and 85% of approved groundwater study costs. These studies build on our announcement of October 30, 2000, to establish, with municipalities and 38 conservation authorities, a \$6-million groundwater monitoring network. This will include 400 electronic monitors to measure water levels in wells across Ontario.

To further support our groundwater protection efforts, we have obtained in-year, on June 21, a further \$3 million for policy and guideline development.

If we take a look at Operation Clean Water, I believe this is an outstanding example of the government-wide approach that is so central to our new vision of environmental best practices.

On April 27, 2001, Municipal Affairs and Housing Minister Chris Hodgson and Brian Coburn, the Minister of Agriculture, Food and Rural Affairs, announced that the government is providing a total of \$3 million to more than 175 municipalities to help cover the costs of engineering studies required under the drinking water protection regulation.

As well, Minister Coburn made another key announcement on June 13, 2001, when he proposed legislation to address land-applied materials containing nutrients. This proposal calls for strong new standards for all land-

applied materials containing nutrients; the banning of the land application of untreated septage over a five-year period; strong new requirements such as the review and approval of nutrient management plans, certification of land applicators and a new registry system for all land applications; and a plan to have the rules enforced by the Ministry of the Environment.

Another example of our government-wide approach is the Ontario small town and rural development initiative, OSTAR, which commits at least \$240 million to help smaller municipalities with infrastructure work needed to comply with regulatory requirements.

We're also making good headway with our co-operative efforts with the federal government to renew the Canada-Ontario agreement. A renegotiated deal has recently been posted on the Environmental Bill of Rights registry.

Let's turn now to Walkerton. At the same time as the ministry and the Ontario government have worked on the Operation Clean Water initiatives that I have just outlined for you, we have worked to address the issues surrounding Walkerton. We did immediate action to alleviate the situation, and we as a government have continued to co-operate fully with the Walkerton inquiry. We certainly do look forward to its findings.

Turning now to fighting smog and other forms of air pollution: we have developed in this province one of the most comprehensive strategies in North America to fight smog and other forms of air pollution. We are taking unprecedented action on a wide number of fronts to reduce airborne pollutant emissions. The transportation sector is the largest domestic contributor to the smog that affects our urban areas, and so of course we introduced our Drive Clean program. On June 11, 2001, I was able to report that after only two years, this program has cut smog-causing emissions from vehicles by 11.5% in the Toronto and Hamilton areas. During that same period, it is estimated that we have seen a reduction of carbon monoxide from vehicles by 15.4%. Also, improved maintenance of vehicles has allowed motorists to save about 11 million litres of fuel. That's the equivalent of more than 220,000 fill-ups for an average-sized car.

Some 2.15 million vehicles were tested by the end of 2000. The program identified more than 313,000 that failed to meet emission standards. Repairs to these vehicles account for the pollutant reductions. Since the beginning of this year, we've announced measures that will increase the effectiveness of Drive Clean. On January 1, 2001, emissions testing became mandatory for vehicles in 13 additional urban centres and their commuting zones. The new areas of testing include Peterborough, Barrie, Guelph, Cambridge, Brantford, Niagara Falls, Welland, St Catharines, Kitchener-Waterloo, London, Sarnia, Clearwater, Point Edward, Windsor and Orillia. Now some additional five million light cars, trucks and vans must receive emission tests every two years.

On June 29, 2001, we also introduced a new higher repair cost limit of \$450. Again, this will increase the

effectiveness of Drive Clean by making sure that more vehicles get repaired.

We have expanded the Smog Patrol, which complements Drive Clean because this patrol allows us to go after the heaviest emitters on our roads. We have increased the staffing of this vehicle emissions enforcement unit to 20. They will continue inspections of grossly polluting—and of course these are the ones that are visible—cars, trucks and buses. Equally important, they also focus their attention on out-of-province vehicles, thus levelling the playing field for Ontario motorists. Through both Drive Clean and the Smog Patrol, we are reminding vehicle owners of their personal obligation to reduce emissions and ensure that pollution control systems are properly maintained in order that we can improve air quality.

As we all know, health is very much impacted by poor air quality; we've seen asthma in children increase, we've seen lung and other respiratory diseases as well impacted by air quality, so we need to continue to vigorously improve air quality in our province. We need to recognize that 50% of pollutants come from the United States, so we need to focus on the 50% that we can control, as well as try to encourage our American neighbours to also focus on reducing emissions and improving air quality.

Let's take a look at monitoring and reporting requirements. In addition to addressing air emissions from the transportation sectors I've just talked about, we are also targeting industry. On May 1, 2001, a new regulation took effect requiring that industrial emitters track and report on 358 air pollutants. The regulation, by the way, makes Ontario the very first jurisdiction in the world to require the monitoring and public reporting of a full suite of key greenhouse gases. It is a tremendous accomplishment, and I believe it signals the commitment of our government to provide Ontario residents with world-class environmental protection. For the first time, Ontarians will have access to accurate information about what air pollutants are being discharged and, more importantly, by whom.

1600

Individual facilities, beginning with the electricity sector, will be able to report air emissions via the Internet with OnAir. We have committed \$2.7 million this fiscal year for OnAir, which is one of the first applications of the Environet technology that I will discuss in a few moments. The new regulation will be a valuable tool to help the ministry enforce strict air emission limits. We are complementing the monitoring and reporting requirements with the select targets for air compliance program. Through STAC, we will require 30 large industrial facilities to undertake comprehensive air emissions inventories. STAC has received in-year funding of \$1.5 million.

A top priority for 2001-02 will be implementing the measures I announced on March 26, 2001, for reducing emissions from the electricity sector. At that time, I proposed caps that would drastically reduce the current

air emission limits for Ontario Power Generation's six fossil fuel facilities. With these caps, limits on smog-causing nitrogen oxides would be reduced by 53% and limits on acid-rain-causing sulphur dioxide would be cut by 25%. These measures also included a proposal that the Lakeview generation station cease burning coal by April 2005. Taken together, I am pleased to say that these actions enable our government to meet its commitment to match or do better than the tough antismog requirements of the United States Environmental Protection Agency.

We also have to take a look at the issue of climate change. We are continuing aggressive actions that put us at the forefront of Canadian efforts to reduce climate-change-causing emissions. Drive Clean is helping to reduce greenhouse emissions because improved fuel efficiency means less carbon dioxide being emitted. When fully implemented, the program is expected to cut carbon dioxide emissions from vehicles by 100,000 tonnes annually. As I mentioned a moment ago, the new regulation came into effect this year to make Ontario the first jurisdiction in the world to require the monitoring and reporting of releases of the full range of greenhouse gases. That's all going to have an impact on climate change.

Let's turn now to reducing waste and protecting land resources. The ministry is moving away from a strict reliance on government to work with a wide range of partners to find ways to achieve Ontario's waste reduction goals and to protect precious land resources. We have gained valuable experience working with a broad range of partners through the one-year Waste Diversion Organization. The organization was created to find ways to ensure the sustainability of the blue box program and to foster other 3R activities to bring us closer to the provincial goal of 50% waste reduction, which I'm very confident we will achieve. I've been very impressed by the initiatives that have been undertaken by some of our partners and fellow stakeholders.

Let's take a look at Waste Diversion Ontario. On June 26 of this year, I proposed legislation to establish a permanent organization to develop, implement and fund waste diversion programs. This organization, Waste Diversion Ontario, would create an industry funding organization to set and collect fees from companies to pay half of the operating costs of municipal blue box programs.

I just want to say at this point in time that the blue box program recently celebrated its 20th anniversary. I was absolutely thrilled to learn, as the member representing Kitchener-Waterloo, that Nyle Ludolph, the father of the blue box, came from Kitchener. That's where the blue box originated. Since that time, it has spread throughout Canada. In fact, the blue box has spread all throughout the world. We have a lot in this province we can be proud of. We've had some real leaders when it comes to the protection of our environment.

This new WDO would be responsible for initiatives to address such things as organics, electronics—that would include computers—scrap tires, used oil, household

special waste and other materials. For the first time we now have this wonderful partnership between government, industry and municipalities to ensure the sustainability of the blue box and to guide waste diversion in Ontario for years to come. It is a partnership, by the way, that does not require government funding.

Let's take a look at cleaning up contaminated lands—brownfields.

The Chair: Minister, you have about two minutes.

Hon Mrs Witmer: OK, so I won't be able to touch on everything, but I'm sure in the questions—I was going to touch on hazardous waste management, where we've actually made tremendous progress, information technology, and we still needed to talk about becoming a leading environmental jurisdiction.

I would just like to conclude that I've tried to share with you some of our accomplishments and future directions. However, I think if you take a look at what I've said thus far, it's obvious that the status quo is simply unacceptable. We must embark on new paths with new ideas, new energy and new resources.

We are investing more in the environment because the cost of inaction is too great. We must build upon our momentum. We must develop new partnerships. We have to continue to work with people from across the entire province. We need to make capital investments as well in the physical infrastructure. That's what we plan to do. With the support that I have received from my colleagues, the Premier and the staff at the Ministry of the Environment, I have every confidence that we will indeed become a leading environmental jurisdiction and even a model for other jurisdictions. Certainly our water regulations are being duplicated by all provinces across Canada.

The Chair: We now turn to the official opposition. You have 30 minutes. In the tradition of the committee, you may use that as time to respond to the minister or, with the minister's co-operation, you can also use it as question and answer. It's up to you.

Mr James J. Bradley (St Catharines): I'll do a combination if I can, Chair.

The Chair: It's up to the minister's agreement in that connection then.

Hon Mrs Witmer: Whatever Mr Bradley wants to do, I'm happy.

Mr Bradley: I'll put the questions out there. I won't necessarily ask for them now. I'll be confident that the minister will not unduly take time answering questions as was the experience last year when my good friend the minister of defence, Frank Mazzilli, had to come to the rescue of the minister and ask several questions at the time. I know this minister will be concise and direct in all of her answers, knowing that she's always been that way in all of her ministries.

Well it's always nice to look at the front bench and see that we have yet another new face at estimates for environment. I want to say how pleased I am that you have your very capable staff behind you. The Ministry of the Environment of Ontario is very fortunate over the years to have had among its employees some of the top people,

not only in our country but in the world. So you have the advantage of the advice and hard work of those people in the ministry. Unfortunately, there are far fewer there than there used to be.

Mr John O'Toole (Durham): Quality.

Mr Bradley: But as my friend Mr O'Toole would say, there's a quality that still exists in the ministry.

Hon Mrs Witmer: And more than a year ago.

Mr Bradley: And more than a year ago. But I must caution the minister that her early smiles in this regard in terms of staffing may turn to something other than smiles as the revenues start to decline for the government. The revenues have already declined. The government has made a decision. I won't get into the philosophical argument now, except to say the government has made a decision to expend its funds on a huge tax cut for corporations.

My concern for you as minister, because as you know I have great concern for you personally as minister and your well-being, is that you're going to see a major constraint imposed mid-year, that the staffing levels that you see will be phantoms. There'll be positions, but there won't really be people in those positions. You'll be able to tell us the positions are there, but if I went to the desk to look for those people—or wherever they happened to be working—I would not be able to find them.

So I want to caution you—you know this better than I, of course, because you're in the senior echelons of the government—that in fact you will, as a result of government fiscal policy, face a huge constraint this year and probably next year which will not allow you to hire additional people, which will keep vacant a number of positions within your ministry and which will not allow you to do the kind of job that I know you would want to do as minister.

1610

You will also face fewer resources than you had anticipated when you took on the position. No doubt you took it on in anticipation that you would receive considerably more resources after some unfortunate circumstances that the government was confronted with. You will be assured of my continued support for substantially additional staff and substantially additional funding to be able to carry out your responsibilities. I am mildly pleased that there has been some increase. The government members who sit on the other side always think that we look for the dire weaknesses of the government. I look for flickers of hope as well and I do see them from time to time.

I think it is something everybody must recognize. The constraints are coming. Your financial people know that. The signal has gone out from Management Board no doubt now to every ministry, "Get ready, it's coming. The revenues are declining. We've just advanced the tax cut and we're not going to have those revenues." I feel bad for you that that is the case and bad for the environment that that is the case, but there it is.

If I may, I will look at a number of areas. I had somebody go through Job Mart. Now that's a really

exciting job, to have a staff member going through Job Mart and Topical to see how many people are being hired and so on. I noticed one area where you've improved considerably is that you've hired a lot of people in—hold on—communications. I thought, well, yes, communications. The substantive work is done in other areas—this is not to denigrate communications people—but there was a considerable increase in the number of people; either that or a lot of people left the government and you are rehiring.

The second thing I noticed was the number of positions which were not permanent. I won't call those phantom because phantom is a different category, but they are temporary people who tend to vanish when the pressure is off. Part of the pressure is off because of the tragic circumstances that have occurred. That means you, as minister, as you know, will have less clout within the cabinet to get the kinds of resources and staffing and general clout you would like, because there will be others tugging at the purse strings of the province.

One area I know you'll want to address, perhaps tomorrow or some other time, will be that of increased security, particularly for our water treatment plants and hazardous waste facilities. Yours is not to decide who gets the licences to drive the vehicles that have not only hazardous waste but hazardous materials, which, again, is another ministry, but also the hazardous waste sites. It's more likely that hazardous materials could cause us more problems in terms of terrorism than the waste itself, but hazardous waste is a problem.

I well recall, I went to Hamilton and the cameras were snapping and whirring and there was a minister announcing some new changes that I thought were actually quite impressive to waste management in terms of hazardous waste. As we know, there were some changes made in 1985 that put us ahead of the Americans. Well, the Americans started to get a lot of problems, and in about 1993-94, they started to change theirs. The government of the day in Ontario started the process of trying to make some changes as well to catch up. You always have to stay ahead of the other jurisdiction.

Then I heard policy made virtually in the hallway. I was under the understanding that it was all over, that this was done. Somebody, somewhere, I read said, "It's all done. Don't worry, we've done all this." Then there was some pressure in the House, and I saw you magnificently perform in a scrum, where it looked like instant policy, that indeed that wasn't the end of the line in terms of hazardous waste, that now you're going to take an even more in-depth look at it. I am encouraged by that, regardless of what the reason is. We don't have to worry about that. That's political. But the fact is that it appears you're going to take an even more in-depth look at it and perhaps we can see even more stringent rules than were contemplated.

I know my colleague from Sarnia-Lambton is going to be asking about that in due course because she's had a lot of problems with Safety-Kleen, which, by the way, has had a lot of financial problems.

Another side aspect of this I'll ask you about someday—and I don't expect you to give as frank an answer as you would like—is this insidious Red Tape Commission. You're not on that any more, are you, Bob?

Mr Bob Wood (London West): I'm still an adviser.

Mr Bradley: Ministers hate that insidious Red Tape Commission with such a passion because it interferes with the rules and regulations you have in place for the purpose of protecting the environment. I always thought this would be dangerous if it turned into a fundraising effort, but they would get a call from someone outside—not Bob Wood—to say, "We don't like this rule or regulation, so we'll phone the commissioner." They don't have the trench coats the way the crime commissioners do. Then they start bugging your ministry and saying, "Why do you have this rule?" I hope you will talk about how you are prepared to stomp on the Red Tape Commission when it is detracting from your job of protecting the environment, though I know you will use your words carefully and diplomatically, as I expect you would as a minister with diplomacy and political sensibility.

My handwriting gets worse when I'm scrawling, but I will look at other areas where I think your ministry should be involved. Not everybody agrees with this, I understand that—if you ask the three parties or individuals, they may change their minds from time to time—but I think you should be in charge of sewage sludge and manure. They're not very nice topics to talk about and we kind of laugh when we talk about them.

I don't think you can allow the Ministry of Agriculture, Food and Rural Affairs to deal with industrial farming. I heard a person who made presentation to a committee that John and I are on, the alternative fuels committee. A young fellow came in and said, "Make sure it's the Ministry of Agriculture, Food and Rural Affairs." You certainly wouldn't let the ministry of industry make the rules to govern the steel companies. You wouldn't let the Ministry of Northern Development and Mines govern the mining industry as it relates to environmental matters. So I hope you will use your considerable clout within the government to ensure that you are the lead ministry.

I would like it as well if you were able to wrestle away from the Ministry of Natural Resources responsibility for the Niagara Escarpment Commission. I saw some scowls on the faces of the natural resources people when I made a presentation to the Niagara Escarpment Commission on its plan. I said, "Why were they scowling?" and they said, "They were from natural resources." I was not being as kind as I might be to the Ministry of Natural Resources, being the guardian of the environmental considerations of that ministry. So I hope you would make an effort to persuade them.

And I hope you would comment upon the appointments to that commission, as the minister, because sometimes I see the good old boys being put on there and the good old boys aren't going to protect the lands as we would like. I'm not saying you have to have radicals one way or the other, simply responsible, good people on there. I know you, as a minister, will have some ability to comment upon that.

I'm going to skip from thing to thing here, to the Drive Clean program. I have been encouraged, cajoled, pulled in the direction of wanting to dump on the Drive Clean program but I continue to support it, despite the operational problems you have. A lot of people out there would like to kill that program, some of them perhaps in your own caucus. I don't know that. I think despite the operational problems you have, it is worthwhile continuing. Some environmentalists wouldn't even agree with that. But I think you have to address—and you probably will try to—the operational problems, because you have to have the support of the public on it. The public is not going to be supportive, obviously, if they have to pay a lot of money, but it's the price I guess of driving in Ontario, that you drive clean, as it suggests.

But there is a problem with it—and I'll ask you to comment later on—and that is, they want to sell information to American companies and other companies about the vehicles. I'm apprehensive about that. I don't mind you having that information; I don't mind the Ministry of Transportation having that information and the police having that kind of information. It is quite appropriate. I don't like that being sold to private companies. I don't think the final decision has been made yet. I have promised to send you a letter. It said it in the paper, so you know that letter will be coming. I will be sending you a letter about that, because if it says it in the paper we know we have to do that. I will make sure I do that.

1620

I'll be interested in Paul Rhodes's contract. My good friend Paul Rhodes always does well with the government. He was brought in to bail out the last minister last time. Paul is very good. I should admit this to members of the caucus, and Paul will forgive me for it. I went up to the Walkerton inquiry the day the Premier was appearing before the Walkerton inquiry and I was wondering who was there to advise the Premier. Deb Hutton was there, advising. She wasn't even working for the government, but she's a good friend of the Premier and that's quite legitimate. Then I was driving along the road back and on the side of the road I spotted Paul Rhodes. He might even have been having car trouble, but I didn't stop, and I ask Paul to forgive me for that. But there was Paul Rhodes. So I'm interested in that contract. I think you got full value for it, to be truthful, but that is a problem.

I'll be interested in security measures that your ministry is taking. I'm concerned that you don't have your own laboratories. It's going to take a lot of turnaround time. If something untoward happens, if something unfortunate that none of us wants to happen happens, it would be good to have our own ministry labs, the old Ministry of the Environment labs, which had integrity, reliability, accountability, and responsibility. I hope you would make a case for reviving those labs. I'm not saying you're going to put all the private labs out of business, because there is lots of business to go around, but I really think a mistake was made in getting rid of those, particularly in the manner in which it was done.

I know, because of the Walkerton inquiry, you're not going to answer questions that are before the inquiry. I want to say, by the way, I think Justice O'Connor has done a good job. I think that was a good choice as a person to head up the inquiry. I may change my mind when I see the final recommendations. However, I suspect not. Just from the way I've seen Justice O'Connor conduct the inquiry, I think he's done a good job.

You talk about OSTAR. I wouldn't talk about OSTAR if I were you. The criteria are so difficult for the small municipalities. Those of us in big municipalities don't have this problem. In Niagara-on-the-Lake, for instance, there is so little money there that they can't parlay that into a project they can undertake. You're going to have to have a larger percentage paid by the province in that OSTAR program. You also have to spend it on bridges and roads. I would secure all that for water and sewers if I were you.

I would urge you not to forget about sewage treatment plants. Water treatment plants are important. I'm not convinced to this day, although I saw late on the Friday afternoon before the long weekend the press release—I know it's only coincidental—on the number that are not in compliance. I don't know if you have a team that is in effect to continue that kind of operation as well as it should be. We dealt with that in public accounts and I hope you act on the public accounts in that regard. But don't forget sewage treatment plants, because they are also defective in some cases. Some of them simply don't have the proper capacity, so you get raw sewage going into the lake. Also, as we know, they don't treat a lot of the substances that go into the sewers. Toronto has a good sewer-use bylaw. I don't know how many other municipalities have one that would be comparable to Toronto's.

You've got the problem of sludge. That's not an easy problem for you to deal with and I don't want to pretend it is. The one day you're not happy that you're the minister is the day you have to deal with sludge, but you're going to need the staff and the proper rules in effect soon to deal with sludge in some way or another. I'll be interested in that. I know there is legislation and so on, but when I hear that you've got the outhouses, as they used to call them, and that material spread for another five years without dealing with it, I am horrified at that thought. At least in the sewage treatment plant there is some treatment of the sewage that takes place. It's an awful thing to have to be talking about, but there we are.

In terms of the SWAT team, I think that's a lot of show out there. I saw the description that says, "Call up the cameramen and they'll be down here from CFTO for sure, and the Toronto Sun will be there with a photographer and it will look good." I hope it works out for you, because I think the real solution is the day-to-day job of enforcement. This is the tough part. It's like members of the Legislature, there are certain things we do where we cut a ribbon and that's very nice, but the problem is it's a day-to-day difficult job of enforcement.

I think you were better off with the investigation and enforcement branch than the SWAT team, with a lot of people in it doing the job—not so flashy but doing the job. But that's what they left you with, the SWAT team, so I wish you well with the SWAT team in that regard.

I'm concerned about the muzzling of your staff. Nobody can talk to the staff any more. As a person, you can't call up and talk to the staff person; it has to go back to headquarters to someone in your office before anybody is allowed to talk to staff.

I understand that politically. It doesn't look good. I have not had a personal problem so much, but individual members tell me it's really a tight ship to deal with now. It used to be pretty good. You could deal with those people out there, and they still had to send you a report. I don't expect that if I call they're not going to tell you; of course they are. That's their job, and that's your job to know. But the filtration system you've got now is a little much in there, in my opinion, and it's not good public policy, although I suspect that decision comes from the top.

I hope you act upon the recommendations of the Environmental Commissioner and of the Provincial Auditor. I'd be interested in your views on the privatization of water systems, particularly in light of the security problems that we describe after September 11. That may have changed opinions on that. Certainly people now rely more on government since then to provide certain services and assurances.

I haven't seen you using government advertising too much, outside of Drive Clean, and I want to commend you on that. As you know, I dislike what I consider to be partisan government advertising, and I hope they're not forcing you, from the centre office, to spend money on polling either. Let them take that out of the Premier's budget, not yours, on polling.

I want to compliment you. At least to my recollection, I have not seen these silly ads out there that pat you on the back. I think your ads are more informational. Even the ones on Drive Clean I thought were pretty good for a government ad, pretty direct for a government ad.

Coal-fired generating stations are a real problem. I think the ultimate solution is converting them to gas. I'm suspicious of what's happening at Lakeview, though I want to say I agree with the decision at Lakeview that you made. I would like to see new burners in there which would make it even cleaner than perhaps I anticipate it's going to be.

Sulphur in gas: Dan Newman, when he was here, said—I won't quote, because I don't want to take the time out to quote—you're going to put it on the pumps. I'd like to see on the pumps how much sulphur is in the gas. I always have to go to a Web site, and my Web site is right here, you see, so I have a difficult time doing that. Not everybody has a Web site, so I think it would be good on the pumps, although I know the gas companies don't think it's such a good idea, and I can understand why.

Biomedical waste: I'd like to know what you're doing with biomedical waste, because that's not an easy prob-

lem to deal with, I must say. Biomedical waste is something that if somebody like the Fifth Estate wanted to do a program on it—it's always interesting to see where biomedical waste ends up.

I should mention to members of the committee, who already know this: every Minister of the Environment is told that she or he should close the border. What they always forget is that things go both ways across the border. So it's easier to say close the border to certain things, although we want to make sure our rules are tight and everything. Closing the border completely, for instance, can sometimes remove options. Just ask the city of Toronto right now about that.

What else do I have? Emission trading plans: I'm very suspicious of the pollution credit trading plans. I don't think there are caps that are low enough. I don't know how you verify it in some cases. I think you've reopened the consultation, which is good, because I was not satisfied with what I saw developing there.

I would be interested in your giving us an update on Port Colborne, which is close to me geographically speaking. There have been a lot of problems in Port Colborne. I suspect if you went to communities where there are plants like that around and you tested the soil around them, you would find some interesting things about the soil. I'm interested in the progress. I hope you devote the staff to it and move quickly on that so that people can have remedial action taken quickly.

Beck 3: I hope you will promote Beck 3. Beck 3 is the water generating station at Niagara Falls. We have Beck 1 and Beck 2. Beck 3 is a relatively environmentally benign—not totally—way of producing electricity, far better than burning coal, far safer than dealing with nuclear plants. It's a good option. It may cost a little bit more now. I'd like to see you, as minister, promoting that within the government.

1630

The Etobicoke air station that got moved: I did note the pleas of your ministry not to move it. I think the other site would have been better. I won't get into a wrestling match over that one now. The Chair of Management Board sent me a nasty letter. You saw the copy of it—well, you didn't see the copy, but I saw your "cc" on it. I still think your staff would have preferred the other site, and I wouldn't let the Ontario Realty Corp boss you around if I were you. I'll be on your side if they try to do that.

CFC regulations: I'm interested in an update on that, because that's still a problem. I notice there was a problem that emerged with that. I know you're starting to deal with the industries in terms of air pollution, but having them report is one thing; having them cut their pollution drastically is another. What I'd like to see is firm rules in a timely fashion to drastically reduce the emissions coming out of industries in the province.

The first step is, of course, reporting, as you have appropriately pointed out. The second is getting rid of those emissions in some cases or at least drastically reducing them, the way the MISA program was designed to.

The partnership with WDO: I think municipalities still have to pay, don't they?

Hon Mrs Witmer: Yes, that's right.

Mr Bradley: Yes. You said, "No government funding." You mean no Ontario government funding. I would have preferred to see industry pay more, and I would have preferred to see the provincial government continue to have a role to play, even if it's in terms of education and research and development rather than direct operations, which I understand you want to get out of.

What else do I have here? Hazardous waste is one that will continue to haunt us, I'm sure.

There was a clean air program that could be dusted off, by the way. It was in the ministry in the summer of 1990. I recall going to implement that program. So if you look on the shelves somewhere and you dust them off, the Ministry of the Environment had done an excellent job of proposing a program. If you could steal it, I would say hurray for you. I wouldn't even claim credit for it or anything. I think you could do a lot with that.

Hon Mrs Witmer: I'll have to find it.

Mr Bradley: You certainly will do that.

How much time do I have left?

The Chair: About four minutes.

Mr Bradley: OK. I will have more specific questions, as will some of my colleagues. Perhaps it would be nice if my colleague to the right, Mrs Dombrowsky, could actually ask her question, so a little bit of time for her.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Thank you very much. I would like to draw the minister's attention to the report from the Environmental Commissioner and the issue of Mellon Lake. Mellon Lake is located in my riding. Residents in my riding and from other parts of the province who occasion that community are very concerned about the inconsistency with the establishment of a conservation reserve. The conservation reserve is on the Ontario's Living Legacy Web site. The Web site talks about the uniqueness of the reserve and those items that make it unique: the bare rock ridges, the rock barrens and other natural habitats that support rare animals such as the prairie warbler, the five-lined skink, and several rare plants. So we have, within the community, the establishment of the conservation reserve.

People are very surprised that within the boundaries of the conservation reserve there exists a forest reserve. That's where the public is confused, because within the forest reserve—and I have a copy of an agreement that has been signed by the Minister of Northern Development and Mines that indicates to the owner of a mining company that, "The government of Ontario wishes to give assurances to the proponent that any such negative impact will be avoided and that the proponent will be entitled to exercise the same mining rights as if its mining properties were located elsewhere in the province of Ontario." That is, even though the claim is located in a conservation reserve, the proponent would be able to mine in that reserve. Of course, it has created a great stir within the community because of the inconsistency of the

message, Minister, and I'm sure you can appreciate that. I hope that in your role you would look to clarify that.

Certainly it has been indicated in the report from the Environmental Commissioner that the Ministry of the Environment has a role to play in addressing the consistency of the message. The report would indicate that, "Without government clarification of the public policy contradictions, the Mellon Lake conflict will probably be repeated across the vast area covered by the Ontario Living Legacy strategy." So the commissioner has not only identified the contradictions of your policy as it relates to the issues at Mellon Lake but has also indicated that in all probability this situation will arise in other communities where there are designated Ontario Living Legacy areas.

I hope, Minister, that in your role you would understand how important it is to bring some clarity to your public policy in this regard. Certainly the people in my riding and my community have great difficulty understanding how in one document on the Web site the government is presenting a conservation area where it lists as some of its unique features the rock outcroppings, yet we have another document here signed by a minister that indicates that these very rock outcroppings will be eligible to be mined away. For the people in the community it presents a real problem, and I certainly hope that in your role it's something you will look to address.

The Chair: Just about 30 seconds.

Hon Mrs Witmer: I think part of what happens when the Environmental Commissioner issues his report is the assumption that this deals totally with the Ministry of the Environment. I'd like to get back to what I said before: the environment really crosses all ministries, and this report is directed at many ministries within government.

If we take a look at the issue of Mellon Lake, we will see that it is an issue that has been dealt with by the Ministries of Natural Resources and Northern Development and Mines. They are obviously interested in this particular issue. You're recommending that they would continue to take some steps to address some of the concerns you have made known, and we can certainly share that concern with them, Mrs Dombrowsky.

The Chair: Now to the third party.

Ms Marilyn Churley (Toronto-Danforth): Is it 30 minutes?

The Chair: Yes, 30 minutes' opening discussion or presentation on your part, or, with the minister's apparent co-operation, you're welcome to ask questions.

Ms Churley: Minister, you didn't supply us with notes today from your speech. I understand we're getting those later.

Hon Mrs Witmer: Copies?

Ms Churley: Yes, copies.

Hon Mrs Witmer: Oh, sorry. I wasn't aware that there were no copies.

The Chair: I understand, Minister, that the staff have indicated they will be available next week.

Ms Churley: I tried to take notes from your talk and I did my best, but I have some questions to ask you. I

appreciate your presentation today. I too was very pleased, I should say to you, Minister, and I told you this personally, to see you taking over the ship. I have been pleased to see some improvements—I want that on the record—since you became minister.

It's very clear now, on the other side of the coin, that things got so bad—it's easy to say that you've increased the operations budget by, I think you said, 34%—I'm not sure; I think that's what I wrote down—when it's almost reduced to nothing, and the same with convictions and inspections and all of those things. So I appreciate what you're saying, that since last year many of those have come up by many percentages, but you also know it's a little bit of a shell game, because if you look at the number of cuts and the reductions in inspections and prosecutions, the percentages do look very high. However, I have appreciated the fact that you've gone in there and I'm sure fought at cabinet to get these improvements.

I must say I share Mr Bradley's concern. I guess we all do now. The world has changed after September 11, and I too am concerned at this time about the tax cuts. It's a different philosophy and we're not going to get into the corporate tax cuts. I am very concerned that the hope that I had that we were going to see some improvements and extra funding and staffing increases at the ministry is going to be lost, and that will be through no fault of your own. But that is a concern, I guess, clear across the ministry now. If I had my druthers, I would tell your Premier not to do the tax cuts now; perhaps a sales tax holiday, but that's for another day.

1640

I tried to take notes. You were talking about the Gibbons report. I'm not going to go into a lot of detail about that today; I did the last time, when the previous minister was here. But you talked about the necessity of ministries all working together, that the Ministry of the Environment isn't the only ministry that should be the caretaker for the environment, which I fully agree with and support that concept. I'm alarmed by the things that have happened that were already being put in place when the NDP was in government; for instance, the Environmental Bill of Rights, and the Environmental Commissioner's office partially was set up to do that. The green planning act, which I'm sure you're aware of, that your government killed, was a cross-ministerial effort, and there are other examples of that. What I've seen since your government took over is that many of the steps that had already been put in place were lost. There are examples in the Environmental Commissioner's report where he told us—I don't think this was in the report. He said that the MOE failed to post 1,200 proposals or decisions on the EBR registry and only did so after his intervention. That's a concern.

The Environmental Commissioner's office praised the quality of your ministry's air quality reports but expressed major misgivings about how long it takes to get the reports out. He said he had been promised—I don't know that it was you specifically—that you would publish the 1999 Ontario air quality report by spring

2001, and that is still not done. I again checked the Web site today and didn't see it.

When you talk about the Gibbons report—again, I have misgiving about parts of that report which I have no time to go into today—it's a shame to see that some of the steps that were happening have disappeared. I'm glad you want to see that kind of policy coming back, because I've got to tell you, I've sat around a cabinet table and I know how difficult it is sometimes with ministries, with their own policies and their own priorities, to get the cross-ministerial thing happening.

On the same subject, I wanted to talk about a couple of committees that are happening. It connects with you in that you are the Minister of the Environment but these are other ministries doing this stuff, and one is the nutrient management committee, which I sit on and I have been travelling, and the other one is the alternative fuels committee. Both are very interesting committees and your role is very important in both of them. Mr Bradley mentioned, "Who should be in charge?" Of course, at the committee level, mostly, I would say, it was the farm community that was very clear that they wanted OMAFRA to be in charge.

I think there were two key issues that came out of those hearings. That was a big one, with some dispute, and the other big issue that came up—and perhaps this doesn't pertain so much to you but I think it does affect the environment—is whether or not the new nutrient management regulation should supersede municipal bylaws. There is a big split there as well. Again, many in the farm community feel very strongly about it, and I understand why there are concerns around that.

But then there are many others who feel that the municipalities should have the jurisdiction to have some say in their own planning and that one size doesn't fit all. Of course, there could be a way to have minimum standards. But there are some suggestions that some municipalities, given the environmental sensitivity of some of their land, should have a right to improve on those. I guess you are aware that those are the two big contentious issues. The third one is funding. Farmers made it very clear that the OSTAR funding, in terms of implementing this, is just not going to do it and they're very concerned about that, as I'm sure you are.

The other thing I wanted to talk to you about was the alternative fuels committee. I don't know if you have any views on where that should be going, but in order to meet the targets there's a bunch of things that can be done now. This is not looking at the fun technology stuff, and we're doing all of that and there's a tremendous amount of exciting, new emerging technologies. But things like energy efficiency, energy conservation, retrofitting of buildings, those kinds of things I think now more than ever we shouldn't be waiting to do. Bringing in more public transportation—and I know some of this is expensive stuff; it's an investment in our future, however—converting the coal-fired plants into natural gas, those are the kinds of things that I hope you're having a say in.

For instance, the New Democratic caucus put forward a proposal that's been endorsed by the TTC, and that is

one to bring in a dedicated fund taken from the gas tax to go exclusively partly to public transportation and partly to repair of roads. There are other options out there as well.

Those are some of the things that are happening now that are not within your ministry. I know you're paying attention to them, but I hope very much that your voice is strong and prevails on some of these issues.

I have a couple of questions, but I'd like to give you the opportunity to comment on those, as long as you don't take up all the rest of my time, if you'd like to.

Interjection.

Ms Churley: I know, but I know Mrs Witmer wouldn't do that. It's up to you, if you have any comment on any of those.

Hon Mrs Witmer: I'd just like maybe respond to some of the statements you made about some initiatives you had introduced. Obviously, when the government took office in 1995 there were some changes made and you expressed some concerns around the Gibbons report. What we're trying to ensure happens is that we continue to move forward, and I think I've stressed that enforcement is going to continue to be the backbone of the operation. But certainly we recognize, and I'm sure that anyone who's been Minister of the Environment recognizes, that in order to get the support of all your cabinet colleagues, you are going to have to ensure that they see they do have an individual responsibility and that the environment doesn't stop at the Ministry of the Environment.

You talk about transit. The Minister of Municipal Affairs and Housing has a responsibility to be supportive of that, as does the Minister of Transportation. I think the announcement that was made recently on public transit, where I had the opportunity to participate with my colleagues, demonstrates that we are working together as a team, because public transit is very much an environmental issue as well as obviously a benefit in that respect.

We've set up a new committee now, the committee on the environment, which we never had before. We are trying to make sure that all ministers share equally the commitment and the responsibility for the environment, Ms Churley.

Ms Churley: Good luck.

I wanted to ask you a little bit about the SuperBuild fund. My leader, Howard Hampton, asked a question on this today and I want to specifically ask you about this. As you know, your government killed the provincial water protection fund last year and the government announced \$240 million available through SuperBuild for infrastructure projects, not necessarily only sewer and water. There's real concern about that money flowing. For instance, as was pointed out today, Sudbury is asking for an extension, and so are other municipalities, on the deadlines under the clean water regulations, because they've not received the promised funds to make the improvements they need to under the regulations; without the funds they can't do it. I'm wondering what's going to happen. Are you going to extend the deadline? What

about the municipalities that did not receive the grants and those that don't even qualify? But I guess the bigger question is, how soon is that money going to flow or are you going to have to extend that deadline?

1650

Hon Mrs Witmer: As we talk about the OSTAR funding, and the fact that the government has committed a minimum of \$240 million—which I think is very significant—to assist the municipalities to upgrade their water and sewage infrastructure, it's very important that we keep in mind that this is the first time in the history of the province that we have undertaken this type of initiative to provide that type of support.

Ms Churley: What do you mean by that? Sorry. Support for sewer and water infrastructure?

Hon Mrs Witmer: Yes. I think there has never been an initiative of that magnitude undertaken by any government, and so there has been a lot of work involved in ensuring that there was a comprehensive review of all of the certificates of approval for all of the municipal waterworks in the province, Ms Churley.

Ms Churley: I see what you're saying, but what—

Hon Mrs Witmer: I'm saying there was a lot of work involved, and that was our job on the part of the Ministry of the Environment. Obviously, once we had completed those reviews of the current certificates of approval, and I should mention that some of those certificates of approval went back as far as 1970—

Ms Churley: Minister, I'm sorry to interrupt, but in such a limited time I'm really trying to find out what the answer is to when the money's going to flow. Are you going to have to extend the deadline, and added to that, who decides what portion of that \$240 million will be actually directed to water and sewer, since it also can go in other directions? What role do you play in that decision of where the money goes?

Hon Mrs Witmer: Our role was to do the review I've just talked about, and I'll ask Mr Breeze to continue, but I've tried to set for you the stage as to what we were dealing with and the fact that we were dealing with certificates that did go back as far as 1970. Also, we've had to hire additional staff to do this review, but Mr Breeze, I'm sure, can expand upon this.

Ms Churley: All I want to know is when they're going to get the money and what's going to happen if they don't.

Mr Robert Breeze: As the minister said, there is a very intensive review going on right now. Under the drinking water protection act, all municipalities had to submit a mandatory engineering report. They had to be submitted by July 31. All of those reports are in and we're now in the process of working with the municipalities for all of those reports and issuing what are called draft certificates of approval. We're looking at something like 685 draft certificates of approval. We're now in the process of applying all of the due diligence to make sure that at the end of this process municipalities fully comply with the drinking water protection regulations. By July 31 all of those reports were

in; by August 31 all municipalities had to receive their financial applications under OSTAR. That has been completed and now we're doing the detailed—

Ms Churley: What my point is, and I—

Hon Mrs Witmer: Marilyn, I think I know what you're asking. We don't make the decisions on the funding.

Ms Churley: That's my point.

Hon Mrs Witmer: The OSTAR program, which is administered by the Minister of Agriculture, Food and Rural Affairs in conjunction with SuperBuild, makes the decisions after we've done the review. I think that's the short answer to your question.

Ms Churley: My point is that I'm disappointed. I think it's wrong that the ministry no longer takes responsibility for municipal water and sewer capital projects. That's what has happened. It's only a portion of the SuperBuild fund and you're not in on the decision of where that money goes. So, as the list grows of municipalities in Ontario that can't bring the water and sewer infrastructure up to standard because they don't have the money and they can't get the money through SuperBuild, will you reconsider the decision—and I know you weren't part of that decision—to eliminate the provincial water protection fund which is specific for sewer and water? That's now gone, and you're quite right: that's the problem I'm trying to point out. You need to get back into that business.

Hon Mrs Witmer: If we want to take a look at SuperBuild, as you know, most of the money that is now provided, whether it's for hospitals or for transportation, is flowing through SuperBuild. The government is dealing with that money differently.

Ms Churley: But would you consider looking at that, given that we're now seeing there are big problems with funding here? I don't want you to have to extend the deadline for the regulations, but what are they going to do if they don't have the money? The money's got to flow. I don't think we can take that any further. I guess it's a recommendation of mine that you take a look at that and consider it.

Hon Mrs Witmer: Again, we certainly appreciate it. I hear what you're saying and understand the concerns, but all capital at the present time does flow through SuperBuild.

Ms Churley: You mentioned air quality. The Environmental Commissioner, when asked—again, this was not in the report—said that he can't predict that Ontario's air quality is going to improve. I'm wondering if as a result of that you have asked your deputy to prepare the changeover for Ontario's coal-fired power plants to natural gas, given the fact that so many die—and it's documented—from air pollution and smog every year. The Environmental Commissioner is concerned that he sees nothing telling him that air quality is going to improve, despite what you talked about in your efforts. One of the key things to do, besides more public transportation and some of the other options I talked about, is to transfer the coal to natural gas.

Hon Mrs Witmer: Again, let's keep in mind that the Environmental Commissioner's report was for the period of 2000 and for just a couple of months of 2001. If you had the chance to listen to Focus Ontario on Saturday night, I understand that the Environmental Commissioner indicated he had seen significant changes in the last few months as to where the Ministry of the Environment was going, and he was quite pleased.

I think we all recognize that air quality is a priority, if not the number one priority, for people in the province. We're focusing on three sectors: the electricity sector—and I'll come back to that—the transportation sector and the industrial sector. Again, I would remind you that we obviously need to do the best we can with the 50% of the air pollution that we're responsible for.

But I understand, if you're a member of the committee on alternative fuels, Ms Churley, that that particular committee is going to be taking a look at the conversion of fossil fuel plants to gas or other cleaner fuels. Personally, I look forward to that happening. I was very pleased to announce earlier this year that Lakeview would no longer be able to burn coal come April 2005, and also that we were able to cap some of the other OPG plants. I think we do need to have some very strict controls and caps on air emissions.

Ms Churley: I appreciated that announcement and said it publicly as well. However, you're not putting the right burners in, so there will be more pollution then. You're aware that is the issue.

Hon Mrs Witmer: But the reality is we don't know what's going to be available by 2005. There may be some new technology. We don't know.

Ms Churley: That's what we'd like to see, the most up-to-date equipment so it's as clean as possible.

Hon Mrs Witmer: And we would too.

Ms Churley: In terms of the alternative fuels committee, I'm on it, and we're trying to sort out where to go with it because there is so much information. We're trying to scope it so that there actually is a report on time to do something. One of my concerns which I've expressed there and I'm expressing here to you is that we should be acting now on some of these issues. I'm concerned that everything now is, "We're doing a report on this. We've got a committee on it." But there are certain things like the conversions that we should have a plan for now.

Energy efficiency, conservation and retrofits are the kinds of things—and there are some other things that we know, some economic instruments and policy changes—that will help to get green energy in. I fear there's no leadership on that. We shouldn't wait for the committee to do it. I see that very much as your role, that you could play a major role in that and push people in the other ministries to act on some of those and not wait for the committee to report.

1700

Hon Mrs Witmer: I certainly do on a regular, ongoing basis, but obviously in order to see some steps being taken further to what has already happened

regarding green energy, again, those are the types of decisions that are made by government as a whole. When it comes to green energy, we need to remember that we do have MEST, which has the lead responsibility for energy. But I do encourage and do feel I am providing leadership. I support wholeheartedly the need for greater strides to be made in providing green energy to people in the province, Marilyn. I hope you are able to identify the priorities in that committee you sit on, because I had the opportunity to read the document this past week and I think there's a lot of good input that the committee has received. I guess it's a matter now of determining, what are you going to focus on and what recommendations you will make to government?

Ms Churley: How much more time do I have, Mr Chair? How am I doing here?

The Chair: About seven minutes.

Ms Churley: Can I ask you about my Safe Drinking Water Act?

Hon Mrs Witmer: You can.

Ms Churley: It's coming up for debate again tomorrow morning. As you know, the last time this bill came up—and I recognize it's a private member's bill, but let's also have on the record that we recognize that votes are whipped sometimes in government if they don't—

Interjection: No.

Ms Churley: “No,” he says. That's what happened in this case. When it came forward before, most of your members, if not all, voted for it, but then killed it at the committee level. I was pleased to see general support for it. The response, however, is, “We brought in regulations”—and I know that's what you're going to say—“and they're so much more advanced than others across the country,” so we should be satisfied with that. But as you know, the Environmental Commissioner pointed out, as have other environmental groups, that those regulations don't go far enough. I've been hearing that there are a lot of recommendations before the Walkerton inquiry commissioner to recommend a safe drinking water act which goes further, and my Safe Drinking Water Act does. In fact, I'd been working on this before Walkerton happened, which is why I was able to get it out there fairly quickly, recognizing when we were in government that there was a huge problem with the mishmash of policies and guidelines. Then I kind of sped it up. But we looked a lot at the American Safe Drinking Water Act and consulted with experts here and came up with a made-in-Ontario version. But we're not reinventing the wheel. This has been done in the US, and I think that ultimately we're going to be forced to go there.

Having said all of that, I know you know the difference between my bill and your regulations. First of all, are you inclined to support this bill tomorrow and have your members support it and have it go to committee for a good airing? Maybe I'll get the answer to that first, which will lead to my second question.

Hon Mrs Witmer: I think what is really key to remember at this point in time is that we are all eagerly

awaiting the recommendations that will come out of the report regarding Walkerton. I think it's quite significant that that report will soon be bringing recommendations forward. We're going to see them before Christmas, obviously.

I think we all very much appreciate the commitment you have made to the Safe Drinking Water Act, but I also would remind you that our government has taken very significant steps already. I think it is important that we now await the outcome of the commission—

Ms Churley: Can I interrupt you, because we're almost through? I've got my answer. I guess that would be my second quick question on that: should the commissioner of the Walkerton inquiry recommend a safe drinking water act, will you then support my bill, or if not, maybe you could bring one in yourself? Is that a commitment you can make should he recommend that?

Hon Mrs Witmer: Whenever the recommendations come forward, we will do a very thorough review of all the recommendations that are directed at the Ministry of the Environment, and obviously other ministries will need to take a look at recommendations directed at them.

Ms Churley: So we'll see, in other words. One last question—

Hon Mrs Witmer: We're going to have to take a look and see what's required.

The Chair: You have two minutes.

Ms Churley: I'm sorry to do this, but it's the limited time. I guess I can't ask all of my questions, but I wanted to ask about staffing. The commissioner, and the Environmental Commissioner as well, said in a question that—I can't remember his exact words, but he's not convinced that you have enough staff to carry out your responsibilities. I think you would agree with me that too many people were cut when the ministry was greatly downsized, and I know you've hired some back. But given the incredible workload in terms of protecting the environment and all of the identified problems in this leaked cabinet document that I still have—it's dog-eared now—less than 10% of sources of pollution were being inspected. We've got a problem. I'm wondering how you feel now about the staffing levels and what you think you need.

Hon Mrs Witmer: I'm personally very pleased at the enforcement and all of the initiatives that have been undertaken this past year. I can quote again to you some of the figures and some of the improvements, but I think the ministry has undertaken and moved forward in a manner that demonstrates that we're serious about being tough. I would remind you that not only do we have our SWAT patrol, but we also have the inspection team that we used to have. What we've added is in addition to what we already had before.

Ms Churley: And you think that's adequate, given so many were let go?

Hon Mrs Witmer: I think if you take a look at our statistics, there has been tremendous improvement made this past year.

The Chair: That completes that round, and we're now over to the government caucus and Mr Wood.

Mr Wood: My first invitation would be for you to complete your statement if you wanted to add something to what you've already said. We do have some questions, but if you had something you wanted to add to what you were saying, feel free to take this opportunity to do it. If not, we'll go to questions.

Hon Mrs Witmer: Maybe we'll go back to brownfields. That's a commitment that is, again, an environmental issue, but it's being led by the Ministry of Municipal Affairs and Housing. We're trying to clean up contaminated lands, which are more commonly referred to as brownfields. We've introduced legislation and it will remove the barriers to the cleanup and redevelopment of brownfields. In doing so, in cleaning up those lands, we will be better protecting our environment and also eliminating some of the lands that pose a real threat to human health.

I'd like to focus now on hazardous waste. This is an issue that has always been, and probably will remain, an area of great concern to the public. It's an issue that we take very, very seriously. On November 7, 2000, we passed the toughest hazardous waste regulation in the history of this province and we have been moving forward. Our strength and rules are at a point where they're consistent with rules in the United States, and they will ensure that all hazardous wastes, both those that are generated domestically and those imported, will continue to be managed in an environmentally sound manner.

I'd like to share with you that—maybe this goes back to address the question raised by Ms Churley—in 2001-02, our commitment is to undertake 250 hazardous liquid waste inspections, as well as inspections of 20 hazardous waste disposal sites and 50 transfer processing sites. I think this builds on what I said before about the inspections that are underway and the enforcement activities. It really is a very sincere commitment we have made and are undertaking.

If we take a look at the information and technology area, one of the most interesting findings of the Gibbons report is that the jurisdictions that do the best job of protecting the environment are also the most transparent. So we are developing an integrated, accessible information management strategy called Environet, and this will guide and transform the ministry's capability to deliver its many information-based programs via the Internet. It represents a new business delivery strategy. It will deliver single-window electronic access for ministry programs and policy development and for stakeholders. It uses an integrated approach that will link databases and provide information based on geography, sectors, programs and so on. This information will be fed into the system by industry, governments and other providers.

1710

Environet will improve the quality of our services in that it will enable us to meet the increasing demand for information and services, it will help reduce the cost of delivering programs and services, and it will provide real-time access to information used to enforce environmental regulations.

The ministry is using a phased-in approach to deliver Environet. We are building the system as business applications are needed. The first applications, the drinking water monitoring and compliance information system, OnAir and SWAT, have been approved and funded. The hazardous waste information network is the next proposed business application for Environet.

I have made several remarks, and I want to go back to what I said before on becoming a leading environmental jurisdiction. In doing so, I've referred to Val Gibbons's *Managing the Environment Report*. I've referred to the strategic shifts called for in the report and the way we're beginning to make those shifts, and I want to emphasize that those are just initial steps in the process.

I'd like to now turn to how we're specifically implementing the *Managing the Environment* vision. I've made reference to the fact that we have established a cabinet environment policy committee as well as an implementation and transition secretariat. The secretariat is led by an associate deputy minister, Bob Breeze, who is one of only two associate deputy ministers within government. Under his leadership, the secretariat is leading the changes taking place within the ministry and across the public service. Over the next six months, the secretariat will focus on establishing the initial mechanisms for making changes across the ministry, government and with other stakeholders; initiating test projects in such areas as economic instruments, integrated compliance assurance and performance management; and developing the external advisory capacity to link with the public, non-government groups and scientific, technical and environmental stakeholders.

I'd like to conclude by making some remarks about the cost of inaction. During the presentation today, I've tried to outline some of the accomplishments and current activities of the government and the Ministry of the Environment, and I've described a new vision that is guiding our efforts as we look for ways to manage the challenges facing the environment in this new century.

I've told you about some of the accomplishments and future directions. Certainly, we need to be cognizant of the fact that we all appreciate that the status quo is not acceptable. So we must embark, and we are embarking, on new paths with new ideas, new energy and new resources. We are investing more in the environment because the cost of inaction is simply too great. We must maintain and build upon our momentum, we must develop new partnerships and we must mobilize our resources and those of our partners. That's why I was pleased that on *Focus Ontario* on Saturday, the Environmental Commissioner recognized that things had changed at the ministry and that we were building upon a certain momentum.

We are endeavouring to move forward by working with partners from across the spectrum because we realize we can't do it alone. We must make capital investments in the physical infrastructure that supports our environmental efforts. At one time, this province planned its infrastructure with foresight and wisdom, and

I think that's part of the reason the government is trying to do this by having SuperBuild there and having a more strategic approach.

At the same time, we are becoming more strategic in the accumulation of another kind of capital—intellectual capital. This notion cuts to the core of what the Gibbons report is all about. Our greatest asset is knowledge: knowledge within the ministry and across the government and in all sectors of society. We need to foster the growth and sharing of this intellectual capital and ensure that it is harnessed for the good of the environment. Again, it comes back to our vision of finding, organizing and using the latest knowledge to ensure that best environmental management practices are in place and to ensure continuous improvement in the way we protect the environment on behalf of the people of Ontario.

If we fail to make timely and necessary investments in environmental infrastructure, the cost will be even greater if we fail to take timely action. In the same way, a failure to invest in our intellectual capital will have grave consequences. We cannot afford to fall behind the curve. We must continue our journey of continuous improvement. We must become a leading environmental jurisdiction and a model for other jurisdictions. That is our objective, that is our vision, and I look forward to working with all colleagues on all sides of the House in order to ensure that is a goal that we can achieve.

Mr Wood: The question I'd like to put to you first is, some time ago the ministry was taking a look at administrative monetary penalties as a means of enforcement, and I wondered to what extent they've been adopted as a means of enforcement and what the experience has been if they have been adopted.

Hon Mrs Witmer: Yes, we have been and are moving forward. I'm going to call on the ministry to share with you the details of what has happened thus far.

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

The ministry received the authority in legislation two years ago to move forward on administrative monetary penalties. We have spent a number of months working on proposals because the administrative monetary penalties get into a whole area of our enforcement slightly above what you would call prosecutions. These are areas where we know that if we put in place an enforcement regime companies will not go down, where we might in fact get to the situation of some environmental harm. So this involves dealing with reporting. It involves security at different sites. In total, we've gone through all of the abatement activities and compliance activities we do in the ministry, and we are now coming forward with a review of all of that so we will then be able to proceed with an administrative monetary penalty regulation.

Mr Wood: I gather there have been none actually imposed as yet?

Mr Barnes: That's correct.

Mr Wood: OK. My second question is in the area of delegated regulation—you're familiar with delegated reg-

ulation in other areas such as the Technical Standards and Safety Authority. I wondered whether or not that was being looked at in any areas in which the Ministry of the Environment works.

Mr Barnes: The methodology that they use in the Technical Standards and Safety Authority for electrical inspections, elevator inspections: those areas, I suspect, are the ones that you would like a comparison to?

Mr Wood: I'm simply citing that as one example. Feel free to consider any instance of delegated regulation. I'd like to know whether or not you see the TSSA or similar models as being ones that could be looked at in the environmental area.

Mr Barnes: There are a couple of items. If you think about how you do manage the environment, as the Val Gibbons report recommended, there are areas where we need broader partnerships and self-management by different industry groups. In fact, some of the basics that we have started to put in place, like the environmental monitoring regulation for air standards, that in itself, in terms of running a Web site that industry can report to, would be a very viable alternative as well.

1720

Mr Wood: Are there other areas where you see delegated regulation as being worth looking at?

Mr Barnes: There are areas that we obviously could look at. We have a number of activities we're moving forward with. You could actually think about the partnership which is proposed in the waste diversion organization legislation, which is a situation where they're not only going to assist municipalities in funding waste management activities, but they're going to look at what the best practices are and they're going to support industry in terms of how waste is collected and what kinds of waste management practices industry itself can move forward on.

So in that sense it's not exactly the same as the TSSA model, but it is industry working with itself to in fact improve environmental performance.

Mr Wood: The TSSA model, as I see it, is in essence delegating the job of regulation to an independent entity, and that's done under a memorandum of understanding with the minister. That would be how I would describe it. That's really what I was wondering. You've offered some areas where you see that as possibly having some potential in the environmental area. Are there other areas you'd add to that, or do you think you're pretty much covered?

Mr Barnes: I would like to ask Mr Breeze to come up, because he's done some very good work in this area.

Mr Breeze: The issue was addressed to some extent as part of the Managing the Environment report prepared by Val Gibbons. She talked about agencies and compared Ontario to other jurisdictions along the line of the TSSA. What that report found was that jurisdictions that have good experience in developing agencies can be as good in developing them in the environmental area. She compared it in that report; we compared it in that report in probably 15 or 20 different jurisdictions. In the report,

she went a step further and said that at this point in time she recommended that it be considered, but be considered at a later date, because the range of changes that were recommended in the report was so substantial in terms of the five shifts that are in the report; that we actually get through those shifts and consider an agency, which the TSSA is, at a later date.

Mr Wood: But what do you think “later date” is likely to turn into in terms of a date?

Mr Breeze: In the case of the report, I think she recommended something like two to three years to be able to get through the bulk of the changes. If I could take a little bit broader—

Mr Wood: I’ll pin you down just to make sure I’ve got your answer on that. When is it likely that you’d actually consider what I call “delegated regulation”? What date, what year would you anticipate that happening?

Mr Breeze: It’s the same as we said in the report. I think we need to get through the five shifts, and it’s two to three years by the time you could actually begin to consider the agency.

Mr Wood: As in two to three years from now?

Mr Breeze: From now, yes.

Mr Wood: OK. I had another, more general question, unless you wanted to add something to that answer.

Mr Breeze: I can add something to it, in that what Doug Barnes began to talk about is a broader range of tools that we can put on the table that can effectively get you to the same place. We’re looking at some pilot projects, and the pilot projects would be co-operative agreements.

We’ve begun discussions with two or three different industrial sectors. In those industrial sectors, if the government signed an agreement with them, in return for clear targets, in return for transparency, they would sign on to continuous improvement, they would sign on to environmental management systems and they would sign on for third-party audits that would make sure that continuous improvement moves ahead. These co-operative agreements are all focused on a continuous improvement regime that would go beyond minimum standards.

So in essence we can get at the same thing you’re looking at, I think, through those co-operative agreements, where those industries that are capable of going beyond the minimum standards are given the opportunity to do so, but they’re given that opportunity in a very transparent world; they’re given that opportunity with very clear targets established.

Mr Wood: Before I go on to a couple more questions, I would invite the—

Interjection.

Mr Wood: Before I get to the other area, I’d like to comment on what you just said. I do hope the ministry is going to look at 21st-century regulatory methods. There’s a tendency in every organization to do things the way they’ve always done them and think that’s the best possible way. Now that we’re in the 21st century, I think you’ve got to look at some new ideas. So I encourage

you to continue to do that. I think that is an area well worth looking at.

Mr Breeze: Absolutely, and clearly one of the messages in the Managing the Environment report is, “Let’s look at new ways of doing business. Let’s look at all the ways of doing business and pick the best ones to solve today’s problems.”

Mr Wood: Another point I’d like to touch on quickly: in what way would you describe soil quality as having improved in the last six years in the province?

Hon Mrs Witmer: I’m going to call on Mr West.

Mr Bradley: This could eat up the rest of the time frame.

Mr Keith West: My name is Keith West. I’m the director of the waste management policy branch. A number of initiatives lead us to believe that soil in Ontario—particularly as we speak about contaminated sites and the cleanup of those sites—is improving and has the ability to be improved greatly here in Ontario.

In 1996, we produced what I believe is a very comprehensive guideline related to the cleanup of soil and setting standards related to the quality of soils in Ontario, related to when a site is looked at for a particular land use, when an assessment is being made around if there’s any contamination and the ability of the ministry, the landowner and the developer to look at the criteria associated with the quality of the soil and cleaning it up toward those criteria. They have gone a long way and, as you are aware, we have introduced new legislation—brownfields legislation is currently going through the committee process and then the Legislature—to bring even further certainty around the cleanup of soils in Ontario to ensure that any contaminated site can be effectively and efficiently cleaned up and meet the standards we’ve set here to ensure there is protection of the environment.

Mr Wood: Time is a little tight, and some other colleagues want to ask some questions. I’m asking for the objective—

Hon Mrs Witmer: We could give you a further response. Mr Nixon would be prepared to respond to that question as well.

Mr Wood: What I’m looking for are the objective measurements by which you would suggest the soil quality has improved over the last six years. I understand what you’re talking about. Time is tight; just tell me the bottom line measurements.

Mr West: I would suggest to you that the criteria that are currently in place within our guidelines and that will be put into regulation very clearly set out the types of quality of soil that we’re looking for for particular land uses.

Mr Wood: I’m asking for the results.

Mr West: The results that I would indicate to you would be very much predicated in terms of the individual cleanups that we’re seeing throughout Ontario; the fact that those quality criteria that are set are being met and that sites are being cleaned up.

Mr Wood: Do you have any overall answer to this? Can you give me an answer that would touch on province-wide results? Are they all site-by-site or is there any province-wide indication of this?

Mr West: I would suggest to you that they are very much site-by-site in terms of the cleanup we have, the criteria we have and the quality of soil we have after those cleanups are undertaken. So I can't direct you to anything specific in terms of province-wide, but we have very clear criteria and very successful cleanup of contaminated lands here in Ontario and will continue to do so under the new legislation that is being proposed.

Mr Wood: Those are my questions.

Mr Frank Mazzilli (London-Fanshawe): Minister, good afternoon. I certainly was happy to host a couple of sessions—

The Chair: Mr Mazzilli, for your benefit and the benefit of the rest of your caucus, there are about nine minutes remaining in your caucus time.

Mr Mazzilli:—on the brownfield consultation, one in Windsor and one in London. I'm encouraged because, for many years, we've seen—I know Mr Bradley spoke about this—some of the lots in our own communities that have been abandoned for some time. In some cases, they're industrial sites; in some cases, they're former gas stations, many Petro-Canada sites, at what I would consider prime corners in some of our communities, that literally have been abandoned, and no one in their right mind would put their name on the deed. We've left them for no use at all. As much as it's being led by Minister Hodgson, I think the reason those lots were left in the state they were over many years is because of some of the guidelines and rules of the Ministry of the Environment that prevent people from doing some things with those lands, and acknowledging that in some cases the damage had been done over 30 or 40 years. So on one hand, you don't want someone to do anything to it; on the other hand, it's going to cost \$20 million to clean up a site that perhaps could be used as a parking lot.

1730

My point is, it's no safer sitting there with no use and with barricades around it than if it were a parking lot. Some of the regulations and rules that we've put in place over the years, with good intention, have had the opposite effect: having lands sit there. So I just ask that through that consultation process you and your ministry be very cognizant of the fact that some of these rules and regulations are fine if they apply to individuals who in fact are conducting some sort of business. But there are problems that have been created over a period of time and we need to work our way out of those problems and perhaps be a little bit less lenient on those types of problems. I don't know what the answer is, but certainly doing nothing with them is not the answer.

On a further point, I would ask how many sites in this province has the Department of National Defence left without cleaning up?

Hon Mrs Witmer: Before I ask Mr Nixon if he's aware of that, if we take a look at the whole issue of

brownfields, it's like so many other problems in the province. Many of the environmental problems in Ontario and elsewhere are historical problems. They're years and years in the making, and suddenly we're faced with the need to do something about them. This legislation certainly deals with industrial sites that have been abandoned, and what we need to endeavour to do, and we are doing, and we've worked with Municipal Affairs and Housing on this, is to ensure that there is environmental cleanup of those sites and then there is an opportunity to ensure that there is development on those sites. So there are tremendous benefits from a few perspectives.

I'll ask Mr Nixon to respond to your question.

Mr Brian Nixon: To add to what the minister has said, and I think you're aware of this, Mr Mazzilli, the biggest concern of stakeholders, including property owners, is the liability chill that exists around contaminated lands. The process that the minister has outlined that is now going to be in statute is very clear as to the rules that have to be followed. Once those rules are followed and a cleanup is registered on a public registry and certified by a professional whose qualifications are defined by the statute, then the person or persons who do that cleanup can be assured that they will not be subject to future orders by the ministry.

In terms of the numbers of sites the federal government has left, I'm not aware of a specific inventory, but we do know that the federal government has announced in the past funding as a matter of priority for cleanup of those sites. But we can certainly seek out that information and bring it back to you.

Mr Mazzilli: I would encourage you to follow up on it, because many announcements have taken place, including in London, and years later people are still waiting to clean up the sites of some of those.

Mr Nixon: Yes.

Mr Mazzilli: On a brighter note, part of the consultation into the brownfields was our appetite for consumption in this province. I heard from a few people in those consultations who essentially said this: "Here we are in this room discussing how to reduce emissions and then we all run out to the parking lot and jump into our SUVs." So I guess my question is, what is the mood for consumption among Ontarians? We can all have good intentions and talk about what we would like to do, but if the people who actually have to do this, reduce the consumption, do not in fact want to do it, what is the plan then?

Hon Mrs Witmer: You've asked a very good question. If you take a look at polling that's been done, and I think it's by—

Mr Bradley: Not by your ministry.

Hon Mrs Witmer: Not by our government, even. But if you see some of the polling that's been done this past year, you will see that the environment is a huge priority for people. I think the numbers are higher than they have been in the past. People do want to improve, protect and enhance the environment, and I think there is a willingness on the part of many individuals to do their part and

assume some responsibility. Sometimes it's as simple as making people aware of what they can do. For example, we had our messaging—

The Chair: Minister, about two minutes.

Hon Mrs Witmer: OK—this summer about how using your gas-powered lawn mower and your other gas-powered tools can have a negative impact, and if you idle in front of the school when picking up your children, how that can have a negative impact. I think we need to better educate the public as to what they can do in ensuring protection and enhancement of the environment.

Mr Mazzilli: I agree with that, Minister, I think we need to do that. But, as this one person put it, we all understand that we need to do something.

Hon Mrs Witmer: That's right.

Mr Mazzilli: We all understand we have a role, yet all of us who understand that go out to the parking lot and jump into our SUVs and take six bags of garbage out to the curb. I guess no matter what we do, we need to solve some of those problems. I will just leave that with you.

Hon Mrs Witmer: I agree with you, Mr Mazzilli. We all know what we need to do but we don't always do what's necessary.

Mr Norm Miller (Parry Sound-Muskoka): How much time do we have?

The Chair: About a minute.

Mr Miller: OK, at which point, I'll just jump in here.

Seeing as both opposition parties commented on tax cuts being something they were worried about in terms of their effect on the Ministry of the Environment, I'd simply like to give the opposing point of view. I think our Premier and government have shown real leadership in these trying times by moving ahead with corporate tax reductions, by moving ahead with personal income tax reductions, moving ahead with the capital tax reduction. The main reason I would say this is a good thing to do is that he is showing confidence in our economy. He's showing confidence in the people of Ontario at a time when they very much need a boost of confidence. So much to do with the economy is based on confidence and the decisions in business that you make. I can give the example of my own resort where—

The Chair: Thanks, Mr Miller.

Mr Miller: That was it, eh?

The Chair: I don't want to get in the way of that advertisement, but you're very welcome to avail the subsequent time you have. We now move to 20-minute rounds, which are generally exchanges with the minister.

Mr Bradley: My first question is, are there discounts available to members of the Legislature?

Mr Miller: Yes. I was going to make that point.

The Chair: We now turn to Ms Di Cocco.

Ms Caroline Di Cocco (Sarnia-Lambton): Minister, my questions deal with the toxic hazardous waste site in my riding, called Safety-Kleen. As you know, it is the largest site in Canada and, as you also know, I've raised a number of very serious issues concerning that site to your predecessors as well as to yourself.

Last September, I and another resident applied for a review of the certificate of approval of this site, providing a great deal of evidence as to why we felt there was a need to review the business of that site and how it was doing its business.

The biggest issue was the fact that we're the only jurisdiction in North America that doesn't treat toxic hazardous waste before we landfill it. I believe that all of the states and all of the provinces—I think just this summer Quebec changed its regulations. We simply dump it into the ground.

We're talking about cleaning brownfields that have been there for years. This site was expanded in 1997. By the way, I understand there was some type of intervention made by the Red Tape Commission on behalf of Safety-Kleen. I don't know what the detail of that was, but it was made. In 1997, you expanded it from 100 acres to 300 acres. The increase of imported toxic waste going into that site was 273%.

1740

I guess what I'm concerned with is the application for review that was submitted. The response came, "No, not to worry." That's what I've been getting from the various ministers right from the beginning, that all of these standards are there. I understand why my colleague Mr Bradley said you needed a lot of communications people, because of words like, "We're making our rules compatible to the US." I'm assuming that requires a great deal of communication skills, because that doesn't really say you're making the rules more stringent, just that they're compatible, and of course it's all up for discussion as to what that means.

Again, we requested a number of things in that review: that we're not treating the waste; that we required a full-time inspector—I know there's an inspector there, but I understand he's only part-time; this is the largest toxic landfill in Canada, and yet the person there is only part-time—the emergency response systems; the fact that the financial security is abysmal on that site.

You talked about some small sites that needed \$20 million. Well, these guys only have \$2.25 million in the bonds that they have, and they have a liability insurance of \$20 million? Do you know how big this site is? It's huge, yet it seems to me, and according to the Environmental Commissioner, we don't have more stringent rules than the United States.

I'm getting conflicting responses from the ministry versus the commissioner. One of the responses, by the way, Minister, that just came recently from you talked about this regulation of accepting hazardous waste. If we don't have regulations that are stringent, maybe we should just not allow the waste to come into the province. Your responses to me—and your predecessors'—were always that this is of course under the government of Canada, when in fact if the province should deny a request for import, then the permit to import will not be issued by Environment Canada. That comes from the Minister of Environment at the federal level who has written to me in that regard.

You have a great deal of power, if you want, in your jurisdiction to assist us in raising the bar here, because it truly is affecting people in my constituency. The incinerator is a lot less stringent, by the way, than—we gave you that evidence in our application, but the commissioner also states it, that this incinerator, which has the most substantive mercury output and other toxic substances, has less stringent rules than the United States standards. As a matter of fact, it has less stringent rules than non-hazardous-waste incinerators. This is what I'm getting back from the commissioner, as to looking at our application.

I'm here because it does affect people's health. That is going to have a huge impact in that area. Now that I've laid all this out here as best I can—I certainly had no idea about many of these matters and made it my business to find out, because it truly is a serious issue—can you respond, to some degree, about the changes? You keep saying you're increasing and you're making these systems better. On this site, it is my evidence here that we don't have it. It isn't a better site. You haven't improved the rules.

Hon Mrs Witmer: I'm very pleased to respond to your question. Again, I would just like to remind you of the fact that the Environmental Commissioner's report only took us until the early part of 2001. The bar has been significantly raised since that time, this past year. This government is very committed to continually work to improve and strengthen the management of hazardous waste in Ontario. In fact, I directed Ministry of the Environment staff to prepare a proposal to look at the pre-treatment of the hazardous waste, and that is presently underway. It is an issue of concern and we need to make sure that we do everything we can. I was very pleased to note that this past year, when we took a look at our numbers from 1999 to 2000, the imports into the province had decreased by 35% and the exports had increased by 26%.

I want to emphasize that we are looking and moving toward harmonizing our standards with those in the United States. That's where we're going. At the present time already, the hazardous waste standards in this province are the toughest they have been in the history of Ontario, but we want to make sure that we continue to do everything we can in order to ensure that we deter United States companies from choosing Ontario as a destination, as well as making sure that, obviously, those who produce hazardous waste within our own province take the steps to decrease. So we are strengthening our policy.

I would just remind you that on July 5, 2001, we announced some proposed, very strict, new reporting rules and fees. That will mean that industry has to pay the cost for managing hazardous waste in Ontario. It will require the annual registering of companies that produce hazardous waste, which will allow us to track and monitor the movement of hazardous waste in the province. Also, hazardous waste producers must pay for each tonne sent for disposal. These new fees would create almost \$12 million in revenue for the government to monitor and enforce. I think that's very significant.

Also, if you look back at March 31 of this year, there were amendments made to strengthen the hazardous waste framework. Again, it's those amendments at that time that are moving us toward harmonization and being more consistent with the United States. But I recognize there is a way to go, and we will get there. I will be bringing forward more amendments in order that we have a strengthened hazardous waste framework in the future. Yes, we have heard your concerns about Safety-Kleen, and we will continue to take the steps that are necessary to ensure at all times, above everything else, the protection of human health.

Ms Di Cocco: And as to the incinerator, how do you respond to the fact that even the commissioner states that the incinerator, the standards finalized in 1995—it says here, "For air emissions from hazardous waste incinerators, our MOE standards finalized in 1995 for air emissions for new and modified non-hazardous waste incinerators are higher." In other words, non-hazardous incinerators are actually higher than this incinerator here. That's what concerns me, because if those rules haven't even kept pace with non-hazardous incinerators, then what's being spewed out of that stack is a lot more lethal. I have a number of people whose perception of the farming community in the area is that the illnesses are a lot greater than in the other area. That's why I'm so concerned about this. Then, with the response from the commissioner, it heightened the urgency to deal with this. This is the largest one in Ontario.

Hon Mrs Witmer: It is.

Ms Di Cocco: It's one. Let's just deal with this and see if we can change the rules so that at least it's a cleaner stack. How do we respond to what the commissioner stated here?

Hon Mrs Witmer: I'm going to ask—

Mr Jim Smith: I'm Jim Smith. I'm the director of the standards development branch. There are a number of areas I want to bring to your attention where we've significantly strengthened the standards that are associated with emissions from incinerators, such as the hazardous waste one, Safety-Kleen.

Ontario has actively participated in the development of Canada-wide standards for some very key, important substances. I know you're aware of these substances: dioxins, furans and mercury. For mercury, Ontario actually led the national initiative to reach consensus across the country on what would be the appropriate standards for these chemicals.

1750

For incinerators, not only hazardous waste incinerators but sewage, sludge, municipal and biomedical waste, standards were finalized for dioxins and furans, and they will apply to Safety-Kleen. What's important here is that the national process takes into account environmental protection and brings together national stakeholders in a very open, transparent consultation, to make sure the standards are appropriate and protective. Ontario also posted those standards on our Environmental Bill of

Rights registry for public comment before they were finalized in Ontario.

Similarly, for mercury, which is another major concern as a global pollutant, standards were developed for core incinerators as well, not only for hazardous incinerators—Safety-Kleen—but for sewage, sludge, municipal and biomedical waste. These standards are state-of-the-art in that they take into account current technologies that can bring down reductions to the greatest extent possible for these substances. That's what these standards are based on.

Ms Di Cocco: But these aren't going to be implemented. This is an existing incinerator that's been there for 20 years, so a lot of the rules don't apply to it. This is what alarmed me. Yes, you are changing the rules, but they don't seem to be applicable to existing—

Mr Smith: The rules are applicable to new incinerators and existing incinerators. There is a phase-in date for application, because the technology requirements need to be considered and alterations would need to be made to the facility to meet those.

Ms Di Cocco: But six years is going to be a long time. I believe it's 2006 that it has to be phased in.

Mr Smith: That's correct. That's all across Canada. These standards were looked at. They are aggressive standards in terms of what was required for implementation.

Mr John Gerretsen (Kingston and the Islands): How much time do we have left, Mr Chair?

The Chair: About five minutes.

Mr Gerretsen: Madam Minister, first of all, it's nice to see a minister here who is actually prepared to answer some questions, because you've got a great, big task ahead of you. Let's face it, the NAFTA environment office still calls us the third-worst polluter in North America of all the jurisdictions. All you have to do is look at the Environmental Commissioner's last three or four reports and you realize that the situation in Ontario has actually gotten a lot worse than better. So you've got a big job ahead of you, and I like this notion that you want to work with everybody.

My specific question relates to SuperBuild and OSTAR and your involvement in them, and in particular those applications that have been made by municipalities—I'm thinking of my own municipality of Kingston right now, where they've applied for a loan from SuperBuild in order to put a new sewer line into the Cataraqui River system, which will cost somewhere between \$15 million to \$20 million, or maybe even a lot more than that, which obviously a local municipality itself cannot afford. They made the application and they want to know where it's at.

If you're telling me that your ministry really has very little involvement in an issue which is purely environmental, I'm very disappointed in that. Could you just enlighten me as to whether you were involved in that process and what kinds of recommendations you, as minister, and your ministry made with respect to that particular and other like applications?

Hon Mrs Witmer: I don't know if you were here before, when we did respond to this question.

Mr Gerretsen: No, I wasn't here. I was in the House trying to straighten the government out on another issue. Go right ahead.

Hon Mrs Witmer: We did endeavour to respond to this question before and tried to indicate that our job was to take a look at the certificates of approval, which was an onerous task because some of them went back to 1970.

Mr Gerretsen: Oh, no, Minister. I heard all that. I was here for that. But from what you said earlier, it sounds to me like there are only two people making the final decision in all that, and that's Mr Lindsay of SuperBuild and the Premier of the province.

Mr Bradley: It's political.

Mr Gerretsen: It's purely a political decision. Will you agree with me on that?

Hon Mrs Witmer: The announcements are going to be made by Mr Coburn.

Mr Gerretsen: When? Can you give us a ballpark figure? I know governments usually like to keep these things somewhat secret so they can surprise the opposition members with them, but—

Hon Mrs Witmer: Obviously Mr Coburn would be in the best position to share with you the information as to when he would be making these announcements.

Mr Gerretsen: But this is my municipality. Forget about me, an opposition member, asking this. This is of grave concern to the city of Kingston.

Hon Mrs Witmer: I appreciate that.

Mr Gerretsen: They want to know when they can go ahead with it. Can they expect an announcement before Christmas, before next summer? When do you think it will be made? You don't have to give me the exact date or the manner in which it's going to be made.

Mr Bradley: Will there be a big cheque presented?

Hon Mrs Witmer: I can only say to Mr Gerretsen, and I think we would all agree, there is a need for the municipalities to be informed regarding the amount of money that is going to be available for this infrastructure. It is an announcement that will be made at a time and place that will be decided by Mr Coburn.

Mr Gerretsen: This is so disappointing. You sound just like the other minister we had here before. But I must admit, you do it in a much more pleasant fashion than we're accustomed to.

Mr Bradley: In the fullness of time, is that fair to say?

Hon Mrs Witmer: I guess whenever the decision is made. As I say, we have endeavoured to do our job as quickly as possible. We hired additional staff to do the work.

Mr Gerretsen: I guess the really truly disappointing aspect of this is that under the old MISA program years ago and all the other programs, the Ministry of the Environment was heavily involved in the lead-up. We have probably—and I think you'd agree with me—the best former Minister of the Environment right in this room by the name of Jim Bradley.

Hon Mrs Witmer: I'd agree he's pretty good.

Mr Gerretsen: But leaving that aside, you can better him if you'd just be out there fighting so municipalities can get the necessary funding to basically rebuild their infrastructure. It's needed all across the province. We'd like you to be at the table to make the final decision, and not just a recommendation to the chair of SuperBuild and the Premier. We want you to be there fighting for the

municipalities. Will you give that commitment to this committee?

Hon Mrs Witmer: John, I can commit to you that I will fight on behalf of municipalities.

Mr Gerretsen: Thank you very much.

The Chair: With that, we have concluded for today and we will resume next Tuesday. Thank you.

The committee adjourned at 1757.

CONTENTS

Wednesday 10 October 2001

Ministry of the Environment E-155

Hon Elizabeth Witmer, Minister of the Environment
Mr Bob Breeze, associate deputy minister, implementation and transition secretariat
Mr Doug Barnes, assistant deputy minister, integrated environmental planning division
Mr Keith West, director, waste management policy branch
Mr Brian Nixon, director, land use policy branch
Mr Jim Smith, director, standards development branch

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