



---

ISSN 1181-6465

Legislative Assembly  
of Ontario  
Second Session, 37<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario  
Deuxième session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

Tuesday 16 October 2001

**Journal  
des débats  
(Hansard)**

Mardi 16 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  
Greffière : Susan Sourial

---

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Copies of Hansard**

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

### **Exemplaires du Journal**

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

---

Hansard Reporting and Interpretation Services  
3330 Whitney Block, 99 Wellesley St W  
Toronto ON M7A 1A2  
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

Tuesday 16 October 2001

Mardi 16 octobre 2001

*The committee met at 1538 in room 228.*

## ELECTION OF ACTING CHAIR

**Clerk of the Committee (Ms Susan Sourial):** Honourable members, it's my duty to call upon you to elect an Acting Chair. Are there any nominations?

**Mr John O'Toole (Durham):** I move Mr Peters.

**Clerk of the Committee:** Any further nominations? Seeing none, I declare the nominations closed. Mr Peters is elected Acting Chair.

## COMMITTEE BUSINESS

**The Acting Chair (Mr Steve Peters):** We'll call the meeting to order. First off, just again on behalf of the committee members, Minister, a happy birthday today. We wish you many more.

Are there some items of business?

**Mr O'Toole:** Yes. I just wanted to move administratively to request the indulgence of the committee to move tomorrow's meeting, that's Wednesday's meeting, to next week to convenience the minister, who has an important prior commitment with a cabinet committee on environmental issues, which she chairs.

**The Acting Chair:** Is there any discussion?

Agreed? Agreed. Thank you, Mr O'Toole. Any other business?

## MINISTRY OF THE ENVIRONMENT

**The Acting Chair:** We'll start with the NDP, 20 minutes.

**Ms Shelley Martel (Nickel Belt):** Minister, I wanted to spend my time today examining the relationship between SuperBuild funding and the ability of communities to receive this funding in a timely fashion so they can actually meet your safe drinking water guidelines.

I wanted to start with a letter actually from the city of Greater Sudbury that went to Mr Wilson, who's your regional director in Thunder Bay. It was dated August 30. The contents of the letter are as follows: the city made it clear that they were wanting to upgrade the David Street water plant to meet your guidelines; that in fact they were ready to go to tender at that time; that your government had committed funds from SuperBuild as early as June 15, but that they were not in a position to proceed

because the money has not flowed even to this point. Let me just read a part of this into the record:

"With these delays, we now face winter construction. The difficulties arising from work at this time make it impossible to complete the construction of this project by December 31, 2002, as required by Ontario drinking water regulation....

"We now estimate that construction will extend well beyond December 31, 2002. Based upon the assumption that funding will be available before the end of the year 2001"—and there is still no guarantee of that—"we are now asking for an extension in order to complete the necessary upgrade at our David Street plant.

"Should the funding not be secured during the 2001 time frame, it may be necessary to request a further extension for the implementation of this critical work.

"We are very disappointed about the delay of this work. We look forward to your support in securing the necessary funding to commence the work. We appreciate your assistance and look forward to your granting of this extension."

Minister, I'd like to ask you what your response is to this. The community is now in the position of having to ask you for an extension to meet your guideline because your government still has not flowed the money they need to do the necessary upgrade.

**Hon Elizabeth Witmer (Minister of the Environment):** I can appreciate the concern of the community. As you know, it is our job to review all of the certificates of approval and prepare them. However, I believe the funding for the Sudbury project is not coming through OSTAR but through the millennium fund; is that right?

**Ms Martel:** Yes.

**Hon Mrs Witmer:** As you know, that money will be released by SuperBuild through the appropriate ministry at the appropriate time. I'm going to ask Bob Breeze, the associate deputy minister of the environment, to further address the issue in Sudbury, which I can well appreciate is of concern.

**Mr Bob Breeze:** While I recognize the issue at this point in time, I can't provide specifics on the Sudbury application but indeed can look into it.

As the minister has said, the applications come into the ministry, we conduct our technical review and, on the basis of that technical review, recommendations go on from there to SuperBuild, who make the final decisions and the final announcements. Where it exactly is in that

process at this point in time: I would need to go back and actually check the details of the records to find out at what point it is.

**Ms Martel:** There are two issues: the issue of the funding under the millennium fund and why the delay. There have been meetings that continue to go on in the community with no end in sight.

There is a second issue that relates directly to your ministry, and that is a request made on August 30 to the ministry to grant an extension. Even if funding were flowed tomorrow, this is an 18-month project. There is no way the community can meet the deadline under the clean water regulation. I'll get to the second role, about your role around SuperBuild, but there's a direct role for this ministry with respect to the request for the exemption.

**Hon Mrs Witmer:** In response to the request for the exemption, as you probably are well aware, Ms Martel, the directors have the ability to extend the deadline, should that be determined to be the appropriate decision to make, and they review all of these on a case-by-case basis. Certainly in this instance the director would be reviewing that particular request if the money is not provided in a timely manner. Obviously the work is not in a position to move forward.

Mr Griffith, do you have further information?

**Mr Carl Griffith:** Carl Griffith, assistant deputy minister for the operations division. I don't have specifics on the Sudbury file, but as the minister was saying, we review and negotiate with municipalities, and if there are valid reasons for an extension, then that decision can be made.

**Ms Martel:** Can I ask how long a decision takes? Their letter was forwarded August 30. We are now at October 16. There is no way the project will be completed, even if money was made available tomorrow. When can the city get a response, to know whether or not there will be an extension? Clearly, they don't want to contravene the guideline.

**Hon Mrs Witmer:** I would say in response to your question, Ms Martel, that it is incumbent upon the staff of the Ministry of the Environment to respond to the city in a very timely manner in order that that question can be answered. I would agree with you, even if the funding were to come tomorrow, that's simply not possible. We will endeavour to get a response for you.

**Ms Martel:** Further to that, Minister, would you know how many other communities might be in a similar situation to the city of Sudbury, that is, now applying to your regional directors for extensions, because money has not flowed from SuperBuild and they will be unable to meet the guideline? Are you monitoring those numbers of communities?

**Hon Mrs Witmer:** I would ask Mr Griffith if he has the numbers. I personally don't have knowledge of how many there would be.

**Mr Griffith:** I do not have those statistics with me, but we are keeping track of what is going on with the review of the engineering reports and municipalities as

they are coming forward with concerns around extensions and being able to meet the requirements of the regulation. I can commit to coming back with information on that, yes.

**Ms Martel:** I would appreciate that, if you could actually give the committee an idea of how many communities would be asking for exemptions now because they cannot meet the guideline.

Further to that, because that's something your ministry is directly responsible for, I'd like to know what kind of intervention you are making with SuperBuild and particularly with your colleague Minister Coburn with respect to delays in getting this money out the door. You have the guidelines. Municipalities are trying to meet those, yet clearly neither under OSTAR nor under the millennium fund has money actually started to flow for this project. What interventions are you making with him to get this money out the door so your guidelines can be met?

**Hon Mrs Witmer:** Obviously we are very keen and have been asking that this money would flow as quickly as it possibly could because we realize it is important that communities be in a position where they can meet the guidelines that have been set. We certainly have been intervening on a regular basis, not only with Minister Coburn but also to make sure that SuperBuild flows that money as quickly as possible.

**Ms Martel:** Do you have an idea how many applications are in on both programs, millennium funding which, as I understand it, would be for larger municipalities for these projects, and then to OSTAR for the smaller municipalities?

**Hon Mrs Witmer:** I think we can give you a response.

**Mr Breeze:** I'll speak to OSTAR. Under OSTAR they were required, first of all, under the regulations to submit what is called a mandatory engineer's report. Of those municipalities that were going to undertake them, we've funded 210, to the tune of \$3 million, so that has already flowed. All of the engineering reports came in by the final deadline, which was July 31, 2001, and there were 685 of them.

Four weeks after that, municipalities, after having submitted this technical report, had another deadline, August 31, which was the date you refer to, and that was to submit their OSTAR applications. Some 171 applications were submitted.

It's difficult to compare the two numbers, because the 171 refers to the number of municipalities and the 685 deals with facilities. Some municipalities have more than one facility, so it's a little bit apples and oranges. Both of those dates have been passed and all applications that we had expected indeed are already in.

Under the program we have to issue what are called draft certificates of approval. It's the technical approval that says to municipalities, "What you thought you were going to apply for actually is in keeping with the drinking water regulation." About 300 draft certificates of approval are out the door today, and by the end of the

calendar year all of the draft certificates will be available to municipalities. That's the end of this calendar year. Municipalities are then in a position to be able to take a look at the draft C of A, the regulation, make their decisions as to how they want to actually comply with the requirements and the certificate of approval and then make their final application for funding.

**Ms Martel:** This is strictly for engineering reports at this point in time, no remedial work?

**Mr Breeze:** This is for the complete requirements to comply with the drinking water protection regulations, all rolled into one singular piece. What I'm talking about are OSTAR numbers; I'm not talking about millennium numbers at this point in time.

**Ms Martel:** Let me back up, because I heard you say that money has been flowed from OSTAR.

1550

**Mr Breeze:** There are actually two amounts of monies that have flowed. There's the \$3 million that has gone out for the mandatory engineers' reports, and there are 210 of those. There are a number of municipalities that elected to do it themselves, so they simply didn't get money. So that amount is out the door. It went out the door sometime in the summer. I can't give you a specific date, but I believe it was sometime in the summer. That was amount number one. There are two options—

**Ms Martel:** Sorry, before you get there, there are two communities in my own riding where that has not been the case: the community of Foleyet, which is a small municipality that's run by a local service board, and the second one—they were good enough to provide me with the documentation so I could raise it here—has to do with the community of Gogama. In neither case has money been flowed for the engineering studies. So I have a couple of questions.

They were granted approval in February. They were told the amount of money they were going to receive. They received two letters on the same day, September 13, 2000. The first was to say that it was important to note that the amount they had been provided, or talked about in earlier correspondence, was only an estimate, and there was a review going on of the engineering report by MOE's engineer and that estimate might change. On the same day they got another letter from OSTAR saying, in fact, "We have revised our estimates based on our engineer's looking at your engineering report and we are revising our estimates downwards. We are not accepting all of the details included in the engineer's report."

I have a question about where that money is, but I also have a question as to why MOE engineers would be reviewing and revising downward estimates of work that came in from engineers that these two municipalities had contracted to. What is the basis for that?

**Mr Breeze:** Can I confirm the date? Did you say September 13, 2000 or 2001?

**Ms Martel:** It's 2001. I apologize if I said 2000. I have copies of both of them here.

**Mr Breeze:** We conduct a very detailed engineering review of the mandatory engineering reports that come

in. The purpose for doing that is to make sure that what they're actually applying for will result in compliance with the regulation. We are exercising a lot of due diligence. We are making sure that our evaluation is as rigorous as possible so that at the end of the day we end up with facilities that completely and fully comply.

The way the program is structured, if a municipality was looking for funding for activities that went beyond the drinking water regulation, those wouldn't be fundable. What we are funding in option number 1 is just those elements that get you to the regulation, not the elements that might take you beyond at this point in time. There are other options to deal with those, and that would be option 2 that I talked about earlier, but under option 1, the drinking water regulations, we would only fund those that get you to compliance of DWPR.

**Ms Martel:** Can you tell me, of the applications that have been reviewed to date under option 1, how many municipalities or local service boards would have had their estimates revised downward so that they will end up with less funding?

**Mr Breeze:** I don't have that information at this point in time. I also don't have the information about those that have—

**Ms Martel:** Upward. I was going to ask that next. I would appreciate actually if you could take a look at this to bring back this information to the committee so that we can have a sense of where communities are falling in this regard. This obviously has a tremendous impact on these two communities. They are small enough that they are not even organized in a municipal structure, so differences in evaluation downward, which may end up increasing their share, are really difficult for them to cope with. The second problem is—

**Mr Breeze:** Sorry, can I get the second? The first was Gogama and the second was—

**Ms Martel:** Foleyet. They're both local service board organizations.

The second problem is that in each of the cases, they were asked to provide a 10% share to the engineer. I understand there is a structure whereby they can then apply to the ministry and receive that 10% share back from the ministry. Am I correct?

**Mr Breeze:** I don't have the details of that.

**Ms Martel:** Does anyone?

**Mr Breeze:** I would actually have to get back to you on it.

**Ms Martel:** I would appreciate it if someone can check this for me. I was in both communities last week. They told me that they were responsible for dealing with the 10% share but there was a mechanism by which they could recover that from the ministry. My concern is that these are both communities that have had difficulty finding the 10%. If the ministry is going to recover that and pay them back anyway, don't put them through that in the first place. Don't make them have to fundraise to find that. They're incapable of coming up with that kind of money.

**Mr Breeze:** Is this 10% of the mandatory engineering reports?

**Ms Martel:** Yes, because the ministry is covering 90%.

**Mr Breeze:** On that particular issue, I will need to consult with OSTAR. Whether it's 10% or whatever percentage it is, that would come from OMAFRA and OSTAR.

**Ms Martel:** I would appreciate it if you could do that, and also let us know when some money is going to go out the door. The problem is that both those municipalities, because they haven't got even this far, have been unable to do any remedial work as well. The situation in Foleyet is that they really need to do some serious remedial work on their plant.

**Hon Mrs Witmer:** I appreciate your asking us when the money is going out the door, but I will tell you that that is a decision that is being made by SuperBuild and by OSTAR, through OMAFRA. We certainly have been encouraging them to flow that money, but until such time as that decision is made, we don't have any further information regarding timing.

**Ms Martel:** I understand that and I appreciate that, Minister. The problem is going to be that if a number of municipalities can't meet the guidelines, it's also going to reflect on your ministry and on you. Whatever you can do on an ongoing basis to encourage them to get the money out the door would be—

**Hon Mrs Witmer:** Obviously. We've been doing that. We hope it will soon flow.

**Ms Martel:** Can you tell me, even though it is not your pot of money, how much money the government has allocated to sewer and water under both programs, and if you can divide it, OSTAR on the one hand and millennium fund on the other. What is the government's commitment in this regard for sewer and water upgrades?

**Mr Breeze:** There is \$240 million for round 1. That includes what we call option 1, which is the drinking water protection regulation, and option 2, which includes waterworks and sewage works. It could also include bridges if municipalities had bridges. I believe OSTAR has expressed it as "at least \$240 million" for all of those activities. In option 2, it is difficult to say, because municipalities elect the type of application they want to come forward with. They could elect to come forward with a bridge or they could elect to come forward with a sewage plant if they felt that their sewage plant met all of the requirements. There are choices to be made, but the overall amount of money is \$240 million.

**Ms Martel:** My apologies. Can I just clarify? Is it \$240 million in total? I'm confused about your distinction between round 1 and round 2, and if that means round 2 means additional money.

**Hon Mrs Witmer:** What was committed by the government, through OSTAR, was a minimum of \$240 million for sewer and water infrastructure upgrades, with stress on the words "a minimum."

**Ms Martel:** And then through the millennium fund, there is additional money over and above the \$240 million?

**Hon Mrs Witmer:** The millennium fund is not allocated. It is what municipalities apply for. So that is handled a little bit differently.

**Ms Martel:** Has the government made a commitment, though, to funding in that regard? Is there a maximum? A minimum?

**Hon Mrs Witmer:** Again, that would be an issue for the Ministry of Finance. We don't make those decisions.

**The Acting Chair:** You've got about one minute left.

**Ms Martel:** You can't tell the committee, outside of that, what that funding level is. Over what period is that money to flow? Is there a limit on that as well?

**Mr Breeze:** The \$240 million was expressed over this round. It was expressed as a round, so over round 1, option 1 and option 2. It's all of the applications under option 1, where municipalities have to comply with the drinking water protection regulation. If municipalities don't apply under that, they can apply under option 2, and that includes the sewage systems, large water systems, and it could include bridges, for example, as well.

**Ms Martel:** Does round 2 begin after December 31, 2002, then?

**Mr Breeze:** Those applications have all been received and a number of those have even been announced.

**Ms Marilyn Churley (Toronto-Danforth):** For clarification on the \$240 million, did you say that is completely allocated for sewer and water or are there options to do other things with it as well?

**Hon Mrs Witmer:** The intent of the project and the money was to upgrade sewer and water infrastructure.

**Ms Churley:** You say that's the intent—

**The Acting Chair:** That concludes your time. We will go to the government side.

**Mr O'Toole:** Thank you, Minister, for this opportunity. Just to start off on a positive, optimistic note, I'm quite confident in your leadership and commitment, being the former Minister of Health, and seeing your linkage relationship between environment and your being in that position, I'm sure you're a person who will give it every consideration.

In a general sense, I'm encouraged when I look at estimates and see the increase in real dollars, much of which is going to the enforcement side or compliance side, I suspect, under sort of a SWAT initiative, and also a commitment to groundwater. I think it's \$2 million, as I read the number in here, specifically targeted, and you may want to correct that in your response.

**1600**

I want to dwell on something that I have spoken with you about, that I've had support from you on, and I'm looking for a continued commitment from your ministry. I'll focus my comments and observations on an issue that is a reality in my riding of Durham. As you're aware, the issue surrounds the controversy in the area of paper sludge, biosolid application on land, as well as the whole

issue of SoundSorb. I just want to review it for the record, because this will be the record I will be using to communicate to my constituents and my commitment to them.

On June 6, 2000, a resolution from the municipality of Clarington stated, and I quote the resolution directly: "Be it resolved that a letter be sent to the Ministry of the Environment urging immediate attention to timely well and water testing in the affected areas and that the results be released on an ongoing basis. Also that the information from the biosolids coordinator, the benefits study and the bioaerosol testing be made available in a timely, ongoing basis and that the ministry include products such as SoundSorb under its regulations."

As you're aware, SoundSorb is a mixture of paper sludge and sand and is currently exempt from the MOE regulations under the Environmental Protection Act, regulation 347. Paper sludge is regulated under the EPA but SoundSorb is not. That's quite a unique distinction, and I'm looking for a response as to why it is exempt.

Ken Gorman, director of environmental health for the region of Durham, suggests in written correspondence to the district manager of the York-Durham district office on June 11, 2001, that, "prior to extensions of any certificate of approval, the health department recommends that the Ontario Ministry of the Environment ensure that there are no adverse health effects or adverse environment impacts, including the protection of groundwater resources related to PFB (paper fibre biosolids)."

Dr Robert Kyle, Durham region commissioner and medical officer of health, as recently as September 20, has reported environmental inconsistencies in the use or application of SoundSorb at the Oshawa Gun Club—discharge that in the opinion of Durham region constitutes a hazardous waste which is regulated under the EPA—and has verbally reported this in writing to the MOE. The point I'm making here is that a non-regulated substance such as SoundSorb in their professional opinion should not be exempt.

Despite a number of reassurances to Protect the Ridges and to the regional municipality of Durham department of health by the MOE that it will conduct a groundwater study to address their concerns regarding potential PFB-regulated groundwater contamination, very little visible positive action has been taken. In fact, I've corresponded with the ministry on a number of occasions, dating as far back as early 2000, and to date there is no substantive response that I would like to put on the record.

All levels of municipal government and elected representatives in Durham—and that would include Clarington, Scugog, Oshawa and the region of Durham—are looking to you, the ministry, for leadership. They want enforcement. I was present at a meeting of the health and social services committee at Durham region on September 20. Durham region chair, Roger Anderson, called for charges to be laid—and I think I sent the press release in on that—with respect to the integrity of SoundSorb, specifically at the gun berms at the Oshawa

Gun Club. Dr Kyle indicated that the proper course for the region would be to call on the MOE to investigate and lay charges and requiring the cleanup of the site under the EPA.

Based on the MOE's record of responsiveness on this issue to date, what assurance do I have and how do I assure the leadership of Protect the Ridges—in this case it's Kevin Campbell, Debbie Vice and Martin Feaver, people I have a lot of respect for—the region of Durham, the municipality of Clarington and the township of Scugog that the Ministry of the Environment, and more specifically the York-Durham regional office, are acting in the best interests of the constituents of Durham and indeed the constituents of Ontario?

I really have two questions. First, what specific action is MOE taking to address the exemption of SoundSorb under regulation 347? I'm not satisfied. It just seems to be a grey area, that somehow or other, in any objective evaluation, the major component of the product is sludge, which is regulated, and the additive, which is sand—an inert substance—automatically changes this into an exempt product. That just doesn't make sense. That needs to be fixed, and I know we all want that fixed. I think it was being taken advantage of.

Second, specifically when will groundwater testing be complete and the results made public? Has the ministry met the commitments that I have in writing, which were: public consultation, September 24, 2001; well locations would be established October 8; and samples completed October 22, these samples to be made public in November.

We usually keep our promises. I'm anxious that we will indeed keep those promises.

I thank you for the indulgence of being able to put a rather formal statement on the record, but as you know, there are mounds of paper. I think this simplifies it down into the two primary issues of basically exempting a product, and then the whole biosolids utilization, which I might say has been under study since the 1990s when I was on regional council. I can tell you that the on-the-ground evidence is that there are fewer and fewer agribusinesses, successful agricultural people, who are willing to be a host.

I might say I'm pleased that under the nutrient management bill there is a provision for regulating all land application. I see in the future that everything from septic tanks to you name it will eventually have to be—I've gone on at some length and perhaps there will be a response, after I get a response. Thank you for the opportunity.

**Ms Churley:** We're used to that.

**Hon Mrs Witmer:** The reality is, I know that this is an issue that is of great concern, not only to yourself but to your constituents. I personally have had the opportunity to see at first hand, I've had the opportunity to meet with your constituents, and I certainly share your concerns. I think they're very legitimate concerns.

I believe it's very important that there is very strong enforcement of environmental laws. It's an integral part

of ensuring the protection of human health and our natural environment. I'm pleased that this past year the government did see fit to increase the budget of the Ministry of the Environment and we have been able to hire an additional 130 enforcement and investigative officers.

However, having said that, let's dwell on the issue that is of concern to you and your constituents. Based on the conversations I've had with you and your constituents, and a personal visit to see first hand, I have instructed the ministry to very carefully review the policy around the use and application of SoundSorb as a product. I have also instructed them to move forward with groundwater testing and the other parts of the plan of action that the ministry had committed to. I believe it is important that we ensure that the necessary safeguards are in place in order that we can protect the surrounding environment and human health in that particular community.

I'm going to call on a member of the Ministry of the Environment staff to respond more thoroughly to the issue.

**Mr Bob Shaw:** Bob Shaw, regional director of central region. Let me assure you, Mr O'Toole, that the ministry will meet its commitment to carry out a drilling program and a groundwater sampling program and make the results that we obtain publicly available. To that end in fact there is a meeting on Thursday of this week on-site with regard to that drilling program. The initial estimate of the extent of drilling that would be required has been revised upwards. It is now envisioned that in order to add more scientific rigour to this analysis in fact we will have to put some additional wells in place. What we're looking for here is whether or not there is any leachate, ie, water has mixed with this material and then it is seeping into the groundwater, in order that we ensure that if that has happened and if that is having a negative impact on the groundwater, we have put in sufficient monitoring wells to be able to capture that. We will be looking at three separate locations in order to do that.

1610

**Mr O'Toole:** Very good. I appreciate that response. Again, it is a sort of a formal process.

Just moving on to a more appreciative aspect, I appreciate that in a pure budget sense, the government and you have indicated there's increased money for enforcement in groundwater. There must be onerous demands on the system, because—I don't want to fall into the trap of using "the 10 lost years"; I don't mean it that way—I think there has been some lack of leadership over a decade or so specifically to this area. I am satisfied that at this point it is a high priority, for both the groundwater monitoring commitment, as well as the SWAT team. But even further is the whole issue of brownfield sites that you talk about in your introductory remarks as making use of lands that exist today that clearly, in everyone's statement that I've seen, have been neglected by every government in my time since being elected in the 1980s, where those sites just sat dormant and no one really dealt with them.

I have one last point, and there may be other members here who want to ask a question on this: we did talk before about the community well issue. Again, it's like Ms Martel's question. Some of meeting the drinking water guidelines is going to be a challenge. Small communities that are on community wells may be able to and should be required to meet the guidelines. Specific technical steps and methodologies may differ. Are they going to be able to meet the guidelines and not always follow a very prescriptive rigour of achieving those safe results?

I lived there. With 55 homes on a well, they never had a problem. I drank it, my five kids drank it and I'm still alive, mostly.

**Mr James J. Bradley (St Catharines):** That's debatable.

**Mr O'Toole:** Well, to say that's tough and insensitive.

They want to be assured that it's healthy. There are many communities in that shape. I know I've heard my friend here talk about it as well.

**Hon Mrs Witmer:** The whole issue of protection of drinking water, of course, has been of tremendous concern ever since the Walkerton situation. It truly was a wake-up call, not only for this province but for every province and territory across Canada.

As you know, we have introduced a very tough drinking water regulation, regulation 459, and other provinces and territories now are duplicating what we have in place. I guess we wanted to make sure we had the most comprehensive regulatory framework in Canada. We wanted to set out some very clear steps for testing and treatment, and we needed to ensure that everybody understood what needed to be done if a community did not meet the acceptable standards.

We have now, I believe, a very effective inspection and enforcement plan. We have tough new penalties for non-compliance. I believe that as a result, the public in this province is very well protected.

Now having said that, I do believe there is a recognition that when we move beyond the municipalities and we take a look at, for example, other, I guess, smaller waterworks, there is a need to take a look at how you ensure safe drinking water, but also, at the same time, take into consideration some of the costs and some of the complexity of what is required as well. We've had some very extensive consultations this past summer—they ended September 30—in order to come up with a plan that will ensure safe drinking water throughout Ontario. I'm going to ask Mr Barnes to further speak to the smaller waterworks in the province.

**Mr Doug Barnes:** Doug Barnes, assistant deputy minister of the integrated environmental planning division. The consultations that the minister has spoken of really have led us to look at not just the size of the waterworks, because in some cases the size of the waterworks may be nothing more than what you might call plumbing: there's not a very large distribution system; it's attached to a well which is principally within the property. So there are a number of differences in



terms of what the actual engineering of the system looks like.

On the other hand, what we've tried to recognize is how those facilities are used, so we've taken a look at those that we believe are more sensitive populations, like schools, day nurseries, retirement homes and things like that. Based on both trying to balance a health component, plus the differences in how these facilities are actually operated, we have put out for consultation a draft regulation which requires a different set of standards than that which is applied to the municipalities but which we fully believe will protect the residents of those institutions.

That requires a slightly less frequent regime of testing for microbiological. It certainly requires a less frequent testing regime for inorganic substances and pesticides. But it does still require that there's going to be disinfection, in other words, there's going to be treatment of the water source. It does require mandatory reporting. It does require mandatory testing. All of those, we believe, are essential ingredients to protect the residents of those institutions.

**Mr O'Toole:** It looks like there's some room, without lowering the standard. I commend you for working with smaller communities, whether they are in southern Ontario or northern Ontario. That's really why sometimes we are paralyzed by policy and not able to react with common sense, without using a term in a general way. But that's really what I was looking for.

I just want to reinforce again the important balance of the economy, in my case the economy being agriculture, and the nutrient management plan. The nutrient management plan, I think, is needed and supported by the OFA and others that I've met with. In fact, I attended the municipality of Clarington, which had an agricultural advisory committee of farm leaders, really, of many commodity groups. They were supportive and I have their report with me. I just wanted to be comfortable. One of the more important things I heard from them was the enforcement compliance part would be under the MOE, as I understand it, which is good; it sends the right professional signal. Now, there was the need for those enforcement people to have knowledge of the industry and not just be looking for, "Where's your C of A? You haven't got one. There's 401 calves here. You're out of business." There's the reality again of how this is going to work.

Do I have your assurance that there will be trained and knowledgeable people in that specific industry who will be involved in the site visits and enforcement portion?

**The Acting Chair:** Mr O'Toole, your time is up, but I will, out of interest, allow a very brief answer to your question.

**Hon Mrs Witmer:** I will tell you, having grown up in southwestern Ontario in a rural community, I'm certainly well aware of the fact that we need to ensure that we have very specially trained provincial officers who do the inspections when it comes to nutrient management legislation. It would be our intention to hire and train people who have an understanding and a sensitivity for the

agricultural community. This would be a totally new group of individuals who would be hired to do that type of work.

**1620**

**Mr Gerard Kennedy (Parkdale-High Park):** I wonder, Minister, if I can bring you from the rural to the urban. I specifically want to test some of the general assurances that you provide in the operation of your ministry about environmental protection. We have a site in my riding of which you have been made aware since at least the spring. The municipal address is 1947 Bloor. You've been asked to take an interest in some form of environmental action.

**Hon Mrs Witmer:** What was the name?

**Mr Kennedy:** It's 1947 Bloor Street, the Bloor-Ellis condominium development. It's adjacent to High Park. It is on a very sensitive area that has a history in terms of its environmental features because it contains hazardous contamination. That's been established at various times.

Your ministry has been asked to take an interest. I did so in the House. You've been requested by respected people from within the community, some of whom are here with us today: Dawn Napier, Don Barnett and Natalia Denton. What they are looking for is your assurance, your guarantee, that your ministry will take ultimate responsibility that the dangerous materials that exist at this site, including methylene chloride, which is a known carcinogen, petroleum products and zinc—that your ministry will take ultimate responsibility these contaminated materials will not be released into the air or into the soil or into the water of the adjacent properties. Let me just say for the record that this is a property at the headwaters—not the headwaters, but through the water stream, leading into High Park. High Park is used by millions of people in the Toronto area. It is very much an urban natural resource.

We have been in discussion with your ministry officials and I have to say that, so far, there hasn't been that strong an indication of active interest. But before I get into some of the problems we've encountered, both in terms of the investigations that have been done and in terms of the other jurisdictions, which are all saying, "We can't handle this issue," I would like to know, straightforward, is your ministry prepared to take an active interest, to either issue an order or to ask for an environmental assessment of this project for the damage it could create to the nearby area?

**Hon Mrs Witmer:** Mr Kennedy, do you have a copy of the letters that you shared with us on this issue?

**Mr Kennedy:** I have a copy, and I'll be happy to share that with you.

**Hon Mrs Witmer:** Also if you could maybe let us know the Ministry of the Environment officials with whom you have communicated, that would be very helpful as well.

**Mr Kennedy:** We're talking to the Toronto regional office specifically. My assistant will get the names to me in a minute here.

**Hon Mrs Witmer:** We would appreciate that, because I think our government is certainly on the record as having indicated that we want to do everything we can to strengthen the hazardous waste policy in the province of Ontario. I guess what you're referring to are some of the historical problems we face throughout our province, and we're now left, as a province and as taxpayers, to clean up. We certainly would, as we are doing elsewhere, want to take whatever steps are necessary. So if you could give us that information as quickly as possible—

**Mr Kennedy:** We've been speaking with Stephanie Barnes and Erin Gotlib specifically in your ministry, but I don't want to miss this opportunity, Minister. As you know, estimates—

**Hon Mrs Witmer:** Have you communicated with the Ministry of the Environment?

**Mr Kennedy:** Yes, we have communicated with the Ministry of Environment.

**Hon Mrs Witmer:** Do you have letters?

**Mr Kennedy:** We have received both letters and updates, not all of which I have in my possession with me today. We will undertake to provide that to you. But I wonder, Minister, while I have your attention, if I could relate to you as many specifics as possible, as you have a lot of the assembled ministry staff here today so we can know at least in principle, if for some reason the specific is not known. I've raised this issue twice in the House. I asked your representative a question. I also raised a statement about this, so I would hope that somewhere in the ministry this has been taken note of.

I was assured by your office directly, by your issues management people, that you were looking into this. Your issues management people have not gotten back to me since the summertime, but I am looking from you today at least to cover this in principle so the citizens who are here today will know what can happen.

I will tell you why. October 30 is the deadline for a site plan by the city. This site plan has been ordered by the Ontario Municipal Board, and this is a deferred date. This particular property was for 50 years the site of two gas stations. According to knowledgeable people, it was also a dump site, and the presence of methylene chloride really does suggest that. That doesn't arise ordinarily from the operation of gas station sites.

I can tell you this: neither the conservation authority nor the city of Toronto has the resources to independently test this site and ensure that it isn't damaging. At the end of this month, it's very conceivable that Toronto city council, in the absence of evidence, may be forced by the OMB to pass this particular site plan and to enable construction to begin in the spring.

What I'm a little confused about is that I have spoken to your issues management person who works in your office. My staff and I have spoken to people who work in your ministry offices. We are under the impression that at least the ministry was evaluating the specific request that came from Dawn Napier, among other people, asking for consideration for an environmental assessment, or other options which exist, given your powers as minister.

I wanted to ask you a specific question about the circumstance if the city says it doesn't have the resources to ensure that the process of excavating this site—it's a former landfill site at the side of a hill—can be done safely. Will you provide them with those resources? Or will you even direct them to make sure that this happens? Are you prepared to take action if the other agencies involved here declare that they need you?

**Hon Mrs Witmer:** First of all, Mr Kennedy, I'm not sure if you're aware of the process involved, but we do take all requests for environmental assessments very seriously. I think what I've heard you say is there have been written requests for environmental assessments. Is that right?

**Mr Kennedy:** With documentation, yes. And as I understand it—

**Hon Mrs Witmer:** They have gone to the Ministry of the Environment?

**Mr Kennedy:** Yes. I will register this small complaint: when we asked for the file at the Ministry of the Environment, we were a little startled to see it didn't contain information that had been sent to the Ministry of the Environment, because we asked them to share that with us. Notwithstanding, the information, as I understand it, has been delivered to the ministry some time ago.

**Hon Mrs Witmer:** I can assure you, all requests for environmental assessments are taken very seriously. However, it is a separate branch. It's obviously a branch that makes decisions independent of the minister. Recommendations do come to the minister, so I will endeavour to obtain the status of that request and respond to you as quickly as possible.

**Mr Kennedy:** I appreciate that undertaking.

An environmental assessment on a piece of private property, we understand, is unusual. It isn't the usual course of business. What is unusual about this site is it is an extremely sensitive location. It is right on the edge of High Park, at the corner of Bloor and Ellis. Most people who drive by, if it wasn't for the hoardings advertising million-dollar condominiums, would have thought it was part of High Park, but it is not. It requires somebody to rise above the jurisdiction. The city can only be concerned with the site itself. No one else is concerned with what happens.

The conservation authority wrote a letter that your officials have a copy of and said, "As long as there are no contaminants from this site, we don't have a problem. But we lack the resources to determine whether or not contaminants will be released."

There is a lot of buck-passing going on. I'm just asking you, if you find that there is a gap in other jurisdictions, will you use your discretionary powers to issue orders or to work collaboratively with the city to ensure, at the end of the day, that there is an independent guarantee of the safety of the nearby area? It includes a residential area, High Park, a waterway running into a recovered wetland area in High Park, and then eventually, Lake Ontario. Is that something that you would

also consider, in addition to finding out about an environmental assessment formal request and where it stands?

**Hon Mrs Witmer:** Obviously, not having any information regarding the situation which you bring to our attention today, and not being able to review any written communications, we would have to review this project. As I said before, we take this issue of hazardous waste very seriously, and that's why our government has introduced a very tough new regulatory framework.

Obviously, the request for the environmental assessment is with the environment branch that reviews these applications. I will endeavour to get back to you as quickly as possible, because I heard you say there is a timeline. But obviously we need to take a look at what needs to be provided.

**Mr Kennedy:** Just for the benefit of citizens—as I said, it's not just a constituency issue; millions of people in the course of the year use High Park; it's a Toronto treasure—can we at least understand that there is no barrier, that you will now take an active interest in this? You obviously have to verify the situation described, but you do have discretionary powers that can be used here. You can order the parties to undertake certain measures to ensure that this is a safe site? Is that correct?

**Hon Mrs Witmer:** I would refer the issue to staff, to Mr Griffith.

1630

**Mr Griffith:** Upon review and assessment, someone who has legislative authority, one of the directors or a provincial officer, can issue an order if measures are deemed to be necessary. So it's ministry staff that have the legislative authority that would issue an order.

**Mr Kennedy:** What would you consider a reasonable time for that assessment to take place? In other words, this matter was communicated to the ministry I believe in April or May. The urgency has been communicated. There have been no studies of this site since 1994—sorry, in 1998 there was a study done that was halted because gas was released and the local department of public health said, “Get off the site.” So we have a partial study in 1998, a partial study in 1994. The current proponent of this development is refusing to do any health studies because they've got an OMB decision in their back pocket.

I can't get on my own a statement from the ministry whether they're even taking an interest in this. It's just all wait and see. We understood they contacted the conservation authority and said, “What do you think?” We've not heard anything back of a positive, active interest. Is that what we have a right to expect in this case? Should they be monitoring?

For example, an environmental subcommittee of the city of Toronto met not very long ago and there was no representative from the Ministry of the Environment there. There's another meeting on October 23, and I don't know whether ministry officials are sufficiently interested, if that's part of their mandate. Should we expect that active an interest or would they be more passive in this connection, do you think?

**Mr Griffith:** Those were multiple questions. Yes, we are always interested, as the minister said, in issues of the environment. I wish I could give you a reasonable time answer, but I'm not familiar with the site and I will have to verify what information has come forward, what action has been taken and review those details before determining what a reasonable timeline would be.

**Mr Kennedy:** Would you undertake to get back to me on that question; in other words, your determination of whether this is an acceptable way that this should be dealt with?

**Mr Griffith:** Again, what I'd like to do is go back and verify—

**Mr Kennedy:** But can you communicate that to me? By the time you've done that the committee will not be sitting. Can you communicate directly with me? Will you do that?

**The Acting Chair:** Minister, I think you gave that commitment.

**Hon Mrs Witmer:** Yes, I did. I've already said that—

**Mr Kennedy:** OK. I meant on that specific point, but I thank you for that clarification.

Just very quickly then, because I know there are other pressing issues on the environment around the province, the city of Toronto stood up in a public meeting and the Ontario Municipal Board said those concerns about the environment—this is an old gas station site; nobody denies there's poisonous stuff in the ground here. They said the city will have the resources to take care of that. That's what the OMB said in its decision, page 26 or 27. The city of Toronto public health authority stood up and said, “We do not have the resources. We cannot independently test this. We cannot find out whether this is hazardous to the citizenry, and so on. We're flying in the dark here.” They asked me afterwards to see if the Ministry of the Environment would take an interest and even lend them the resources.

Is that kind of arrangement possible? Will you get involved with a city that declares it has that kind of difficulty and will you make available resources to work collaboratively with them to assess whether there's a danger? Is that an approach that your ministry might take? Is it possible?

**Mr Griffith:** There have been circumstances where individuals didn't have the resources or an entity did not have the resources where the ministry has gone in to try to make a determination about the environmental situation.

**Mr Kennedy:** I appreciate the assurance I've been given about more specific response, and I appreciate the minister's understanding that there is urgency involved, and I look forward to receiving that.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** Minister, I would like to talk about permits to take water. You may know that's a particular interest to residents in my riding. I had introduced Bill 121, a very short and simple bill, that would require the ministry to notify municipalities and conservation authorities when permits to take water were

applied for. That bill did pass second reading, and members of the government did support that. Unfortunately, the bill died when the House prorogued.

I reintroduced the bill, Bill 79, An Act to amend the Ontario Water Resources Act with respect to water source protection, and that was debated in the Legislature on the 28th of June. It was basically the same piece of legislation. It would require that the Ministry of the Environment notify municipalities and conservation authorities when they received permits to take water, simply notification. It also indicated in the bill, "When making any decision under this act, a director shall make decisions consistent with the statement of environmental values of the Ministry" of the Environment. It was the only change that was made to the bill.

I found it interesting as well when I was reviewing the report from the Environmental Commissioner on this very topic that within the body of the report it indicates that the Ministry of the Environment has indicated that revisions are needed to its permit to take water guidelines, that these revisions are important because they will spell out how ministry staff are to assess the impacts that water taking will have on the natural functions of the ecosystem. That's really what the statement of environmental values speaks to, that the director would have an ecosystem approach when considering permits to take water.

I was just wondering if you might be able to explain why on that day, June 28, members of the government chose not to support this piece of legislation.

**Hon Mrs Witmer:** I'm going to ask a member of staff to respond to that particular issue, part of what you have asked. I think they would be in a position to respond to you.

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

The regulation that the member refers to governs the permits to take water. There is a regulation—I think 285, and I can be corrected on that number—that does provide discretion to the director issuing the permits, that they can consult with municipalities depending on the circumstances of the permit.

**Mrs Dombrowsky:** Yes, and that's the distinction that my bill had, that instead of allowing the director that discretionary power it would require the director to simply provide notification to municipalities. I'm sure you can appreciate that for conservation authorities charged with the management of watersheds and municipalities that regularly review plans of subdivision that is very important information for them to understand how the water sources are in fact used within their jurisdictions.

It was a piece of legislation that initially was supported. So that part of the legislation I think we can sort of set over here because members of the government on record did support that and it passed second reading, obviously because that part of the legislation didn't change. In Bill 79, the only difference was that part that would require the director to consider the ministry's own statement of environmental values when considering

permits to take water. That bill didn't pass, and obviously it's that part of the bill that was problematic, and I would like to know from the minister why that would be the case.

**Hon Mrs Witmer:** I'm not sure, but if my recollection is accurate, is this not an issue that you have demonstrated an interest in for a long time and is there not an issue currently before the Environmental Review Tribunal related to this?

**Mrs Dombrowsky:** Yes, there is.

**Hon Mrs Witmer:** Given the fact that it is before the Environmental Review Tribunal, it would be incumbent upon us to await the outcome of the review on that particular issue. So since it is the subject of a hearing, it really is inappropriate for us to discuss that particular issue further.

**Mrs Dombrowsky:** So even though the Environmental Commissioner has indicated that this part of your management of water resources requires revision—in fact he states here, "revisions are not yet complete ..." the ministry "continues to issue PTTWs using its outdated guidelines and procedure manual." So it's been recognized that what's in place now is basically not effective and that what this bill would have directed ministry staff to do is simply consider your own statement of environmental values. This is not a document that I or the Ontario Liberal Party wrote. This is the Ministry of the Environment's statement of environmental values that everyone can read when we visit your Web site.

My question is, if this is what you say you hold as your statement of values when considering environmental issues, what's the problem with giving that direction in legislation to your staff that that's what they would consider when considering permits to take water?

**Hon Mrs Witmer:** I'm not sure where we're differing, but I guess at the present time all staff do have to follow the statement of environmental values according to the Environmental Bill of Rights.

1640

**Mrs Dombrowsky:** Actually, I think the public record would say that the ministry lawyers argue otherwise and that until it's legislation, they don't have to do that.

**Hon Mrs Witmer:** Maybe Mr Nixon could comment further in response to your question.

**Mr Nixon:** Further to the member, and following on what the minister has indicated, we do have a public statement of environmental values. The decisions the directors make in issuing permits are required to follow that statement. They are also required, according to the terms of the regulation that was brought in recently by the government, to consider the impact on the ecosystem in issuing those permits. As the member knows, all those permits are subject to appeal to the Environmental Review Tribunal, so if there is a question of whether or not those requirements under the regulation as well as the requirements under the Environmental Bill of Rights are being met adequately in the issuance of that permit, that is a matter of appeal.

I should also add that there are a number of public meetings that now take place as part of the permitting issue, depending on the size and—

**Mrs Dombrowsky:** In all cases?

**Mr Nixon:** Not in all cases. It really depends on the size of the permit and its impact.

**The Acting Chair:** We'll swing back to the NDP.

**Ms Churley:** I would be remiss if I didn't start by wishing you a happy birthday, Minister. What a way to spend your birthday. I hope you have more interesting things to do tonight.

**Hon Mrs Witmer:** I'm sure I do.

**Ms Churley:** I do appreciate your being here. I want to take this opportunity to probably—

*Interjection.*

**Ms Churley:** Yes, French classes, perhaps?

**Hon Mrs Witmer:** I took those.

**Ms Churley:** See, that's one down.

*Interjection.*

**Ms Churley:** Well, she hasn't said no yet; I heard her in the scrum today. Good luck in your decision-making.

I wanted to ask you specifically, how much has your ministry been asked to cut in the new round of restraints?

**Hon Mrs Witmer:** Do you know what? I'm really quite pleased to respond to that, because we have not. The Premier, I think, indicated quite clearly this year that the environment is a priority for the government, and we have not been asked to make any reductions. In fact, we've actually been able to increase the money allocated to the Ministry of the Environment beyond what we might have expected earlier this year.

**Ms Churley:** Yes, and I appreciate that. I know there has been some increase after the massive cuts.

**Hon Mrs Witmer:** We've been fighting diligently to ensure that we get our money.

**Ms Churley:** I appreciate that you have been doing that, and there has been some improvement. I acknowledge that. After the massive cuts, it was critical. But my question is related to—we all know that we're now in a recession. Nobody wants to use the R word, but it's true; and after September 11. There is a revenue problem, you can't have a deficit and there are more corporate tax cuts coming. So I'm asking you, I know there has been a slight increase, but are you going to be asked to cut more, either on operating—

**Hon Mrs Witmer:** We have not.

**Ms Churley:** So to date, you have not received any direction?

**Hon Mrs Witmer:** The Premier has emphasized time and time again that the environment is a priority for the government, and we have not, I would stress, been asked to make any reductions.

**Ms Churley:** OK, we'll stay tuned on that one. If you need any help from me in the House, let me know and I'll be glad to ask a pointed question.

**Hon Mrs Witmer:** OK.

**Ms Churley:** I wanted to ask you, speaking of staffing, do you have a number of how many permanent staff

are within the ministry right now? I don't mean contract, but permanent staff.

**Hon Mrs Witmer:** Yes, I think we do have that number, and I'm going to ask a member of our staff to respond.

**Ms Dana Richardson:** My name is Dana Richardson, and I am the ADM of the corporate management division for the Ministry of the Environment. This year in our estimates we have 1,686 funded positions in the ministry. These positions are a mixture of permanent staff and unclassified staff.

**Ms Churley:** Do you have a breakdown of the unclassified and permanent?

**Ms Richardson:** I don't have the exact number of unclassified staff, but I will endeavour to get you that number.

**Ms Churley:** Could you get that for me?

**Hon Mrs Witmer:** We'll do that, Ms Churley.

**Ms Churley:** I thank you for your answer. I wanted to come back to an FOI—I've got so many pieces of paper here—that we had asked about some time ago, about how many former full-time staff had been brought back on contract. The reason we were prompted to ask that question was because of the huge dollar figure in the line item in the last estimates briefing book, if you'll recall that, for contract services. We followed up again yesterday and were told that they didn't have the answer to that question and that your ministry doesn't have a database for the former full-time staff they hire—because that's what I'm asking about here. How many people who have been laid off have been brought back on contract?

We were told that people who are brought back are hired through an agency, and they just cut the pay-cheques to the agency—that's what you do—and not to the individuals. So we can't get that information. What I'm trying to underscore here is that it occurs to us that because such a huge amount is being paid out in contracts, there isn't acknowledgement that there was too much staff cut. Can you find out for us how many former staff people have been brought back on contract?

**Hon Mrs Witmer:** I'd have to ask the ministry staff as to whether they have the capability to do that, since that clearly is an administrative issue.

**Ms Richardson:** That's something that would take us some time, to gather that information. As you have been informed, we don't necessarily know, based on the agency, whether an individual is a former staff member, so we would actually have to go back and individually check each one of those. That's something we could do.

**Ms Churley:** I think it would be interesting to know, just to have the information to see, especially as the minister is fighting hard to get new resources, what kinds of staff have been let go in the past and the ones that needed to be brought back on contract. I would like to have that information. Thank you very much.

I wanted to come back to a couple of things from last week, when we were at estimates.

**Hon Mrs Witmer:** In response to questions that you've asked about staffing levels, I would just share

with you that in 2000-01, there were 1,501 funded positions and in 2001-02, there are 1,686 funded positions.

**Ms Churley:** What kind of positions? Sorry.

**Hon Mrs Witmer:** Funded positions.

**Ms Churley:** Funded, meaning permanent? I'm confused here.

**Hon Mrs Witmer:** In 2000-01, the 1,501 positions translate into 1,394 FTEs.

**Ms Churley:** Full time, OK.

**Hon Mrs Witmer:** In 2001-02, the 1,686 translate into 1,575 FTEs. I would just share that information with you.

**Ms Churley:** I wanted to come back to something you said last week in estimates—and I'm generally quoting. I took notes as best I could. In a question on SWAT, it had done—correct me if I'm wrong; this is what I wrote down—450 inspections to date in the areas of the electro- and nickel-plating industries, hazardous waste, septage, IC&I etc. I wrote down quickly what I could.

What I want to refer you to is this document that I continually refer to, and that is the leaked draft cabinet submission, which you're very familiar with. It's before your time with the ministry. I carry it with me everywhere, as you can see by the dog-eared pages.

**Hon Mrs Witmer:** No, I'm not familiar with the document; you must be.

1650

**Ms Churley:** What I wanted to refer you to is this: in that report, the senior staff proposed a priority issue to be tackled by the SWAT team. It said 111 industrial companies were out of compliance with the clean water regulations and some had been out of compliance for over two years. This report proposed that SWAT staff conduct two inspections per month in those plants in order to ensure "less contaminants released to waterways affecting drinking water."

You didn't refer to that when you talked about what SWAT had been doing. So my question is, did you do that and how many of those plants, of which I understand 79 or so have been out of compliance for more than two years, have been brought into compliance?

**Hon Mrs Witmer:** Just let me say how very proud I am personally of our SWAT team. I think they've done an outstanding job in a very short period of time. They have been made permanent and I know they are actively pursuing companies that are engaging in practices that threaten public health and also damage the environment. I'm pleased that the director of the SWAT team is here today to respond very specifically to some of your questions.

**Mr John Stager:** My name is John Stager and I am the director of the environmental SWAT team. I do want to state, firstly, that the environmental SWAT team is really part of a larger enforcement group within the ministry. We are certainly a strong enforcement team, but we work very closely with the district and field offices, and there are other enforcement groups within the ministry, such as smog patrol, which carry out strong enforcement activities as well.

As we chose our sectors, we used a very strong risk assessment approach. The drivers for picking sectors for us are really a combination of environmental human health impacts and records of non-compliance. We've done six sectors to date as an environmental SWAT team and, as we chose our sectors, we worked very closely with the district offices.

As part of the dialogue with the districts, we talked about the water inspection program. The district officers are taking a very strong stance on water inspections and have actually dedicated a project team within the districts to undertake water inspections for the ministry. Based on those dialogues, we looked at additional sectors where we felt there was risk and actually put a great emphasis on some of those sectors we've already talked about—for example, metal platers, septage haulers and other areas.

**Ms Churley:** Thank you for that information. I agree with you that those other sectors urgently needed attention as well. But I'd like to come back to my question—do I need to repeat it, or do you recall what I asked?

**Hon Mrs Witmer:** If you would just repeat it, go ahead.

**Ms Churley:** Specifically, this report I'm referring to, the draft submission, said there were 111 industrial companies out of compliance and some had been out of compliance for two years. The report said that a SWAT team would do two inspections per month in order to get that cleared up. I wanted to know if these inspections have happened. Have the 79 that were out of compliance for more than two years been brought into compliance, and have those other inspections happened?

**Hon Mrs Witmer:** What is the date of that report, Ms Churley, just so I know what we're dealing with?

**Ms Churley:** I should know that by heart. It's March 14, 2000.

**Hon Mrs Witmer:** Which one?

**Ms Churley:** This is the draft cabinet submission, which is dated March 14, 2000, A Cleaner Ontario: toughest penalties legislation, environmental SWAT teams and a toll-free pollution hotline. That's where this was recommended.

**Hon Mrs Witmer:** OK. I guess since that was a draft cabinet document from last year that you're referring to, I'm obviously not in a position to indicate to you whether or not that was ever approved by cabinet. I would ask Mr Griffith if he has further comments.

**Ms Churley:** May I interrupt just briefly? I referred to this document so you'd know where the information came from.

**Hon Mrs Witmer:** Yes.

**Ms Churley:** I am more concerned because I think this is a very serious problem, as I am sure you would agree. We talked about contaminants in water earlier. I'm concerned, no matter who does it, that it's being done. It's alarming that 79 of those had been out of compliance at that time for more than two years. I want to know if they have been brought into compliance, and if they haven't been inspected yet, what is the game plan?

**Mr Griffith:** If you're referring to the industrial sewage dischargers—and that I'm not sure of that—then we did have—

**Ms Churley:** Industrial companies, yes, specifically.

**Mr Griffith:** Then if we are talking about the same set of polluters, it's my understanding that there were 48 of those in 2000 that were repeat non-compliance and that action had been taken on all of those. They were not done by the SWAT team, they were done through our regular inspection, or there were a number that had already come back into compliance and no further action was necessary to get them into compliance.

**Ms Churley:** So if we're talking about the same thing, and I'm not clear that we are—

**Mr Griffith:** Nor am I, but I hope—

**Ms Churley:** According to this document, 111 industrial companies—that's what it says in this document—are out of compliance with clean water regulations. So I'm not sure we are talking about the same thing here. I'm trying to find the page number in this to show you. We might want to come back to that. It's something that, if you can't answer today, I'll find the reference in here, because I have a couple of other questions.

**Hon Mrs Witmer:** I've just been handed some information. I believe that what Mr Griffith has just responded to does address your concern, because I see that there was a question asked to the standing committee on public accounts on October 4, 2001, regarding these 111 industrial plants not being in compliance. Was that what you're referring to?

**Ms Churley:** OK, now I've got page 18 of 33 in this thing. It says industrial direct discharges to waterways, more than 135 sites regulate, blah, blah, blah, mandatory reporting reveals some 111 companies out of compliance in meeting the regulated effluent limits. So that's what this document says, and you're using different numbers.

**Mr Griffith:** I don't want to, by any means, mislead this committee, so I'm wondering if we can exchange that information and I can ensure that we are talking about the same dischargers.

**Ms Churley:** Yes. I think that would be a good idea. We can do that after and I can get more information.

**The Acting Chair:** There's just over a minute left.

**Ms Churley:** What am I going to pick here? I guess because I have little time left, I'm going to ask you a very simple question, then, on something we can do something about. The Environmental Commissioner says that as much as 12% of our smog results from vehicle idling. Your government has refused to agree to a review of the legislated barriers to municipalities being able to pass and enforce bylaws to restrict unnecessary idling of cars, trucks and buses. I don't understand why your ministry has decided to refuse to allow municipalities to review the legislation that's restricting them from doing this. I asked this before you were minister. It's such a simple, little thing that could make a difference.

**Hon Mrs Witmer:** I would agree with you, because part of what I've been trying to do is work with the

school community, where we have a huge problem with parents idling in front of the school, waiting to pick up their children. I've been participating in some programs with some non-profit groups who are trying to discourage people. I visited a school last week in my own community and that was my message to students, that they needed to educate their parents. It would certainly be my intention that we would undertake to do whatever we can do at the Ministry of the Environment to better educate and raise public awareness about the tremendous negative impact of idling on air pollution. I will certainly take a look at this.

**Ms Churley:** I'd appreciate that because it is rather silly and I'm not sure why in the past when I raised it—

**Hon Mrs Witmer:** No, whatever we can do. I'll look at that.

**The Acting Chair:** Thank you both. Time has expired. We will turn to the government side.

**Mr Norm Miller (Parry Sound-Muskoka):** It's a pleasure to be able to take part in this estimates committee this afternoon. I would like to praise the government for the creation of their alternative fuels committee that met this summer on a number of occasions, gathering input from many different sources on different forms of energy for the future. I know that's a personal interest of Steve Gilchrist, and he's taken me aside and conversed with me about that. He's said that he'd like to see all automobiles in Ontario powered by hydrogen within 10 years.

1700

**The Acting Chair:** Hey, bio-diesel and ethanol—

**Mr Miller:** I'm happy to see that the government is looking to the future, and looking to a future without internal combustion engines, at least powered as we currently power them. I'm happy to see that.

Also, I wanted to inquire a bit more about the Drive Clean program. Just last week, as a matter of fact, I was asked by a radio station in my riding, Parry Sound-Muskoka, about the Drive Clean program, specifically whether there are plans to expand that across the province, in particular to Parry Sound-Muskoka.

**Hon Mrs Witmer:** OK, the Drive Clean program, yes. I just had the opportunity, since my birthday was upcoming, to have my car go through the Drive Clean program, and I was delighted and thrilled that it passed the test. So I now have my little sticker.

As you know, we started in the Toronto-Hamilton area with phase one of the program. We moved into phase two into southern Ontario, and just recently we looked at expanding the program from Windsor to Ottawa, which is considered a highly populated area, where we believe the introduction of the Drive Clean program will have a very positive impact on reducing air pollution.

At the present time, there are no plans to expand the program into the Parry Sound community. However, obviously, that will be determined by the public interest at some future date. The program will always continue to remain under review. I have to tell you, we were thrilled that in the first two years the emissions have been

reduced by 11.5%. That's very significant. Also, people have been really pleased when they've had their automobiles tested because some of them are still under warranty and they've found some emission problems, and of course they've been able to have the cars repaired without any additional cost to themselves. So we do find the program is having a positive impact on air quality.

**Mr Miller:** That 11% reduction in emissions is certainly commendable. It sounds like you're concentrating on the more populated areas to begin with.

**Hon Mrs Witmer:** Yes, we are.

**Mr Miller:** How old is a car before it goes through this Drive Clean testing?

**Hon Mrs Witmer:** Three years old.

**Mr Miller:** OK. In our riding of Parry Sound-Muskoka, Bracebridge in particular, there's a composting plant located there. Actually, a month or so ago I had a tour of the composting plant. I know a lot of our waste is organic. I think something like 30% is organic, so obviously it's important to be able to treat the organics. I assume there's a future for composting in the province. Although, speaking to the operator of that land—it's a privately run facility—he said he currently isn't breaking even and that he might not continue to operate it in the future if he doesn't eventually break even.

I'm wondering, generally, if there are plans for composting in the province's plans and, specifically, can sludge be used—I think I've got the right term—in composting; municipal sludge from sewage treatment plants, for example?

**Hon Mrs Witmer:** Thank you very much for the question. Actually, I think it's a very exciting time in the history of this province as far as taking a look at the whole issue of waste diversion. As you are well aware, we presently have legislation that is making its way through the House which enables industry and municipalities to partner in creating a sustainable waste diversion program. We are actually building on the success of the blue box program, which, I just want to add here, had its birth in the city of Kitchener. Wayne is quite proud because, of course, Wayne and I represent the city of Kitchener. Nyle Ludolph was the individual who helped introduce that through Laidlaw 20 years ago. We are now in the process of passing legislation that will help Ontario meet and surpass the 50% goal we have of waste diversion. But let me ask Mr West specifically to respond to your question.

**Mr Keith West:** My name is Keith West. I'm the director of the waste management policy branch. Last week the minister released a municipal 3Rs fact sheet, which is done through partnership with a number of different groups that the ministry partners with to look at municipal 3Rs across the province on an annual basis and how they're performing. One of those benchmarks is related to organics, specifically composting. I can say to you that as part of that there was an 8% increase in the amount of material that is going to composting here in Ontario. We're up well over 300,000 tonnes that we are

composting, and facilities such as the one in the Parry Sound area are certainly contributing to that.

Does that mean that we don't have an opportunity to go further on that aspect? The answer is absolutely no, and that's what the proposed Waste Diversion Act is all about. There are a number of things that are in that act that would very much allow us to expand upon recycling here in Ontario, waste diversion across the board for all of our municipalities, and industry as well.

From a composting perspective, the proposed act allows for a series of waste materials to be designated. It gives the minister that authority to say, "I'm interested in this material," and it sets up an arm's-length, not-for-profit corporation called Waste Diversion Ontario. It's made up of a number of industry sectors, industry representatives, municipal representatives and non-governmental organizations. The minister, in designating a material, such as organics, can ask for that organization to put together a program related to the further diversion and increase of diversion, including specific targets related to aspects of composting, and specifically organics.

Under the proposed bill, the list we're looking at in terms of the materials to be designated very much includes organics. And you're right; if there's one area where we have a lot of potential in terms of increasing even above and beyond what we've currently done, it's on the organics side. I look forward, under that proposed bill, if it's passed, to organics being designated for an organics program to be developed by Waste Diversion Ontario. The act provides for the minister to approve that program as it's developed and it also provides for the necessary funding to implement those programs as well.

So we look forward under the new proposed bill to having organic materials designated, we look forward to further growth in that regard. We look forward to the fact that this goes above and beyond the current regulations that we have in place in Ontario; very specifically, requirements for leaf and yard diversion and composting. We already have those in place and we look forward to further increasing that.

With regard to the question you asked around biosolids, as you know, we have biosolids that are generated by municipalities through their sewage treatment plants. I'm not sure if I caught your question completely. We don't normally see biosolids composted with general composting materials. That doesn't mean that can't be the case. There are specific quality requirements that are required to be met under our regulations in order for that to happen.

I guess my answer to you would be, very seriously, we look to see greater diversion of organics across the board and beneficial use of those, especially the composting side that you mentioned.

1710

**Mr Miller:** Thank you very much for your answer. I'm happy to hear there is going to be an increased emphasis on composting. I think that will be a great benefit to our environment.



I had a tour of the Muskoka recycling plant as well at the same time as I toured the composting plant. I was impressed to see what we're doing in our riding of Parry Sound-Muskoka.

I just have a general question about incineration and I'm wondering, is there much incineration done in the province of Ontario at this time? Maybe some general background on incineration: is it something that's allowed? Also, if you have any background on what happens in other parts of the world, that would be appreciated.

**Hon Mrs Witmer:** I would ask Mr West to again respond, since he has a wonderful knowledge of this whole area.

**Mr West:** We have very limited incineration here in Ontario historically. If I remember correctly, we have two facilities that treat municipal solid waste, one in the Hamilton area and one in the Peel area. Incineration is not a particularly large area in terms of the way we treat our municipal solid waste. All told, if I remember correctly, less than 10% of our waste is treated in this fashion. In fact, I think it's even smaller than that.

Yes, very much so, incineration is on the table for any municipality or any private sector company to come in and request an approval regarding incineration. We have a very detailed, state-of-the-art guideline that requires parameters to be met in establishing a municipal solid waste incinerator. That guideline is recent and it is state-of-the-art and it is very much on the table for any company to come in and request an approval if they see that as part of their waste management program, including municipalities.

**Mr Miller:** Are there any businesses generating electricity through the disposal of garbage?

**Mr West:** Not that I'm aware of. I could be mistaken on that, but I don't believe there are any currently. That doesn't mean that would not be permitted under our regulatory regime, but I'm not aware of any. There are companies that are generating energy from specific landfills but not related to incineration that I'm aware of.

**Mr Miller:** Thank you very much for your answer. I'll pass it on.

**Mr Wayne Wettlaufer (Kitchener Centre):** Minister, if you've answered this in the first couple days of estimates, I apologize, but as you're aware, I wasn't able to be here last week.

**Hon Mrs Witmer:** I wonder why.

**Mr Wettlaufer:** Yes, I wonder why. It's a very important event in my riding. Oktoberfest is the biggest celebration in Ontario of its kind.

**Mr Bradley:** I hope you didn't drink any beer.

**Mr Wettlaufer:** Very little.

You're aware, of course, that as beautiful an area as we represent, nevertheless we have had for three years running now an air pollution problem. I know you've probably received letters from your constituents, as I have, especially those people who are asthmatic or have other breathing problems. Being in the unique situation of having been a former Minister of Health, you are

really aware of the ramifications of this type of air pollution. I'm pleased to hear that there has been an 11% reduction in the emissions as a result of the Drive Clean program. That's great. But we have other problems: emissions from coal-fired hydro plants, industrial emissions; we also have the industrial emissions from the Midwest. It's imported here, whether or not we want it. Also, the love affair the Americans have with their automobiles means we have automobile emissions that are making their way here via the jet stream. I don't have any numbers as to the approximate percentage of pollutants that we are importing and I was wondering if perhaps you have it in your ministry and if you could shed some light on it.

**Hon Mrs Witmer:** You're very accurate in your assessment that obviously not all of the pollution and bad air in the province of Ontario is created by people in this province, whether it's in transportation or the electrical sector or the industrial sector. We refer to 50% of all pollution coming from across the border, and obviously that, again, would depend on where you reside and at any given time in the year. But I'm going to ask a member of our staff to provide you with some additional details.

**Mr P.K. Misra:** My name is P.K. Misra. I'm the assistant director of the monitoring and reporting branch of the ministry.

As the minister pointed out, at least 50% of the pollution that we see in southern Ontario comes from sources in the United States. These are basically the sources generated by, particularly, the Midwest United States. The pollution is carried by the wind to southern Ontario, and it varies. For instance, Windsor, which is at the southern tip of the province, will get more of it and as we go further north, it reduces by amount. But we get at least 50%, and sometimes it can be as high as 80%.

**Mr Wettlaufer:** This also can be reflected in terms of acid rain. Approximately what percentage of the acid rain that falls in our area and in Georgian Bay-Muskoka would be from that pollution from the States?

**Mr Misra:** About the same amount: the 50% on average we estimate is caused by the pollution from the United States.

**Hon Mrs Witmer:** Just to respond to your question further, as a point of interest. Yesterday I had the chance to meet with the governor of New Hampshire. One of the issues we did discuss was this whole issue of air pollution. The eastern states have worked very collaboratively with the eastern provinces, and they have come up with some agreements. She, I think, was very optimistic that there would be an opportunity for us to work together and get inside some of the American states that border the Great Lakes where, obviously, our pollution comes from.

I was scheduled to go to Washington just shortly after September 11 to meet with the EPA and see if we couldn't start some discussions because we can do a lot in this province, but as you've just heard, if at least 50% is coming from across the border, we have to ensure that actions are taken across the border that are going to have

an impact on improving our own air quality. We can't do it alone.

So I have to tell you, I was quite reassured. Despite what the federal government might be saying, there was a sense of a willingness among the local states to move forward with improving air quality.

**The Acting Chair:** About a minute, Mr Mazzilli.

**Mr Frank Mazzilli (London-Fanshawe):** Good afternoon, Minister, and happy birthday.

I just want to talk about a couple of very simple things, and that's when it comes to landfill sites and garbage. I talked the other day about the appetite for consumption, whether it's SUVs. It seems to me that when you look at the curbsides, consumption is going up. Packaging today is, I would call it, at ridiculous levels.

**Hon Mrs Witmer:** I'd agree.

**Mr Mazzilli:** If we have kids in school, there's a package for a small amount of product. You pick up lunch in the cafeteria downstairs and you bring it up in a Styrofoam package or a plastic package, and then somehow you have the audacity to get up and claim that you're for the environment. We keep hearing these mantras, but the consumption appetite is there. Are there any national and provincial strategies working on these issues?

**Hon Mrs Witmer:** I'm not aware of any national strategy. I could tell you that there's nationwide concern about the fact that we continue to be a society that consumes and tends not to focus on the 3Rs to the extent that we could. I'm going to let Mr West respond on the provincial level.

**The Acting Chair:** Quickly, please. We don't have much time, Mr West.

1720

**Mr West:** If I could add, on the national level, there was an initiative not too long ago that hasn't been completed. A national task force was put together with a target of reducing the amount of packaging by 50%. All of the provinces participated in that. Ontario, specifically, was certainly part of that task force. Its report, which I believe was released not too long ago, did in fact indicate that the 50% had been reached before the specified time frame that they were looking for. I would just add that to what the minister had to say.

**Mr Mazzilli:** I understand the strategies, but it just seems to me that none of the strategies are working, because the consumption appetite is there among consumers, among all of us, to purchase these products in that type of packaging. I know there are no easy solutions, and I leave that with you.

**Mr Bradley:** With Mr West at the microphone, I might as well go to that question first.

**Hon Mrs Witmer:** This must be a waste question.

**Mr Bradley:** It is. Mr Miller raised it. Every once in a while, the incinerator crowd rears its head, and they never tell you that incinerators end up eating up that which would normally go to recycling. It sounds attractive if they're going to put a landfill in your site that you should have an incinerator. I'll get around to a specific

incinerator. I think you mentioned two in Ontario that are operating: Peel and SWARU. Can you tell me whether SWARU is meeting the 2001 emission requirements of the Ministry of the Environment? Probably air quality—

**Hon Mrs Witmer:** I'm not sure if we have the answer today, but we would certainly endeavour to get that response for you.

**Mr Bradley:** My strong suspicion would be that SWARU is not meeting those requirements at the present time and should be forced to meet those requirements, or close; one of the two. But I thought I would ask. It's unfair to Mr West because it was, in fact, an air quality question.

**Hon Mrs Witmer:** I would certainly concur with the statement that you've just made, and we'll get that information for you.

**Mr Bradley:** I recall having to be in court in Detroit to answer questions about SWARU.

**Hon Mrs Witmer:** When was that?

**Mr Bradley:** That was when we were taking the city of Detroit to court over their proposed incinerator, which we insisted would have scrubber baghouse technology, rather than the electrostatic precipitator they were proposing for it. I'd not been in court before in my life, Minister, and you'd be interested to know that, in court, a minister actually has to answer questions, unlike the Legislature where the minister can choose to answer or not; or the estimates committee. So it was rather interesting.

One of the questions they kept asking about was SWARU, which I thought was irrelevant because it was an old incinerator and we were talking about new conditions. The judge did not necessarily agree with me, nor the person representing Detroit.

But let me go to a second question. How much are you spending on polling and advertising in your ministry at the present time?

**Hon Mrs Witmer:** I would refer that question to staff. Mr Mike Kurts from the communications branch is going to respond to that question.

**Mr Bradley:** The much-enlarged communications branch, I notice in recent years, in terms of hirings.

**Mr Michael Kurts:** I can't speak specifically to the question of polling and advertising. I can speak to you in terms of communications services broadly. The budget in our 2001-02 fiscal year for communications services, which is where those things would fall, is \$1,248,000. The ministry does not have a large advertising budget. The advertising that we have done in the last fiscal year has primarily been advertising to make communities aware of public meetings that were taking place; for example, on the Drive Clean consultation and—

**Mr Bradley:** Which, by the way, is very legitimate advertising.

**Mr Kurts:** —that's where our advertising expenditures have taken place. In terms of the public opinion research, we have done some limited public opinion research, all of which is reported publicly through the

Legislature on a regular basis. I don't have the figure, though, with me right now.

**Mr Bradley:** Thank you very much for that. I did, as I did in my initial remarks, want to compliment the minister that, in her ministry at least, I had not seen offensive use of government advertising. I could quarrel with a little bit here and there, but much of the advertising around the Drive Clean program was positive, and the notification of public meetings is always quite acceptable and an appropriate use of the advertising dollar.

**Mr Kurts:** As we have expanded the Drive Clean program, one of the uses we make of advertising is to ensure that the people in that new area are aware of the program coming and use the advertising that we do to make sure that they're aware of the requirements of the program and the specific expectations they have as they receive their licence renewals.

**Mr Bradley:** I noticed in the public accounts that the media buying services were \$601,292 this year. I presume most of that was for the reasons that you talked about. It is quite appropriate, as long as it is not telling everyone what a wonderful minister we have, or what a wonderful government we have. Whether that is the case or not would be up to the public to judge. Notifying the public of the specific provisions that they have to meet is legitimate. I like to say something positive when there is something positive to say.

I want to deal with the minister again on the Red Tape Commission. You heard me mention that Trojan horse within government that attempts to have an unelected person, my good friend Frank Sheehan, hardly a raving environmentalist, telling you what you should be doing in terms of the regulatory activity in your ministry. I'll understand if you don't give a straight answer on this. Are you making an attempt to get rid of the Red Tape Commission and its bothersome attitude toward your ministry when in fact you should, as a cabinet minister in the cabinet, make decisions based on whether your regulatory regime is fine or not? What's your opinion on that?

**Hon Mrs Witmer:** I can say with great confidence I believe that the decisions that are being made at the Ministry of the Environment are decisions that obviously our ministry has carefully considered to be in the best interests of people in the province of Ontario. Then obviously the decision is left with cabinet to approve those decisions. Again, that's how the decision-making is taking place.

**Mr Bradley:** I mentioned as well, in my initial remarks, the protocol around having MPPs and members of the media deal with the Ministry of the Environment local offices. There was a time I can recall when an MPP could call and actually get an answer without being filtered through political people—I don't just mean opposition members; the government members as well—and the media could. Now there appears to be a rebound back into the ministry so there's a sanitized answer. It is quite legitimate that the local office notify you so you're prepared, in the House or otherwise, to respond. It seems

to be quite—I'll put it kindly—cumbersome and bureaucratic at the present time, if not political. Could you tell me what changes have been made, when they were made and why they were made, or have someone from your staff do so?

**Hon Mrs Witmer:** I would have to ask someone else to respond, because I'm not aware of any changes that have been made in the process. Certainly I would ask Mr Kurts.

**Mr Kurts:** We have a process for dealing with calls that come from media and from MPPs, which is simply in place to ensure that the information that we are giving is accurate and that the ministry is providing the best possible service to members of the media or to members of the Legislature who are seeking information. Essentially, what we do is, when there is a request for information, that request comes to our issues management and media relations section in the ministry and the decision is made, working with ministry staff, to determine who is the most appropriate person to answer that question so that we don't have people getting incorrect information or information from two sources and then having to figure out which is the right information. Our goal is to try and ensure that people get the right information as quickly as possible from the best possible source within the ministry.

**Mr Bradley:** I have noted complaints from MPPs and complaints from members of the media that it is much more difficult to get the kind of information they would like. I understand what your answer is. I'll beg to differ on what my mind tells me the reason might be for the new protocol that was put in place. I think Mr Newman was probably the minister at the time. But I can recall—and also to avoid getting anybody into trouble—there are people somewhere in Ontario who, when asked questions, would tell you how they used to be able to answer questions and how they cannot answer those questions now.

1730

I understand your great desire for accuracy. My concern is that it is being politically filtered, as opposed to accuracy being the number one problem. It would be unfair for me to ask you to comment further, sir, so I will accept what you have said as your opinion and I'll leave mine as mine.

**Hon Mrs Witmer:** I would just like to echo the one thought. I really believe that it is important when there is a communication from the Ministry of the Environment that the focus would be on giving the person asking the question accurate information. I do support the fact that the Ministry of the Environment staff are endeavouring to do everything they can, because obviously information that's provided that's not accurate can cause concerns and anxieties. That is what needs to be uppermost always in our minds.

**Mr Bradley:** In my initial remarks, I asked a question about the security of water treatment plants. When I asked the Solicitor General, he was more than happy to point the finger somewhere else: of course, the muni-

cialities. When there was credit to be taken, he was front row and centre to take it. When there was responsibility to be assigned, he immediately pointed the finger at whatever number of municipalities we have in Ontario today.

I know that you would have now at least some coordinating activities within your ministry. Could you tell us what procedures are to be followed now? What changes have been made to make water treatment plants and reservoirs more secure; I don't know whether you can ever make them totally secure, but more secure than before September 11?

**Hon Mrs Witmer:** Certainly there have been meetings and steps taken to ensure that obviously water treatment plants are protected to the greatest degree possible. I would let Mr Griffith respond as to what has occurred since that time and what steps are being taken and by whom.

**Mr Griffith:** As the member rightly pointed out, security is the responsibility of the owners and operators of drinking water systems. In the event of a terrorist threat, there are protocols that are being developed by Emergency Measures Ontario that we are connected to. We would of course provide any assistance, the minister would provide any assistance, that was asked of us in terms of our capabilities around sampling and testing or the provision of alternative drinking water or to help remediate a situation. We are looking at other outreach options, potentially communications to water treatment owners and operators, again, to reinforce—I think everyone is aware of the heightened sensitivity around the security effort. We are exploring options of what outreach efforts might be best employed and what technical assistance we might be able to offer.

**Mr Bradley:** A supplementary question to that: again, I suppose this will be more opinion for the minister in this case—but you may wish to assist the minister if the minister sees fit—and that is the question of the re-establishment of the regional laboratories in the Ministry of the Environment. What people are looking for, it seems to me today, and will be for some period of time, is some security in their minds that if there's a need for a quick turnover and accurate results, reliable results and results of integrity, that can best be provided by a government laboratory.

The Ministry of the Environment regional laboratories used to be able to respond quite rapidly, had top-notch people in them and a world-class reputation. I'm wondering whether you, Minister, are considering recommending to the Management Board of Cabinet any proposals that would re-establish the regional laboratories in case we need some rapid testing to take place and, as I say, very reliable testing. I do not wish to demean the private labs—there are some top-notch ones—but I think the public is looking for that. I'm wondering what opinion you would have.

**Hon Mrs Witmer:** I'm going to ask Mr Breeze to respond to that question.

**Mr Breeze:** For a number of years, the Ministry of the Environment has not prepared or conducted tests on behalf of municipalities, as you are aware, Mr Bradley. We have, though, conducted tests when it's part of our routine monitoring inspection enforcement programs. We do conduct those tests where it's part and parcel of either the drinking water or the sewage discharge components.

What we have put in place, though, with the Standards Council of Canada, and them operating through the Canadian Association for Environmental Analytic Laboratories, is a process to accredit laboratories so that we are sure the quality of analyses that are being performed by the private sector laboratories, by municipal laboratories and indeed by our own laboratory—that there are independent auditors coming in there taking a look at those results and making sure they continue to be high quality and accurate.

**Mr Bradley:** Are you aware, sir—through the minister to you I can say this—in New Mexico, I believe it is, in the southwestern United States, the Department of Energy has developed some new technology which can immediately analyze or detect chemicals in a water supply? This is something they have done. I don't know if it's in widespread use across the US. I'm wondering if you are aware of that instrumentation that can be used to immediately detect chemicals in the water and, if not, whether you'd be prepared, Minister, to investigate that as something potentially your ministry might be able to get hold of and perhaps share with municipalities.

**Mr Breeze:** Could I ask which chemicals? Is it chlorine residual or what; is it intake chemicals?

**Mr Bradley:** It's simply in water supplies. There can be an almost instant test. I read about it in much of the material which has now come forward. In this case, a staff member of mine provided the information on that from surfing the Net and was able to get that information.

**Mr Breeze:** Was it Mexico or New Mexico?

**Mr Bradley:** I think it was New Mexico.

**Mr Breeze:** I'll look into it.

**Mr Bradley:** You may wish to do that, because if you can get some instant analysis, that at least tells you what problem might be there.

The next question I have is regarding Port Colborne. You are aware of the difficulties being faced in Port Colborne at this time with allegedly former emissions from Inco. Heaven knows what you would find if you did it in Copper Cliff or near my old home in Sudbury, where nothing grew when I was there.

Could you bring us up to date on Port Colborne? In this context, I'll make a plea to you that you assign people to move quickly and expeditiously in terms of testing and remedial action to alleviate the genuine concerns of people adjacent to the Inco plant.

**Hon Mrs Witmer:** Certainly the issue of Port Colborne is an issue of concern to me personally. Our number one priority obviously is the health of local residents and that the health of those residents would be protected. Our government has moved forward in identifying the contamination and assisting the residents

of that community. It's a historical problem, as you've pointed out. I would like to ask Jim Smith, who has been involved in the work, to bring us up to date as to where we are at the present time and also to share with you where we would be going.

**Mr Jim Smith:** Jim Smith, director of the standards development branch. In terms of our efforts on Port Colborne, I'd like to bring you up to date on how we're handling that.

Number one is, we have our most senior toxicologists and scientists assigned to the file. You indicated, I think at the last session, that you were impressed with the calibre of our staff, and I can assure you we have our most experienced people working on a file that's quite complex.

In terms of the monitoring, we've done, as you know, extensive testing. In Port Colborne in the last five or six years there has been comprehensive soil testing. We're doing air testing as well in terms of understanding what is the degree of chemicals in the soil and in the air so that we can assess those.

In terms of our current status, we have an international panel of experts that's advising us on the assessment we are completing. The experts are from Europe, the US and Canada. We're undertaking a health risk assessment, and that requires us to look at the comprehensive exposure. We believe we have a good understanding of that. It requires us to understand the health effects of the chemicals we're evaluating. In this case, we've evaluated eight metals quite comprehensively, and, as you know, nickel is the metal of most concern.

We've also engaged leading experts in key consulting companies in Canada to advise us on the work we're doing. That, at this stage, is coming to completion in terms of our assessment, and we're looking at being able to provide the residents of Port Colborne with our recommendations very shortly.

I'd also like to add that we've been fully transparent in the process, at least from my perspective. Our work has been communicated to the public. We posted our original work on our Environmental Bill of Rights registry for public comment back in March. I've personally attended meetings of the community to explain the work we're doing and to understand and hear the concerns they've expressed to me. I've written three extensive letters to the residents of the community and all of Port Colborne advising them on the status of the work, how we're handling the science and the timelines we're on.

1740

**The Acting Chair:** That concludes your time, Mr Bradley. Ms Churley.

**Ms Churley:** Maybe I can follow up on that. Minister, the people in Port Colborne, as I understand it, are not happy with the slowness of the pace. They're very worried about their health. After that explanation, and I understand the process you're outlining here, I'm just wondering when there's going to be some action, particularly for those in the most contaminated spots who are

worried about their kids and their own health in terms of relocation. Are you looking at that at this point?

**Hon Mrs Witmer:** I can tell you that, according to what I've been advised by the ministry, we are on schedule to meet our commitment to complete the human health risk assessment report by the end of October. Following the release of that particular report, the ministry then will be in a position to determine next steps related to what I think you're talking about, and that is the issue of remediation.

**Ms Churley:** People who have been around for a while know that I have long-time experience with this particular issue, ground contaminations and a lead plant in my riding, before I even got into politics. It took a very long time for existing governments of the day to listen to the community about the impact lead was having on the kids. By the time they were tested, many of them had learning disabilities and problems as a result. The government eventually did do a complete soil replacement, complete cleaning of the houses, the roofs. It was quite a production. At the time, there was an agreement made where the government actually had to pick up a lot of the cost, and I don't think we ever got the money from Canada Metal. It's an ongoing issue, their portion of that.

Because we know, and I know from experience in my community, the impact that these contaminants can have on people over time—you know I've got an issue in my riding around Ivy Avenue, which is a much smaller problem but the same kind of problem in that people are worried about their health. It has been going on for seven years. We don't need to get into that here, because we are trying to deal with that with the community, but it has been going on for seven years, since the first studies were done. It's a question of, how do you find that balance? People get really frustrated with study after study and feeling that nobody is responsible and people are passing the buck and they're stuck holding the bag, so to speak. What is the company's response to this at this point? What are you looking at doing in that community? I don't think there's any doubt that some people are going to have to be relocated and some soil is going to have to be replaced.

**Hon Mrs Witmer:** I would certainly again reassure you that we take the issue of hazardous waste very seriously. Obviously what's always uppermost in our minds is the protection of human health. These are historical situations, and they're situations which we as a government are endeavouring to address. I might ask Mr Smith if he has some additional information regarding Ivy Avenue.

**Ms Churley:** Sure. Yes, that would be good.

**Mr Smith:** In terms of Ivy Avenue, we are assessing the soil contamination and the risks. At this time, the evaluation is still ongoing, and we're working with regional staff, the city of Toronto, on those properties.

**Ms Churley:** Just for the record—and I did talk to the minister earlier about this—the community, after six or seven years of this, is not happy. They don't support the process any more; they just want their soil cleaned up.

The company has been able to find more and more ways to eliminate their liability in this, so I think it's down to only 37 properties or something that they are saying they're responsible for. We don't have to resolve this here, but I did speak to the minister, and what you're trying to do here is no longer acceptable to the community.

**The Acting Chair:** Ms Churley, I'm sorry, we're going to have to interrupt you at that point. You do have time still left, and you'll be able to continue next week.

**Ms Churley:** OK.

**The Acting Chair:** With that, we're adjourned.

*The committee adjourned at 1746.*



# CONTENTS

Tuesday 16 October 2001

<b>Ministry of the Environment</b> .....	E-177
Hon Elizabeth Witmer, Minister of the Environment	
Mr Bob Breeze, associate deputy minister, implementation and transition secretariat	
Mr Carl Griffith, assistant deputy minister, operations division	
Mr Bob Shaw, director, central region, operations division	
Mr Doug Barnes, assistant deputy minister, integrated environmental planning division	
Mr Brian Nixon, director, land use policy branch	
Ms Dana Richardson, assistant deputy minister, corporate management division	
Mr John Stager, director, environmental SWAT team	
Mr Keith West, director, waste management policy branch	
Mr P.K. Misra, assistant director, environmental monitoring and emissions inventory	
Mr Michael Kurts, director, communications branch	
Mr Jim Smith, director, standards development branch	

## STANDING COMMITTEE ON ESTIMATES

### Chair / Président

Mr Gerard Kennedy (Parkdale-High Park L)

### Vice-Chair / Vice-Président

Mr Alvin Curling (Scarborough-Rouge River L)

Mr Gilles Bisson (Timmins-James Bay / Timmins-Baie James ND)

Mr Alvin Curling (Scarborough-Rouge River L)

Mr Gerard Kennedy (Parkdale-High Park L)

Mr Frank Mazzilli (London-Fanshawe PC)

Mr Norm Miller (Parry Sound-Muskoka PC)

Mr John O'Toole (Durham PC)

Mr Steve Peters (Elgin-Middlesex-London L)

Mr Wayne Wettlaufer (Kitchener PC)

### Substitutions / Membres remplaçants

Mr James J. Bradley (St Catharines L)

Ms Marilyn Churley (Toronto-Danforth ND)

Ms Shelley Martel (Nickel Belt ND)

### Also taking part / Autres participants et participantes

Ms Marilyn Churley (Toronto-Danforth ND)

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington L)

### Clerk / Greffière

Ms Susan Sourial

### Staff / Personnel

Ms Anne Marzalik, research officer,  
Research and Information Services