



ISSN 1181-6465

**Legislative Assembly
of Ontario**

Third Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 16 October 2002

**Journal
des débats
(Hansard)**

Mercredi 16 octobre 2002

**Standing committee on
estimates**

Ministry of the Environment

**Comité permanent des
budgets des dépenses**

Ministère de l'Environnement

Chair: Gerard Kennedy
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Published by the Legislative Assembly of Ontario



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

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ESTIMATESCOMITÉ PERMANENT DES
BUDGETS DES DÉPENSES

Wednesday 16 October 2002

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The committee met at 1532 in room 228.

MINISTRY OF THE ENVIRONMENT

The Acting Chair (Mr Steve Peters): I call the standing committee on estimates to order, dealing with the Ministry of the Environment. Welcome, Mr Minister, to the meeting today.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): It's my pleasure. Thanks for inviting me.

The Acting Chair: The rotation: we start with the official opposition and 20 minutes allocated to them.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I expect that our environment critic will be along, but in the meantime I would ask the minister, have you been briefed that the Richmond landfill expansion is located on fractured limestone, which is a less than ideal base by your own Ministry of the Environment landfill standards?

Hon Mr Stockwell: I can't comment on this. I think I was fairly clear yesterday that any issue that is before this environmental process, it becomes an obligation on behalf of the minister not to comment on it in any way shape or form, either publicly or privately.

Mrs Dombrowsky: Perhaps you could explain the reason why you're not able to comment. There's a public environmental assessment underway at the present time—

Hon Mr Stockwell: It's fairly straightforward. Under the act, the environment ministry obviously oversees, looks through, the environmental assessment process. Having the responsibility of the Ministry of the Environment, being in charge of the Ministry of the Environment, any comments I make could be interpreted as biasing the decision within the Ministry of the Environment. Therefore, if I did make comments, either side would say that I biased it and (a) it would be disregarded, you'd have to start again, and (b) I'm sure you'd be calling for my head as Minister of the Environment for commenting on something that was before the environmental assessment process.

Mr David Ramsay (Timiskaming-Cochrane): I understand and appreciate that, as I have, as you know, one going up in my area, so I don't want to get specific about that. But just something that came out of the present environmental assessment going on with Bennett

Environmental and their proposal to build a PCB plant in Kirkland Lake was a letter from Julian Porter, representing Bennett Environmental addressed to Beak management consulting. I think you were around that day when I had some representatives from my riding—specifically, the Timiskaming Federation of Agriculture representatives had come down to release the executive summary of a report they had commissioned asking this Beak management, an environmental company, to do basically an assessment on the EA submission to the ministry that Bennett had submitted.

About two or three weeks after that, it was August 22, Julian Porter, on behalf of the proponent, Bennett, sent a letter to Beak management basically kind of refuting point by point all the things they made and got into the detail, except on the very first point that the proponent's lawyer made, which talks about the process in general. That's what I want to talk to you about today, not about Bennett specifically but about the process in general.

What Julian Porter stated in his letter was that "Beak relied on information contained in the EA document to conduct a risk assessment.... EA is a planning tool and did not contain details of the storage method and protocol, transportation details and protocols, or details of the thermal process and backup systems proposed for the Kirkland Lake facility. This information will be presented in the certificate of authorization"—I always thought it was certificate of approval, but anyway—"certificate of authorization application documents that follow the EA process."

So we're all sort of looking at this and scratching our heads and saying if the proponent's lawyer is saying that in all the data that you require to be submitted in the EA process that the public has the opportunity to comment on and try to make some judgments and to give some opinions to you and the ministry as they work up their opinions to you before you make a decision, if in that submission there's not sufficient detailed information to make a judgment, then it basically says that our process is really a farce. If the report's saying, "We don't even have to give this until much later on," but the opportunity we have to make comment is based on this information, and the proponents themselves say there's not sufficient information to make a judgement on it, I don't understand how this process is working, how we can make a judgment, especially in this case.

This was a farm organization. Like most of us, they don't have the environmental expertise. They hire a first-

rate consulting company to try to give them a judgment on this information, and the proponent's lawyer comes back and says, "Sorry, it's not available. You can't make a judgement." So please explain it, I just—

Hon Mr Stockwell: OK. I'll try to explain, in as non-partisan a way as possible, discussing the process.

They make applications. Their application takes any form they want that application to take. If they want to include information or not include or preclude information, they may do so.

During the EA process, any proponent or opponent to a plan can make the submission that there's not enough information in here for you to draw a reasonable or thoughtful conclusion. At that point in time, the Ministry of the Environment will look at all these statements that have been brought to their attention, and determine through the EPA process that "Yes, we need more information." And if they believe the application doesn't include enough information, considering the submissions made by, potentially, your constituents and so on, they can say at the EPA, after the EA process had a public hearing and heard the comments, "Look, they're right we need this information," and demand that the proponent go back and get it.

Mr Ramsay: But as I understand the new process now, the ministry and the proponent agree to terms of reference for the environmental assessment, and surely the ministry should be saying to the proponent, "You need to provide this specific information in the EA process so that people have a fair opportunity to assess it, to assess the value and potential risks of that project."

Here's the proponent's lawyer saying, "You don't have it, and we don't even have to give it in this stage," so you can't make a comment. What's going on?

Hon Mr Stockwell: It's very difficult for me to make any comment on the application.

Mr Ramsay: I'm asking in a general sense.

Hon Mr Stockwell: In a general sense; I can only speak in a general sense.

Mr Ramsay: Yes.

Hon Mr Stockwell: Specifically to the Bennett issue, there was a four-week extension provided.

Mr Ramsay: Twice now, yes. Two extensions.

Hon Mr Stockwell: Right, so we can get as much opportunity as possible for the public to have input into this issue. If at any point in that time they have experts or studies commissioned and paid for by opponents or proponents that they would like to submit who request more information, they simply make those requests to the Ministry of the Environment as they review it through the EPA. If we think that what you're suggesting is reasonable, then we can demand that information be brought forward by the proponents or, in other cases, the opponents. But at this point in time, it is very difficult for us to tell an applicant, "This is what you need to get this thing approved." That's their decision. Frankly, we demand all kinds of information after the EA process and hearing the submissions that was not originally provided for by the proponent when the application was filed.

1540

It's not unusual, to the honourable member, that they go through a very thorough terms of reference and that kind of stuff, and we actually go back and say, "Look, we need more information." It's not very unusual at all.

Mr Ramsay: Minister, this is pretty basic stuff. What the proponent's lawyer is saying is that we haven't given the ministry nor the public, through the ministry, the details of the thermal process and the backup systems proposed for this facility. That's the heart of the issue. That's the incinerator; it's the thermal system that provides the heat.

Hon Mr Stockwell: And I have to maintain a higher level on this. I can't respond to that question.

Mr Ramsay: OK. But what I am saying is that certainly the ministry, in its terms of reference for any proposal being brought forward, should be asking the proponent to submit up front, in really the only main time that the public has an opportunity for serious public comment, the details of the proposal. Since we don't have any sort of assistance to get some sort of peer review, that's the only opportunity to do it. If you want experts to look at this stuff, surely it's got to be there up front so people can have an opportunity to truly, in an informative way, comment. The proponent says, "You don't have this and you don't have that and you don't have the other thing," which are basically the three main components of this particular project. I just don't understand why that information is not there so we could have that discussion.

Hon Mr Stockwell: I can't speak to specifics, again. But let me say I have never seen an application where there wasn't opposition. I shouldn't say "never," but it's a rare occasion when you see an application on which there is opposition where the opposition doesn't allege there is some shortcoming in information. It happens universally. The opponents say, "We need this information," and the proponents say "Well, no you don't." What we do then is that we need to sift through those arguments and determine what kind of information, thoroughly go through it, and demand the information that is necessary.

If we acted in the fashion you ask for, I honestly tell you there wouldn't be a single application that ever could move forward because opponents to certain environmental assessment hearings would consistently and forever have some small part—or large part, whatever the case may be—of the puzzle that would be missing.

Mr Ramsay: Minister, to be clear, this is not the opposition. This is the proponent's litigator saying to Beak management, "You could not have made a fair judgment on our environmental submission to the ministry because we were not required to submit this information" that I listed for you: methods of storage and the protocol and thermal process. This is not the opposition talking; this is the proponent's, Bennett Environmental's, lawyers saying, "You can't make a judgment on our submission because you don't have all the details." This isn't the opposition talking; this is the pro-

ponent saying to somebody in opposition, “You can’t make a detailed study at the EA public comment process because we weren’t required and we won’t be required until later on to give the more detailed information.”

So how can we do the risk assessment? I’m just using that as an example. I’m talking about the process. If your ministry doesn’t, in its terms of reference, ensure that all the information is out front, up there in the public domain so people can make comment on it, basically it’s saying that the whole EA process is a farce, that there’s no opportunity to make comment on it because the information’s not available. It doesn’t become available until further down in the process, the certificate of—

Hon Mr Stockwell: Right. I understand. I am going to do my best to respond. Let’s just say that this information and the demands that we make will be made public in November. The public is allowed to review that, right? They can then determine if there is not enough information. They can make comments and submit them to us. If there is new information, they can take that and generate whatever studies and opportunities they have to do that.

I say this as directly as I can: the ministry staff will ensure that all required information is submitted. That’s as far as I can go.

Mr Ramsay: OK. The problem is—and imagine now I’m going to speak for the proponent. If I, the proponent, had an agreement through the terms of reference for this as agreed upon by the two parties, you’re saying you have the power to compel them to bring forward—

Hon Mr Stockwell: Yes.

Mr Ramsay: —in advance, this next stage now, before they think they are required to do it?

Hon Mr Stockwell: Yes. That’s the best I can answer.

Mr Ramsay: OK.

Mr James J. Bradley (St Catharines): I’ve met several times with people from Georgina township about an abandoned smelter site in Keswick. I’m sure you know about it. I’ve written to you. You’ve issued press releases on the matter.

Hon Mr Stockwell: We’ve issued press releases?

Mr Bradley: You have. The ministry has several times identified that there is significant chemical contamination seeping through the soil around this abandoned site and that something should be done about it. That’s your ministry that has said that.

I understand that several weeks ago the local municipality announced that it will fund the cleanup of the buildings and scraps on the yard, but not the contamination. In your response to my letter, you told me that the ministry has no plan to clean up the pollution even though the Ministry of the Environment has suggested it poses a threat to local waterways. Can you explain the reasoning?

Hon Mr Stockwell: Can you give me the name again?

Mr Bradley: Thane smelter.

Hon Mr Stockwell: Thane? Just give me one second. We need to do further hydrogeology studies. After they finish those studies, we will evaluate it at that point.

Mr Bradley: That’s a different answer than any answer I’ve heard up to now, and that’s a more optimistic answer.

Hon Mr Stockwell: I try to be optimistic.

Mr Bradley: Because you had told me through your correspondence that you had no plan to clean up the pollution even though you’d suggested it poses a risk to local waterways.

Hon Mr Stockwell: It may be that they’re both accurate statements. It may be that they’re doing the hydrogeology analysis. We don’t have plans to clean up the site, but we may have plans for someone else to clean up the site.

Mr Bradley: On another subject, you barrelled out of the House—

Hon Mr Stockwell: I hurled?

Mr Bradley: You barrelled.

Hon Mr Stockwell: Oh barrelled. I try not to hurl in the House.

Mr Bradley: —with some fanfare, as is your wont and your style—there’s nothing wrong with that—and announced, when your government was in trouble over private labs, that you were immediately sending people out, that they were in their cars now, heading to all the private labs to see if they were in compliance with all of the ministry requirements.

Hon Mr Stockwell: Yes.

Mr Bradley: How often have you visited each of these private laboratories and what have been the results of your inspections?

Hon Mr Stockwell: At least once. The results of the inspections I think I outlined yesterday in answer to Ms Churley’s comments on the public water. On the private labs, if you give me one second I’ll get the details for you. We’ve been to all the private labs, I say to the member for St Catharine’s, all the Ministry of Health labs. Every one of them is in compliance. Those are the results. We’ve also hired five new inspectors to do just that.

Mr Bradley: How often do you anticipate having them arrive unannounced at the site?

Hon Mr Stockwell: Once a year announced and once a year unannounced.

Mr Bradley: I have a question about Drive Clean. It is my understanding that all Drive Clean equipment suppliers are required to be tested and certified by California’s Bureau of Automotive Repair, or BAR, as they call it. Is this correct?

Hon Mr Stockwell: Yes.

Mr Bradley: Is all the equipment currently in use in the province of Ontario’s Drive Clean program, including dynamometers, BAR-certified?

Hon Mr Stockwell: Yes, BAR or equivalent.

Mr Bradley: What does “or equivalent” mean?

Hon Mr Stockwell: Any equivalent test that equals or surpasses the BAR test.

Mr Bradley: The reason I ask is that I understand there is some non-BAR-certified equipment approved for Drive Clean testing facilities.

Hon Mr Stockwell: Sometimes.

Mr Bradley: There is at least one Canadian company that has been excluded from the Drive Clean program because they were not BAR-certified.

Hon Mr Stockwell: BAR or equivalent.

Mr Bradley: So you have no problems with that so far?

Hon Mr Stockwell: Yes, I have no problems with that—unless you do.

Mr Bradley: I do, but that's another matter.

Another thing I can throw at you on the Drive Clean program: are you aware of a practice—that is alleged; I've not seen it and I've not heard directly about it, but it's alleged out there. It is a situation where a person gets the registration number of a car and then puts his own car—in other words, the owner of the garage puts his own car—on the testing machines for testing. Are you investigating any of those matters?

1550

Hon Mr Stockwell: Constantly. Any allegations—I can't actually point to a situation right now. We get a lot of allegations that we do inspect. We've had some success in the past catching some individuals who have been doing that and alleged to be doing that, but we have absolutely none right now on our books.

Mr Bradley: I want to touch on the Lakeview generating station and the announcement made at long last to close the plant, as you have noted. The news would be made even better if you had said that brand new boilers must be used if that plant were converted, not the old boilers. I'm not suggesting that's necessarily going to be the solution, but there is a plant there at this time. Why would you not require that the new boilers and the new equipment be installed in such a plant if it were converted to natural gas?

Hon Mr Stockwell: I think there's this misconception out there, and I think you may be under this misconception. When someone says they will convert a coal-fired plant, there's this idea that they go in and actually keep the same structure and actually convert it. That doesn't happen. What happens is basically that they mothball that plant and right next door they build a gas-fired plant. It didn't make a lot of sense to us, from an economic point of view, to say that, because there is absolutely no interest, as far as I can see, that anyone would actually go into that Lakeview plant and convert the existing structure.

When people say "conversion," what they mean is, "Shut this down. Open a gas-fired plant."

Mr Bradley: And you would require new equipment for that?

Hon Mr Stockwell: Absolutely.

Mr Bradley: I think I'm out of time.

The Acting Chair: You have about 30 seconds.

Mr Bradley: Oh, then I'll ask him about something else. SWARU: I noticed that you were asked a question on SWARU.

Hon Mr Stockwell: Right. A spectacular job by the Ministry of the Environment staff.

Mr Bradley: Your announcement came the day after the report was announced that there was a deteriorating situation at SWARU. The announcement would have been more impressive if it had been a previous occasion to that, because you would have a lot of that information in your hands earlier. Why, when you were seeing the pattern of the deterioration that wasn't getting better—deterioration, as I understand—why did you not take the action when you saw that deterioration?

Hon Mr Stockwell: Oh, we did. The fact of the matter is—

The Acting Chair: A quick answer, please.

Hon Mr Stockwell: I'll do my best. We did. You, as an ex-Minister of the Environment, would know that you don't just write a C of A in two days. We saw the deterioration. We opened negotiations on a C of A. We concluded those negotiations with the C of A as of last Friday. There's no doubt that as soon as we saw the deterioration, we jumped, they jumped well, and they got a C of A and an agreement with the city to live by that C of A.

The Acting Chair: Thank you, Minister. We'll move to Mrs Churley—Ms Churley—and the third party.

Ms Marilyn Churley (Toronto-Danforth): Ms, thank you.

The Acting Chair: I know. I corrected myself. I apologize.

Ms Churley: You did. That's right.

Minister, thank you for supplying—

Hon Mr Stockwell: Chris.

Ms Churley: Chris? Well, I think I'll get to that eventually. It'll break down, but I thought I'd be polite at the beginning.

Thank you for supplying these numbers. They indeed are very large numbers, aren't they?

Hon Mr Stockwell: Not really.

Ms Churley: I got them all right yesterday. However, that was a rhetorical question.

Hon Mr Stockwell: Oh, sorry. Yeah, they are.

Ms Churley: First of all, I wanted to correct the record about Drive Clean. I believe you said yesterday that the opposition didn't support that program. In fact, we did. You weren't the minister at the time, so you may not have paid attention. From about 1995, when the government was first elected, to when you first brought the program in, I was on my feet—and staff here will remember this—on numerous occasions.

Hon Mr Stockwell: I said some people in the province didn't support it.

Ms Churley: Oh, well, OK.

Hon Mr Stockwell: I never said you didn't support it.

Ms Churley: You may have misspoke.

Hon Mr Stockwell: No no, you may have misread. I said some people in the province.

Ms Churley: I wasn't reading; you were speaking. However, we did support it, and in fact—

Hon Mr Stockwell: I never suggested you didn't.

Ms Churley: OK, good—it was due to our efforts that your government finally, after a couple years of this, brought in the Drive Clean program.

Hon Mr Stockwell: Well, that's conjecture.

Ms Churley: However, I wanted to just briefly come back to the Bennett—

Hon Mr Stockwell: Proposal?

Ms Churley: Yes. I just wanted to ask you about intervener funding. I'm going to just stay away right now from what I believe to be real flaws in the scope system that you have, and talk about intervener funding. I believe the cornerstone of democracy is equal access to justice, and intervener funding, which, as you know, came under the AG's office, didn't cost taxpayers money. The proponent had to give a certain proportion of money to interveners—that's how it worked—so they could participate in a meaningful way. You have to bear in mind that these are only large proponents, who are spending millions of dollars of their own money to do their own studies.

Your government, the Harris government, cancelled intervener funding, or didn't renew it; it had come to an end. Since that time, citizens' groups across the province, where there are any kind of EAs happening, have a really hard time. They're not getting justice. They never got equal access to companies with millions of dollars to spend, but they did at least have fair and meaningful access, which they don't have any more. They are fundraising like crazy, but they feel like they cannot possibly—and it's true—be able to meet the same standards that the proponents have, who have a lot of money to participate and bring forward their own studies.

My question is simply this: would you support looking into doing a bit of a study on the impact this has had on interveners across the province and look into bringing in a new intervener funding program?

Hon Mr Stockwell: Well, the first part of your comments I think is fatally flawed and inaccurate, when you said it never cost the taxpayers any money. That's patently wrong. You and I both know that many of these applications come from municipalities, the province itself on occasion, and intervener funding would be required by the local municipality to be paid to whatever group that was determined to be fair. That's taxpayers' money.

Ms Churley: Sometimes you are right. I stand corrected. I think it's taxpayers' money well spent. The proponents generally, though, under EAs—most EAs are only done with the private sector. The public sector normally didn't—no, I'm sorry. I've got it backwards, don't I? It's the public sector that came in, and sometimes the private sector. So you are right: there are times when a municipality would pay that intervener funding.

Having set aside that, though, it was the proponent, whether private or the public sector, paying it. It gave citizens—that's the crux of my question—fair access to justice. My question is quite fair: would you undertake to at least look at—it hasn't been studied—the impact it's having on community groups and other objectors in these things, to see if there actually is a problem?

Hon Mr Stockwell: I can tell you, frankly, I have not noticed any drop in activism with respect to—

Ms Churley: But that's not what I'm saying. I hear all the time, Chris, from people who are—for instance, over the Bennett proposal and others. It is a real problem, and all I've asked you is if you'd be willing to undertake taking a look at it and seeing what the impact is, because that hasn't been done.

Hon Mr Stockwell: I think we always measure the impact. Frankly, I think we've measured on a fairly routine and regular basis. I think the Ministry of the Environment measures the impact every day.

Ms Churley: I didn't want a general—I wanted this particular program, intervener funding—

Hon Mr Stockwell: You want a yes or no, but I don't want to give you a yes or no. I want to elaborate on it.

Ms Churley: OK. That's my answer.

Yesterday, the last question I asked you—you weren't able to answer it because it comes under SuperBuild. I asked you how much capital investment is being requested by municipalities to bring their municipal drinking water treatment and distribution infrastructure into compliance with your regulations. You said you don't know and it comes under SuperBuild. I want to ask you, what direct role does your ministry play in the decision-making process for the funding of these municipal water systems? You don't know, you said you couldn't give me the information, so what role do you play?

Hon Mr Stockwell: We review the plans; we determine whether or not they are up to standards. After reviewing the plans and determining they're up to standards, we would review the cost implications and the government's participation in the capital works programs after that.

Ms Churley: Do you make recommendations to SuperBuild, then, after that?

Hon Mr Stockwell: No, I think SuperBuild would probably make recommendations to us.

Ms Churley: So they would do their own analysis. You would do an analysis, SuperBuild would do one and you don't have a direct role in recommending, after your analysis—

Hon Mr Stockwell: No, no, I think we actually make the decision.

Ms Churley: You make the decision?

Hon Mr Stockwell: The Ministry of the Environment, yes.

Ms Churley: OK. So you review the plans. You make the recommendations.

Hon Mr Stockwell: Well, at this point in time, yes.

Ms Churley: So you would know that, in that case. If you're reviewing and making the decision, you should be able to answer my question from yesterday.

1600

Hon Mr Stockwell: I appreciate the fact that you think I should be able to answer your question. The request for funding goes to SuperBuild. SuperBuild assesses the situation and then we make a determination,

the Ministry of the Environment, about where it goes from here. It's a clear delineation. SuperBuild is a capital account. They're going to determine how you pay for it, what the process is that you work through, but the Ministry of the Environment is the ministry that would, in fact, review the plans to determine if they're living up to the terms and conditions and so on.

Ms Churley: There's a gap here, though.

Hon Mr Stockwell: So it's a decision in concert but, with respect to the applications to date, right now, it's not even close to being completed right across the province, so the information would be not only incomplete but probably insignificant compared to the final amount.

Ms Churley: I think I'll be coming back to you on that one, but for now I want to try to get to the bottom of the funding under the municipal partnership initiatives, because your government's most recent budget shows that your government underspent about \$171 million in the municipal partnerships initiative. That means you only spent \$29 million of the budgeted account. The budget states that you couldn't spend because of delays in approvals and finalizing contracts. So what I want to know is, how much of that was water infrastructure projects to help them meet the regulations?

Hon Mr Stockwell: What ministry are you talking about?

Ms Churley: Municipal partnerships initiatives—

Hon Mr Stockwell: Municipal affairs.

Ms Churley: What I'm asking you, though—you don't have access to that, either, because it may come under municipal affairs, but the fact is that the government underspent \$171 million. I want to know if it comes under the water upgrade budget. The budget—

Hon Mr Stockwell: It could come under a lot of budgets.

Ms Churley: But it clearly states that you couldn't spend, because of the delays and approvals of finalizing contracts.

Hon Mr Stockwell: Marilyn, you've got the wrong minister here. You've got to ask the Minister of Municipal Affairs.

Ms Churley: Why?

Hon Mr Stockwell: Because that's the way it works.

Ms Churley: But you should know this; you're the Minister of the Environment.

Hon Mr Stockwell: I should know a lot of things, but you see this army of people behind me? They're all here because I don't know everything.

Ms Churley: I'm sure that's true. Nobody's arguing with that.

Hon Mr Stockwell: I agree. Candidly, you should have a few people behind you.

Ms Churley: But surely, Minister, when we're talking about sewer and water infrastructure, you must have somebody there—not you—who must have the details about how much of that water infrastructure was to help them meet the regs.

Hon Mr Stockwell: Well, Marilyn, to be fair, you're asking a question about a pot of money that exists within

the Ministry of Municipal Affairs. Now, I'm quite certain you have your reasons for believing I should know that.

Ms Churley: Yes—

Hon Mr Stockwell: But, the minister—

Ms Churley: You should be responsible—

Hon Mr Stockwell: Oh, I hear you.

Ms Churley: —as Justice O'Connor said, for all water-related issues.

The Acting Chair: There's no debate back and forth. Through the Chair, please.

Ms Churley: Why not?

Hon Mr Stockwell: I appreciate the point you're trying to make, but all I can tell you is that that pot of money is distributed, dealt with and handled by the Ministry of Municipal Affairs. It may be a very relevant question. But I think you should get the Minister of Municipal Affairs in here and ask him.

Ms Churley: Wouldn't you like to know, though?

Hon Mr Stockwell: There are many things I would like to know.

Ms Churley: Let me just put it this way: I will pursue that—

Hon Mr Stockwell: I would like to know your train of thought.

Ms Churley: My train of thought is that I want to know what has happened to that money. The fact remains, Minister, that there are certain municipalities that were unable to meet your so-called tough new regs. They didn't have the money to do it. The date for compliance was then extended. I want to know, because this is pretty important to the safety of our drinking water, what happened with that money? Did they get it? That's a legitimate question to ask the Minister of the Environment.

Hon Mr Stockwell: Well, I can only say to you that that program is managed and administered by, my guess is, the Ministry of Municipal Affairs. It's not managed by me, and you should probably call him to estimates and ask him that question.

Ms Churley: OK. So for the record, Minister, what we have here is a question on capital investment for drinking water treatment and distribution; you don't know because it's under SuperBuild. For the record, money that's—

Hon Mr Stockwell: I don't know if those are questions or statements, but that's not anything close to what I said.

Ms Churley: For the record, you don't know about the underspent money under the municipal partnership initiatives to help fix up water and sewer systems.

Hon Mr Stockwell: Again, that money, I do not believe, is exclusively for water and sewer systems. I might want to pursue that with you.

Ms Churley: Yes. I want to know. If you can't answer it here—and you're right, I can pursue it through other channels. But the fact that money was underspent—I guess in that case, I won't pursue what then happened to the rest of that money, whether it went back into general revenues or if it's still set aside—

Hon Mr Stockwell: If it wasn't spent and previously dedicated, it would probably go back into general revenue. That would be my guess. Any previous minister would tell you the same thing, that underspent dollars that aren't previously dedicated would probably go back into the general revenue account.

Ms Churley: I'll pursue that, and perhaps you will too. I'm sure you'd like to know.

Hon Mr Stockwell: Good thinking. I'll give them a heads-up.

Ms Churley: I wanted to ask a couple of questions. Perhaps Mr Breeze will be invited to participate in this, but I wanted to talk about the Gibbons report. I asked a lot of questions during the last committee hearings on this. We don't hear about the Gibbons report anymore, and I understand some work is being done. I want to know how much money has been spent to date on implementing the Gibbons report, and specifically how much has been spent on consultants, and who those consultants are.

Hon Mr Stockwell: Can you just give me one second?

Ms Churley: Sure.

Hon Mr Stockwell: The difficulty we're faced with on that particular report is that it's not a specific project initiative report. It's a process or a way of doing business. It's spent right across the entire ministry without any dedicated specific expenditure program initiatives. So it will be very difficult to itemize and give you an exact dollar value because it's not so much, as I said earlier, a specific program-related initiative; it's a process in a way of doing business.

Ms Churley: But I understand from last year when we covered this issue under estimates that there was, if not a dedicated fund, a specific unit set up under Mr Breeze to implement the Gibbons report, which means there would have to be some budget attached to that and consultants hired.

Hon Mr Stockwell: You would like the budget for the personnel who work under Mr Breeze?

Ms Churley: I know as well there have been consultants, and studies done on various components of the Gibbons report. So what I'm asking is very simple: what money has been allocated to bring forward recommendations from the Gibbons report, who were the consultants, how much money has been spent on these consultants and, finally, what is the product? What have we got as a result of spending that money?

Hon Mr Stockwell: The question is simple; the answer isn't. The problem with your question is you're asking me what consultants have been hired and where have they done it.

Ms Churley: Yes.

Hon Mr Stockwell: The problem is, there's no local area to deem. That was specific—

Ms Churley: But that's not what I was told last year, Chris.

Hon Mr Stockwell: I think it was. You should reread your Hansard. I think you have a confusing way of hear-

ing something and coming to a conclusion that may not necessarily be what was intended to be the information provided.

Ms Churley: What?

Hon Mr Stockwell: It was never designed that this amount of money, this pot, would be designated specifically as the Gibbons report, consultants would flow out etc. There is a small group of people that work under Mr Breeze, but the money is filtered out and spent throughout the ministry in different sections. None of it is dedicated back specifically to the Gibbons report initiatives, dollars spent, line item, itemized budget.

Ms Churley: What about the consultants?

Hon Mr Stockwell: There could have been lots of consultants hired, but they would have been hired as consultants out in different sectors of the ministry to provide expertise, input into the process of doing business.

Ms Churley: I'll accept your answer on that for now. I would say that the public has a right to know when you bring forward, with a lot of fanfare, a new direction for the Ministry of the Environment. We haven't seen any noticeable product as a result of that yet.

Hon Mr Stockwell: Au contraire. Absolutely wrong. SWAT's a good example of where the Gibbons—

Ms Churley: SWAT happened before the Gibbons report, Minister.

Hon Mr Stockwell: That's wrong, first of all. Secondly, the Gibbons report was an example of the work they did that generated the compliance orders and so on that SWAT is now in fact doing. You're completely wrong. If you were any more wrong—well, you couldn't be right. You couldn't be any more wrong.

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Ms Churley: Minister, I'm sorry, you are wrong. The first mention that I have seen of SWAT was in the leaked cabinet document, before the Gibbons report came out as a suggestion to the ministry.

Hon Mr Stockwell: But it was the compliance program of SWAT that the Gibbons report dealt with.

Ms Churley: Why are we mired in this, tangled in this? I asked a really simple question: what consultants were hired to—

Hon Mr Stockwell: I expect nothing less, but sometimes the questions have complicated answers. You're frustrated because your simple questions have complicated answers. I can't help you with that. Life is complicated.

Ms Churley: Well, you should be able to.

Hon Mr Stockwell: Running a ministry of thousands and thousands of people with hundreds of millions of dollars sometimes gets complicated. I can't stop that.

Ms Churley: Chris, you never would have accepted an answer like that when you were sitting over here.

Hon Mr Stockwell: I would have revelled in that answer.

Ms Churley: You are accountable.

Hon Mr Stockwell: I would have had a parade if a minister were in government and I was in opposition and they actually answered it so directly.

Ms Churley: OK, Minister, we'll leave it at that for now.

I want to come back to the MOE staffing levels.

Hon Mr Stockwell: How much time has she got?

Ms Churley: How much time do I have?

The Acting Chair: Two minutes.

Ms Churley: Oh, is that all?

In your recent budget you said you provide funding to hire 26 new water inspectors. So how many have been inspected—this should be an easy one—and how many were hired on full-time, permanent contracts?

Hon Mr Stockwell: How many have been inspected?

Ms Churley: How many have been hired? You said you provide funding—

Hon Mr Stockwell: Fifty-one.

Ms Churley: And how many of those are hired on full-time, permanent contracts?

Hon Mr Stockwell: All of them.

Ms Churley: All of them? Every single one of them?

Hon Mr Stockwell: Every single one of them.

Ms Churley: OK. In total, how many permanent inspectors are currently inspecting municipal water systems?

Hon Mr Stockwell: You mean just the water systems, not testing labs?

Ms Churley: Yes, the municipal water systems.

Hon Mr Stockwell: And private water systems?

Ms Churley: Municipal water systems.

Hon Mr Stockwell: Not privates?

Ms Churley: Yes.

Hon Mr Stockwell: It's 26 to 51.

Ms Churley: And in total how many full-time, permanent inspectors are currently inspecting water-testing labs?

Hon Mr Stockwell: Five.

Ms Churley: How many water-testing labs are there?

Hon Mr Stockwell: Fifty-eight.

Ms Churley: How many microbiologists specifically working on water issues do you have working with the Ministry of the Environment?

Hon Mr Stockwell: There are 137,000.

Ms Churley: Microbiologists?

Hon Mr Stockwell: Three.

Ms Churley: How many scientists does the MOE employ who are working specifically on water quality issues?

Hon Mr Stockwell: That's a tough question. It would be difficult for us to quantify exactly the number of scientists working on water quality issues because they could deal with a whole broad range of issues.

Ms Churley: So you don't have any kind of—

Hon Mr Stockwell: Do we have any scientists? We have lots of scientists.

Ms Churley: No, no. You have no idea? You can't say in any way?

Hon Mr Stockwell: I can tell you how many scientists we have. Probably every one of them at some point in time would have dealt with the water quality issue.

Ms Churley: So there is none dedicated specifically to water?

The Acting Chair: Ms Churley, that concludes your time.

Hon Mr Stockwell: What an awful shame your time's up.

The Acting Chair: You'll have an opportunity to continue at the next round. We'll move to the government side.

Mr Ted Chudleigh (Halton): Going back to a previous question, 570 billion litres of water used in Ontario, or 125 billion gallons—

Hon Mr Stockwell: Yes.

Mr Chudleigh: If we took all the water in Ontario—

Hon Mr Stockwell: How much do we have?

Mr Chudleigh: Well, I think we would have two types of water. One, we have reservoir water and, second, we have renewable water. So if we took the lowest level of the lakes, rivers and streams, that would be the reservoir that we have. Everything else that flows over that would be the renewable.

Hon Mr Stockwell: Right.

Mr Chudleigh: What percentage is the 600 billion litres of water to the renewable figure? Before you answer, 10 or 15 years ago I was at a seminar where we discussed this kind of thing and 10 or 15 years ago it was one tenth of one per cent of the renewable water. Do you know if that's changed very much today?

Hon Mr Stockwell: The only comment I can make is that it would be the smallest of fractions of the original amount you spoke of. If you want to take the whole number—like my friend from the NDP says, "Holy smoke, that's a lot of water,"—you can probably do that and frighten people into believing that's a lot of water, but the reality is that it is such a small, small fraction. You're into Whoville, in Dr Seuss's words. It's a small fraction of the amount of water.

Mr Chudleigh: In the industrial water, which is 461 billion litres and by far the largest component of all the water users in Ontario, what percentage of that water is used for the cooling of our nuclear reactors and therefore goes in one pipe and comes out another, albeit a few degrees warmer?

Hon Mr Stockwell: Well, I'll tell you this much, I can't specifically answer that question, but what I could—

Mr Chudleigh: Oh, you can't?

Interjections.

Hon Mr Stockwell: Well, OK, I know, but that's not just for nuclear. Your question is for dams, wetlands, cooling water, hydroelectric power generation and so on and so forth, the stuff that actually just goes in and flows back out?

Mr Chudleigh: The industrial, yes.

Hon Mr Stockwell: Two thirds. Two thirds just goes in and comes back out. It sounds like an enormous number but when you hive off the two thirds that just goes in and comes back out, the number is far less.

Mr Chudleigh: So the water we're using in Ontario, we're using it very carefully.

Hon Mr Stockwell: Let me say this: I think the water issue with respect to water taking and so on—I was profoundly disappointed with the opposition yesterday and their position on water taking. I know Ms Churley has said that if she were the government in place tomorrow, she would put a moratorium not to allow any testing of water-taking permits or any water-taking permit renewal—nothing. You couldn't get anything done. That's really disturbing.

Mr Chudleigh: All the crops in Ontario would die.

Hon Mr Stockwell: All the crops in Ontario would die. You would have businesses and companies going bankrupt. You'd have homes being foreclosed on. You'd have children being put on the streets because their home had been foreclosed on, and you'd have bankruptcies all over.

Mr Chudleigh: But we'd have water.

Hon Mr Stockwell: Frankly, I can't believe that's a public policy position. I gave her the opportunity to back out yesterday, but she didn't, so I've got to believe they mean it because I heard her say it. When you actually look at it from the whole reality of how much water is there, we have to be careful about water taking. We are careful. We're doing studies on the movement of water, the source protection of water and cleanliness of water. But you also have to comprehend there's a balance here. There are businesses, there are activities, there are all kinds of things that surround the water. Water taking needs to be regulated, methodically inspected and properly enforced, which these folks do every day of their lives. I think we should have a great comfort level in the water-taking permits and the process you have to go through to get them and the testing. Frankly, I think that we, the government and the bureaucracy, the civil servants, have done a very good job dealing with this issue head on.

Mr Chudleigh: Thank you, Minister.

Hon Mr Stockwell: Thank you for that very insightful question.

Mr John O'Toole (Durham): I'll try and be brief. I have two specific issues I would like to put on the record that are quite local in concern to me but in a broader sense I'm sure they are a concern to the people of Ontario.

The first one is the memo issued by one of the ministry staff, Mr Steele, on Durham water quality and the reporting mechanisms. Apparently this issue is before the courts or will be before the courts. I attended a broad meeting with the Durham regional council. It was the number one issue of how the communication got in the way of public confidence in the water system.

My question in this respect is, what other municipalities have been charged or notified? If you can't provide that information, I do want it in writing, because I would take some issue with the communications strategy. That's issue number one.

Hon Mr Stockwell: Is your concern—

Mr O'Toole: My number two issue, if I could finish, and then you can respond in whatever fashion your style permits.

Hon Mr Stockwell: You're like one of the opposition parties.

Mr O'Toole: Protect the Ridges is a group I have been working with for some time—actually an exhaustive amount of time—and I feel I've been placated and met with less than clarity and more than natural obstacles.

What is the current status of the testing that was promised by the ministry on wells, water tables, berms and all the rest of the gun clubs in my riding of Durham? I would like to know specifically, in writing, when the tests will be completed. "Blah, blah blah, it's winter, we can't do it now. We missed another year because it's spring." I'm sick and tired of being placated. I hate to sound like an opposition member here, but I want the response to those two issues on the public record. That concludes my outrage for this afternoon. You can give it to me now or later. It's on the record and I'll be sending it out as soon as I get a copy of Hansard.

Hon Mr Stockwell: Okay, I'll get it to you later.

Mr Frank Mazzilli (London-Fanshawe): Minister, this evening I'm going to be on a TV show.

Hon Mr Stockwell: Which one?

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Mr Mazzilli: Well, Focus Ontario it happens to be. The issue is going to be ethics, I think. That's what the Liberals want to talk about, but I'd like to talk about Dalton McGuinty's clean air plan. Can you give me a few pointers on what I might want to tell the people of Ontario about this plan?

Hon Mr Stockwell: That's an interesting question. It's a broad question that allows me to, really, go anywhere I want with respect to this issue, and I want to thank you for that.

I guess the major shortcoming that we have with respect to the plans that I've seen from opposition and others out there—you know, there's this concern about road construction, the 905 gridlock that's taking place. I think some parties are on the record saying they're not building any more roads; that's no way to go.

You've got to understand that a lot of the concerns with respect to greenhouse gases have to do with cars. Do you realize that a car travelling at 60 or 70 kilometres an hour produces X amount of greenhouse gases, and as it slows down, that actually increases to the point that if it's bumper to bumper it's off the wall, off the map, how many more greenhouse gases it produces in the province of Ontario?

The worst thing that you can see as an environmentalist—obviously you want some responsibility with respect to SUVs and people to use their cars properly, and we're asking them to do that. I think we're all engaged in that process. I know the member from St Catharines is gainfully engaged in ensuring that. But what you should know is that when these cars slow down to a crawl, and you see it every day, that's the worst

possible effect on climate, on greenhouse gases and on the viability of the environment for the province of Ontario. That's why I'm really happy with Chris Hodgson and Smart Growth, when he talks about strategic building, putting road construction out there as a possible way to reduce the greenhouse gas emissions from traffic that has just come to a dead stop.

Furthermore, the other thing that people can do, and I really, really am concerned about this because the day Mr McGuinty did commit to setting a good example was August 13, and that day a smog advisory was in effect. I've often told people, when a smog advisory is in effect, it's better you don't cut your lawn, it's better you not have a barbecue because those are the kinds of things that cause concerns with respect to smog. So I was profoundly disappointed on August 13, when Mr McGuinty made his announcement: he had 200 Liberal Party supporters at a barbecue.

Those are the kinds of things we have to put at the forefront. We've got to get our minds thinking that way. When there are smog days, don't have that barbecue, don't cut your lawn, because those are the kinds of things that cause smog, that cause the depreciation of the quality of air in the province of Ontario.

I'm not putting too fine a point on this but there's a lot of argument about the coal-fired plants, and coal-fired plants, agreed, are a problem. The coal-fired plant situation is that we have to find a way to deliver electricity in a cleaner fashion. We all agree with that. We've got to find a way to deliver electricity in a cleaner fashion but also to deliver that electricity.

I agreed with the members opposite, Ms Churley and Mr Bradley, when they signed the alternative fuels report, when they suggested that we should have those coal-fired plants closed by 2015. They signed that report, and they knew the work that went into that report, and the reasonableness of that report, and the responsibility of that report. So I agree with them; I don't agree with their leaders. Mr McGuinty said he's going to close the coal-fired plants in 2007. The member for St Catharines knows, having sat through months and months of hearings on alternative fuels, that that can't be done. That's why he signed his name to the report that said 2015.

So I think we have to be prepared to make those hard decisions, like closing Lakeview in 2005, but if you're going to simply make that decision and shut the lights out in the province of Ontario and hospitals and businesses and homes and nursing homes, then I think you've done a disservice to the people of the province of Ontario.

Mr Mazzilli: So let me get this right. If you close that, as Dalton McGuinty would say, and you buy your hydro from the US side, what kind of plants would that come from?

Hon Mr Stockwell: This is another problem, and I spoke to this yesterday. If you end up going outside your borders to buy power, and if you're going to talk about closing the plants in 2007, I think any reasonable person who has looked at this, including Ms Churley and Mr Bradley, would say you can't possibly provide your own

power if you're closing your coal-fired plants—30% of your power. Put scrubbers on them, do good things to them, but you can't close them in 2007 or you have to go outside your borders to buy it. You can buy it from Quebec, but you're going to buy some from Michigan, you're going to be buying some from Ohio, and what kind of power are you buying? Dirty coal. They burn dirty coal, and they're responsible for 50% of these problems in the southern Ontario smog issue.

So closing your plants and substituting that with power purchases from Ohio and Michigan is foolhardy, to say the least.

Mr Mazzilli: On Drive Clean, I want to just bring out a couple of issues that perhaps at some point your ministry can look at. Three years is certainly an aggressive target, well intentioned, and like you said, all your ministry people are looking after the environment. I also think it's almost too aggressive. I've heard cases of people having a three-year bumper-to-bumper warranty that includes tire changes, oil changes, and before that warranty is even up they get a notice for Drive Clean, which is somewhat inconsistent, if you will, with a vehicle that new requiring any kind of work. Was there any thought of perhaps making it five years or something a little more reasonable?

Hon Mr Stockwell: No; candidly there hasn't. Most jurisdictions that we have examined have the three-year program as well. Generally speaking and not completely speaking, most car warranties are basically three-year/60,000; sometimes you get to five-year/100,000 on some models. But we've found in our investigations that there is some initial breakdown of the cars' operating ability after three years. We can't put a kilometre range on it because that's impossible, so we believe that you should stick to the three-years-and-after program.

I know it causes some problems; I heard it at the doors in my last campaign in 1999. But I'm committed to it and I know the party is committed to it and I know we're the government that brought it in. I think it's just something you're going to have to say to the residents of this province: it's good for the air, it's good for our children, it's good for the people of this province. We appreciate that sometimes you are taking your three-year-old car and you just walk it through and it's in and out; and if that's the issue then so be it. But there are cars that are captured in the program that are reasonably close to three years old—not many, but there are some—that by taking the corrective measures we got cleaner air in this province, and that should be everybody's game plan.

Mr Norm Miller (Parry Sound-Muskoka): I have a question to do with Bennett Environmental and the process that is going on there. You may or may not be able to answer it. I know it's in process, but certainly coming from my riding, Parry Sound-Muskoka, I've had numerous calls to our constituency office to do with the proposed incinerator in Kirkland Lake, mainly concerned with trucking hazardous waste up Highway 11 right through the riding and the safety involved with that.

There has been mention in the media that these hazardous wastes would be coming from Mexico. I don't

have a problem with us looking after our own problems, especially hazardous waste generated in Ontario. Do we have any idea, or is this in fact correct, that it would be hazardous waste coming from Mexico? I can't imagine soil being trucked all the way from Mexico to Kirkland Lake, first of all. I wonder if you could make a comment on that first.

Hon Mr Stockwell: I'm just getting information as to whether or not I can comment on that, so just give me one second.

Mr Miller: OK.

Hon Mr Stockwell: I can't make comment on that. I'm sorry.

Mr Miller: OK, then generally a question, not specific then. In terms of dealing with hazardous waste, what are our options with soil contaminated with PCBs, which I think is what this incinerator is proposed for? Are there other options? Do they allow this in the United States? Do they allow incinerators?

Hon Mr Stockwell: I think this is predominantly allowed in most jurisdictions—yes, it is allowed in the US, as is done in most countries, including Canada as well in other provinces. Alberta is acting—

Mr Miller: I think I read somewhere that there aren't new incinerator licences being allowed in the United States. Maybe I'm wrong—

Hon Mr Stockwell: I've not heard that.

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Mr Miller: OK. I think I just read that in media reports. So it is allowed. Are there any other options? I'm for dealing with the problem, especially if it's a problem generated in Ontario. I think we have to responsibly deal—

Hon Mr Stockwell: Well, we do generate PCBs in Ontario. There's just no two ways about. The fact of the matter is the Americans won't let us import PCBs to be destroyed in the United States. So we have a pragmatic reality. I'm not commenting on the Bennett issue or not, but we have to deal with our own PCBs. I think any environmentally responsible government would understand that and accept the fact that if you're producing this, you have a fiduciary obligation to the world at large and to your constituents to manage this and handle this in a safe and practical fashion.

Mr Miller: I would agree with that. If we don't deal with this hazardous waste it's going to be sitting somewhere and perhaps contaminating the water system or creating other problems.

Hon Mr Stockwell: Well, in flat-out fact, it's stored, and I just don't know many people who want to have it stored right next to their home. Unless you have some examples, I don't know anybody who wants to have a PCB storage area next to where they live or next to their school or church or business.

The reality is that you have to be responsible environmentally. Responsible not only means that you've got to fight the fight—and I agree with all that, and the process has to be determined—but if you produce these things, you should be responsible enough to be able to

deal with them. This Pollyanna approach, to stick your head in the sand and just let them pile up in sections around this province, is reprehensible, in my opinion.

Mr Miller: I noticed in the recent clippings from a northern newspaper that there's been a 30-day delay by the MOE in the next step of the process with the Bennett incinerator and that there have been over 60,000 letters submitted. More submissions have been made to do with this proposal than any in history.

Interjection.

Hon Mr Stockwell: We have extended I believe twice, and we are extending again our time. We want to hear from the constituents. We want to hear from the opponents. We will undertake to read all the submissions. There's nobody who doesn't want to manage this whole process in a very environmentally sensitive, responsible way and hear from those pro and con.

Mr Miller: Is there any other means of dealing with hazardous soil contaminated with PCBs other than incinerating? I read an article from—

Hon Mr Stockwell: No. Not that I know of.

Mr Miller: —my opposition in the past election, Richard Thomas from the Green Party, saying there was a process not through incineration. Maybe one of your experts knows.

Hon Mr Stockwell: All I can say is that the common technology used throughout the world is incineration to destroy the organics. There may be another methodology out there, but it hasn't proven to be universally accepted in many jurisdictions, if any.

Mr Miller: Thank you.

The Acting Chair: Thank you, Mr Miller. We'll move back to the opposition; Mr Agostino.

Mr Dominic Agostino (Hamilton East): I just have a couple of questions, two issues of clarification, for the Minister.

Earlier today you said that the ministry had issued a new certificate for the SWARU incinerator.

Hon Mr Stockwell: A what?

Mr Agostino: Sorry, approval for the incinerator in Hamilton, the SWARU.

Hon Mr Stockwell: Yes.

Mr Agostino: You said that a new C of A had been issued. Can you tell us what date that was done?

Hon Mr Stockwell: Friday, I think.

Mr Agostino: Friday the 11th. The article that broke the story on the emissions was on October 12, so this would have been issued the day before the Spectator article ran?

Hon Mr Stockwell: I have no idea.

Mr Agostino: Just for the record, the article did run on October 12.

Hon Mr Stockwell: Maybe. I never saw the article.

Mr Agostino: So the things would have been the day prior.

Just for clarification, you said in Hansard, and I just want to make sure this is accurate, in the House today that standards for 2006 that had been the previous set now have to be met by 2003. Is that correct?

Hon Mr Stockwell: The standard is being dropped to 450 by 2003 and they're being shut down in 2006.

Mr Agostino: So are the standards that have to be met by 2003 the same standards that were to be met by 2006 under the Canada-wide standards?

Hon Mr Stockwell: I think they're 80 by 2006.

Mr Agostino: I'm just trying to understand here, just in layman's terms if you can. What you said today was the standards had been set and they were to be met by 2006. Your new certificate of approval means that they must meet these standards by 2003.

Hon Mr Stockwell: There were no standards. By 2006, I think the standards were 80. We're forcing them to meet standards in 2003 of 450, which they have no obligation to meet, and close by 2006.

Mr Agostino: What happens if they don't meet those standards?

Hon Mr Stockwell: They're closed.

Mr Agostino: So by January 2003—

Hon Mr Stockwell: No I think it's mid-2003—July.

Mr Agostino: So you're guaranteeing us that by July 2003, if SWARU does not meet those standards, that incinerator will be shut down?

Hon Mr Stockwell: Yes. They'll be in breach of their certificate. They can't operate. Actually, a better way to put it is that they'll be in breach of their certificate and we'll take compliance action.

Mr Agostino: Compliance action would include fines, more time to fix the problem—

Hon Mr Stockwell: No, no. Compliance action—

Mr Agostino: Compliance action would be a shut-down? That's what I'm trying to clarify here, if you can guarantee that if they don't meet these standards, these tough new standards you put in place, by July 2003, then as of August of that year those doors will be locked and that incinerator will not be operating.

Hon Mr Stockwell: Let's try and be a little more objective here. If their standard was 450 and they're at 451, there may be some compliance issues that they have to deal with. If the standard is 450 and they are at 1,300, we'll probably move to shut them down.

Mr Agostino: So 450 is their standard—again, I'm trying to understand. I'm not a scientist—

Hon Mr Stockwell: Nor am I.

Mr Agostino: I'm just trying to understand how I can explain this to my constituents. How does the 450 standard compare to what it's at today?

Hon Mr Stockwell: Oh, my gosh. In the thousands, 6,000 to 12,000.

Mr Agostino: Is 450 considered a safe level? There would be no harm whatsoever to—

Hon Mr Stockwell: Absolutely. It says right here that it's safe.

Mr Agostino: I'm glad to hear it says that on the note. I simply don't believe—frankly, in my view, the earlier we can shut this thing down, the better, and if we can do it in July 2003 that's great.

Hon Mr Stockwell: I agree with that.

Mr Agostino: I don't believe the city—the problem with this—

Hon Mr Stockwell: You know what? That's one of the things we talked about, actually. There are some economic capital costs that they're going to have to incur, and my thinking is—and this is just my conjecture; I haven't spoken to them; it's right off the top of the coconut—that they may not want to invest that capital money. But don't take it to the bank, obviously. I can't tell you that.

Mr Agostino: Of course.

Hon Mr Stockwell: You used to be on council, so you'd know better. This was operating when you were on council.

Mr Agostino: Yes, and certainly the track record—the opposition to this facility has been clear from day one.

Hon Mr Stockwell: How did you not get council to shut it down when you were on council?

Mr Agostino: I tried very hard.

Hon Mr Stockwell: Just a curious point of interest.

Mr Agostino: As much influence as I had—I needed nine votes.

Hon Mr Stockwell: You didn't have enough, eh?

Mr Agostino: I didn't have the influence you had on city council in Toronto, where you could just snap your fingers and get things done. I had to work a little harder.

Interjection.

Hon Mr Stockwell: Commissioner Street: you got yours shut down. That was a bang-up job in Toronto.

Mr Agostino: That's great.

The Acting Chair: Members, can we stop this cross-discussion, please, and the reverse questioning perhaps?

Hon Mr Stockwell: We're just kibitzing.

Mr Agostino: I'm just enjoying listening to the two opposition parties working together again over there.

Hon Mr Stockwell: You know, the truth is, Jim shut it down. He was the minister.

The Acting Chair: Mr Agostino has the floor, to members.

Mr Agostino: Just for the record, can someone explain to me—if you can't, Minister, I know some of it may be technical from the point of view of the process. As of next July, you look at it and say they haven't complied. What's the first step if that happens?

Hon Mr Stockwell: Well, you'd have to do the inspection to determine if they have or have not complied. Then if they haven't complied, I guess we'd look it at it, and like I said, if it's 451 they may say, "Look, we can comply and fix it." If it's not complying, then you'd write an order, right there and then, a compliance order, and frankly, depending on the margin of problem, it would probably dictate the reaction the Ministry of the Environment would take.

Let's understand this. It would be a director's order when they inspect it. A director's order—I don't have control over the directors. The power is taken out of political hands because it's strictly an environmental issue. But the good directors we have I know would use their heads and determine exactly how they should

proceed. But the C of A isn't up for negotiation. It says 450, it should be 450, and if it's not 450 the power is there for the director to force compliance or close it down.

Mr Agostino: Just one more question on that before I go on to the next one. If the city came to the ministry in three months and said, "Folks, we can't meet those standards; we can't operate," what timeline would you give them to shut the facility down?

Hon Mr Stockwell: They'd have to conform by July 2003.

Mr Agostino: But if they tell you in two or three months that they can't do it, that they have to spend—I understand they'd have to spend somewhere in the range of maybe half a million to \$2 million.

Hon Mr Stockwell: I would expect July 2003.

Mr Agostino: OK. So if they tell you earlier than that, then that would be the date, I would presume, that it would be shut down.

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Hon Mr Stockwell: If they tell us earlier that they can't conform, they'd still have to July 2003 to hit that target. If they don't hit that target, then they'd shut down. But my thinking would be that if the city decides they don't want to spend the capital dollars, they'd probably begin the process of mothballing it right away. That's my guess.

Mr Agostino: OK. Another question is in relation to the incinerator itself, another issue, that is, the issue of the dumping of the fly ash, the material between 1995 and 2000, from SWARU to the landfill site in Glanbrook.

I've asked you a number of times in the House, and you said that your ministry is investigating what went wrong there. I think you acknowledged that there were some errors in the way it was handled. You acknowledged that the investigation—and the police have made it clear that the investigation by the ministry was inadequate. I'm being kind; those aren't the words they used to describe the investigation.

Hon Mr Stockwell: Who?

Mr Agostino: A police officer in charge of the investigation, a detective.

Can I ask you what timeline you have in getting a report back from your officials in regard to the internal investigation you are carrying out into what happened at this particular time period?

Hon Mr Stockwell: Monday.

Mr Agostino: Will you release that report publicly?

Hon Mr Stockwell: Well, I'm going to read it.

Mr Agostino: Once you have read it—you'll get it Monday, I'll give you a day or two to read it—would you release that report? When will you release that report publicly?

Hon Mr Stockwell: Let me read it first. There could be some incriminating information, some personal information, all that kind of stuff, so before I'd ever undertake to release something that I've not even received or read, I would like the opportunity to actually read it. It was kind of like in the House today, when we asked for

unanimous consent on that bill and you guys said, "No, we should read the bill before we protect police officers."

Mr Agostino: So I'm getting a commitment from you today that, I presume, within a very reasonably short period of time, there will be a report, given to you by the ministry, released.

Hon Mr Stockwell: No, you see, that's a difficult situation. Here's the problem—and I know you can talk to your friend next to you with respect to the issues you face. I would expect that this report will include comments about staff, about decisions staff had taken, that would be very, very, very inappropriate to release. I know everyone in this Legislature would agree with me that that would be inappropriate. First of all, if they are unionized staff you'd have a grievance in a heartbeat; you'd probably have issues before the courts and so on and so forth.

So for me to sit here and say categorically, unilaterally, that whenever this report hits my desk, a couple of days later I'll give it to you—I can't do that. It would be irresponsible of me to give you that undertaking.

Mr Agostino: I understand the issue of personnel matters, and I totally understand that there's got to be some sense of protection for staff. At least from a public point of view, if there's action to be taken internally, that's a decision the bureaucratic staff would make. But I would think there's a reasonable expectation that within a short period of time, my residents and the residents of Stoney Creek—they were all impacted by these decisions that were made. They need to be given some public assurance that the review has been done, and here are the findings, and here is a summary of the review that has been done—

Hon Mr Stockwell: I can do that.

Mr Agostino: I think that has to be done.

Hon Mr Stockwell: Sure, I can do that. That's what you're asking for?

Mr Agostino: No. What I'm asking for—frankly, my first choice would be the release of the report. I think there are ways you can black out names. FOI information does that all the time. I certainly would like us to get that without going through FOI. I'm asking for that commitment. If there are names to be blacked out, I totally understand that; that's acceptable and that's reasonable. Those types of things can be done. I guess what I'm asking for is a commitment to, as soon as possible, release that report.

Hon Mr Stockwell: Let me put it to you this way: there are processes in the FOI where the FOI people look at a report and go through it in a very legalistic way. I don't have that ability. Those people are seconded, put in place. If you FOI'd it, they would go through it and there would be no chance for any repercussions to me, the ministry, lawsuits etc. What I will say to you, frankly and honestly, is that I'll get the report and provide you with information about what that report says, and then ultimately you can FOI it, and some few months later you can determine if I told you the truth or not.

Mr Agostino: One other question, and maybe someone can answer it. Will the report also indicate the role of

Fine Laboratories and any testing they did with material from the site? Fine Analysis Lab is the company that's charged—

Hon Mr Stockwell: Again, it's a legal issue at this point in time. Would we be looking into internally? Of course we would. Can I give you that information? Legally, I don't know. But would that be part of the investigation? Absolutely, without a doubt.

Mr Agostino: One other—I'm not sure if it's to you or health.

Hon Mr Stockwell: Probably health.

Mr Agostino: Would you look at the possibility, in the area of SWARU and Glanbrook, of a joint health-environmental study to look at any health impacts that these decisions may have had on the residents?

Hon Mr Stockwell: That's got to be health. There's no way I can even get involved in that.

The Acting Chair: You have eight minutes.

Mr Agostino: If you want to want to share the report with me, I'll just keep it between you and I, Chris.

Hon Mr Stockwell: Oh, that'll happen. Just between you and me: that'll happen for sure.

Mr Bradley: Mr O'Toole mentioned Soundsorb. You undertook to give him some information on that. Would you table that for the entire committee? This was some time ago that he asked the question about Soundsorb, if you just check Hansard later. If you would table it for the committee, that would be very nice.

Hon Mr Stockwell: Sure.

Mr Bradley: I will move on now to Port Colborne. The people of Port Colborne, particularly those who live adjacent to the coal smelter in Port Colborne, have been engaged in active concern and even legal matters for a while with regard to Port Colborne and the effects on their lives, the health effects on them and the environmental effects on their properties. Could you be kind enough to bring me up to date on the situation?

Hon Mr Stockwell: To help the rest of the committee, who are not as knowledgeable, I am sure, as you are, in 1997 a report that was done with the Niagara region public health department set a nickel intervention of 9,750 ppms for Port Colborne. In MOE sampling results that could be confirmed up until 2000, this limit was not exceeded. Sampling in the summer of 2000 identified a property with higher levels. MOE did an extensive follow-up sampling program for the Rodney Street area. In the last two years, the MOE and the health department have advised the public of precautionary protection measures through regular public meetings and fact sheets. The health department's 2001 blood lead level survey concluded that blood lead levels—boy, that's a mouthful—from the east side community were low or similar to those across the province. No immediate intervention was required for children under the age of seven and pregnant women.

Inco initially volunteered to clean up properties, but the community refused access to their properties. The MOE completed a human health risk assessment for the Rodney Street community, dated March 2002, peer-

reviewed by international experts. The intervention level for soil nickel is 8,000 ppm. Based on the assessment, the MOE issued an order to Inco in March 2002 to clean up 25 properties and continued sampling north of MOE's sampling area.

To date, Inco has been denied access by 19 property owners to clean up the properties. For the past year and a half, the MOE has been extensively involved in a lengthy \$750-million class action lawsuit certification motion. The result of the motion was that certification was denied. Since 2000, the MOE has been involved in a community-based risk assessment for Port Colborne to determine intervention levels and options for remediation. It will be completed by the end of this year.

Mr Bradley: Thank you. I know some of the people are not happy with the order that was issued.

Hon Mr Stockwell: Which one?

Mr Bradley: There are a few of the people in there, at least a few of the people—

Hon Mr Stockwell: No, which order?

Mr Bradley: An order that you issued, that your ministry issued. You issued an order, did you not?

Hon Mr Stockwell: That order has been appealed. It is before the Environmental Assessment Appeals Tribunal. I can't comment on it, because if it gets appealed again, it comes to me.

Mr Bradley: You mentioned PCBs and the way one can destroy PCBs. You made a rather bold declaration that the only way to destroy them was through incineration.

Hon Mr Stockwell: I don't think I said that.

Mr Bradley: I thought you did.

Hon Mr Stockwell: Well, don't look at Churley. She's going to agree with anything you say. She's like bobble dog in the back of a car.

Mr Bradley: Let me say, are you aware of Ecologic? I think the president is Dr Douglas Hallett. He came to St Catharines and destroyed PCBs, without any incident or opposition, at the General Motors facility in St Catharines.

Hon Mr Stockwell: We're aware of it.

Mr Bradley: Is that not an option that can be utilized, that does not involve a huge incineration plant in northern Ontario?

Hon Mr Stockwell: I'm aware of it. Just let me get the backup information here. Our information—and you can correct me if I am wrong, but I've had this directly answered—is that the higher level of PCBs need to be incinerated. The ecological approach that you speak about can be done on lower levels, but then you'd be doing two different extraction processes. It wouldn't preclude the necessity of building an incinerator to destroy the higher level of PCBs.

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Mr Bradley: Are there still PCBs stored in this building?

Hon Mr Stockwell: Probably in your office, because everything else is there.

Mr Bradley: In the basement of this building?

Hon Mr Stockwell: No, I think they were moved.

Mr Bradley: They're removed now?

Hon Mr Stockwell: Yes.

Mr Bradley: They were at a site some time ago that was there.

Hon Mr Stockwell: They've been moved.

Mr Bradley: There were 17 Great Lakes hot spots which were identified for remediation. Precious little seems to have taken place in these hot spots. There have been some efforts made, particularly in the Hamilton area, by the remedial action plan group there, and in some other areas. Could you tell me the progress on the 17 sites in Ontario, how many have actually been cleaned up and how much money has been expended so far on the 17 sites?

Hon Mr Stockwell: I think we're down to 15. One has been taken out and we have another one delisted, so we've gone from 17 to 15. There has been a lot of action on it. I would have to take great exception to your comments with respect to not much going on.

The government has provided \$5 million to assist with the Great Lakes Renewal Foundation. We contributed \$1 million toward the cleanup of Hamilton harbour's Randal's Reef. We provided \$1.5 million toward the cleanup of Thunder Bay harbour's Northern Woods Preservers site. We contributed approximately \$23 million to the restoration of the Severn Sound area of concern. We provided \$200 million, under the provincial water protection fund, to address immediate environmental health problems. Some of the funding supported projects in the Great Lakes municipalities.

So as you can see, we've been operating full speed ahead with respect to the hot spots.

Mr Bradley: I would characterize it, in the kindest way, as modest progress.

Hon Mr Stockwell: You see, that's what happens when you and I talk.

Mr Bradley: I could say it's worse than that, but I'll characterize that as modest progress.

Hon Mr Stockwell: I'll take that as a compliment then.

Mr Bradley: The last thing I want you to comment on, as a person within cabinet: an environment minister has special responsibilities. I've had a resolution passed in the Legislature calling for an agricultural preserve in the Niagara Peninsula. As Minister of the Environment and the person whose job it is to protect the environment, are you in favour of that, and has your ministry internally indicated its support for it?

Hon Mr Stockwell: When did you put this?

Mr Bradley: This was not long ago. It was the last session of the Legislature.

Hon Mr Stockwell: That's right; it wasn't long ago. So we're still investigating it.

Mr Bradley: So you have not made any progress? I'm disappointed.

Hon Mr Stockwell: It's not progress so much; it's that we haven't come to a conclusion about where it sits. I can honestly say to you that I don't know if the Minister

of Agriculture is bringing that issue to the cabinet table. I can't say that we've ever come to a decision on that. I look back, and there doesn't seem to be anybody giving me affirmation, so all I can tell you is that it's probably something you should take up with the Minister of Agriculture.

Mr Bradley: Bad news. I thought your clout in government would have brought—

Hon Mr Stockwell: Oh, my clout is tremendously overestimated.

The Acting Chair: Thank you. Ms Churley.

Ms Churley: Thank you. We'll start off with the minister again. I'm going to come back to water taking, and I know there has been one-upmanship going on around that. But I want to, in all due seriousness, tell you that you're going to be receiving more and more calls for moratoriums on issuing water-taking certificates until—not forever—you've actually implemented a watershed planning regime in this province. OK, I admit that perhaps I went too far to say that there should be no testing whatsoever under any circumstances. But in all seriousness, this is becoming a bigger and bigger problem across the province.

The example I used yesterday, and there'll be more coming because I am hearing about them, is Mono's water. Let me tell you what part of the problem is. For instance in Mono, although right now—you're perfectly right, and I clarified this yesterday: it's a test. It's still 3.9 million litres. But the company that's applied, that wants to take the 2.6 billion litres a day, has already been incorporated, they've constructed their building, the commercial driveway has been installed, a hydrogeology study has been done, a large, worldwide engineering firm has been hired, and on and on and on. They've set up a structure so that, you're quite right, if after the testing they don't get their permit, they are going to lose financially.

Hon Mr Stockwell: And so they should.

Ms Churley: But that's happening more and more.

Hon Mr Stockwell: Hold it. So they should. I'm with you on that one. If they've made all these investments without having the testing done, and they don't have a water-taking permit and they end up going bankrupt, well, then so they should. They shouldn't be making any presumptions about the Ministry of the Environment and what decisions we'll be taking.

Ms Churley: I'm glad we agree on that, because that's an emerging problem. Yes, I've been in government and I do understand the difficulties and the differences between government and opposition, and sometimes implementing these things is very difficult. Once the company has spent millions of dollars, it's very difficult, unless you have overwhelming proof—it's a problem not to issue the licence. I think it's fair to express that concern and say that until there is a watershed plan in the province, that's going to be an ongoing problem.

Hon Mr Stockwell: Marilyn, let me say this. From the point you made earlier right now, you're singing to

the choir. I'm not disagreeing with you one bit. If somebody is going in and making huge capital investments based upon the fact they think they'll get a water-taking permit, they're fools.

Ms Churley: That's good. You're a fairly new Minister of the Environment. I've been following the deregulation and cuts and things to your ministry since 1995. This is the reality—and this is no comment on the dedicated staff who are here, who are working very hard. But I've watched the government weaken regulatory standards, reduce reporting requirements and remove public accountability. I've watched changes being made to the Environmental Protection Act, the Ontario Water Resources Act, the Mining Act, the Public Lands Act, the Planning Act and the Conservation Authorities Act, or regulation changes, that really have lessened the oversight of water management. And it has made it—I've watched it happen—easier for individuals or companies to exploit our water resources for economic gain. That's the reality, and I've been watching it happen.

I just wanted to put that on the record. That's my concern about our present regime and what's happening with water taking. I think there should be a moratorium on water taking until that groundwater protection strategy is in place.

I want to end my questioning on that subject of groundwater protection, which is something that I know we agree on, and, Minister, you have said you're going to be bringing forward source protection. I just have a couple of questions on that.

What funding—I know you have the information; I probably have it too—have you provided to the conservation authorities that is dedicated to the implementation of the source protection watershed planning initiative, and what exactly are they doing with that money?

Hon Mr Stockwell: Nineteen million.

Ms Churley: And when were they given that money?

Hon Mr Stockwell: Since 1998.

Ms Churley: So that's money they were given in 1998, right?

Hon Mr Stockwell: It's \$4.3 million, \$10 million, and this year it's \$5 million.

Ms Churley: And what exactly are they doing with that money?

Hon Mr Stockwell: They're doing their watershed studies, their planning, their examinations into the watershed; some source protection, but more watershed planning.

Ms Churley: If they were given the \$19 million—

Hon Mr Stockwell: Apparently I'm wrong. Hang on. Protection and watershed management, yes. Wellhead protection.

Ms Churley: Thank you very much. I perhaps can get more details on that later. I know you have those details.

Hon Mr Stockwell: I think it was included in your FOI.

Ms Churley: Yes, there I can get those details. They got the \$19 million. They got \$5 million for 2001 through 2002, is that correct?

Hon Mr Stockwell: This year, five.

Ms Churley: Is that a note that might help?

Hon Mr Stockwell: No. Yes, \$4.3 million for 2000, \$10 million in 2002 and \$5 million additional funding in 2002-03, to complete wellhead protection mapping and all groundwater-reliant communities and to identify sensitive groundwater areas across all of southern Ontario. That brings the total of government investment in local groundwater source protection to \$19.3 million.

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Ms Churley: Is there any thought of putting more money into that now that—

Hon Mr Stockwell: There's always thought of putting more money into all kinds of government programs. This would be one. If there was more money available—I'm convinced that the Premier is thoroughly and completely on side with the O'Connor report; if there was any money left over I'm sure he would put it into this.

Ms Churley: Can you tell me what other initiatives are happening around developing this bill?

Hon Mr Stockwell: Sure. I guess the situation is that in developing the groundwater protection bill, you have to buy in—not buy in, but hear from. I don't want to say buy in because we're all bought in. But you have to hear from—

Ms Churley: Planning, natural resources—

Hon Mr Stockwell: —natural resources, agriculture, environment, the conservation authorities—

Ms Churley: The Planning Act, plan use—

Hon Mr Stockwell: Exactly—and municipal affairs. The difficulty is, as you would know as a minister, I often hear, "You can make this happen on the stroke of a pen." Well, nothing happens on the stroke of a pen. Frankly, why we're moving the way we're moving—and believe it, we're moving quickly—in hopes to get this out the door is that as we get these parties together, we will move forward to have a groundwater strategy plan.

I can say that I personally insisted on putting together a water committee in the Ministry of the Environment that was strictly dedicated to solving these kinds of—source to tap, Bill 175, groundwater source protection, nutrient management. Frankly, they've done a bang-up job, all these ministries; it has allowed us to have a local clearinghouse for these kinds of ideas. If we hadn't done that, I don't think we'd be as far down the road as we are today.

Ms Churley: In fact, the former Minister of the Environment, Mr Clement, said he was working on it in 1999 and nothing happened. But I have complete faith that it will come forward. Can you confirm when you will be bringing first reading of the bill?

Hon Mr Stockwell: Sure.

Ms Churley: Do you know at this point?

Hon Mr Stockwell: No. But I'll confirm it to you when I can.

Ms Churley: But you can't today; you don't know at this point.

Hon Mr Stockwell: You mean in the spring?

Ms Churley: It's a genuine question. You expect to be bringing it forward in the spring?

Hon Mr Stockwell: I'd say the spring.

Ms Churley: That's the goal.

Hon Mr Stockwell: You know, I always hate saying that, though, because the minute you don't bring it in the spring: "What's the delay?"

Ms Churley: Of course.

Hon Mr Stockwell: All I can tell you is that it's like safe drinking water: "We're going to bring it in the fall." Well, the minute the fall session opened: "Where is the safe drinking water act?"

Ms Churley: Where is it anyway?

Hon Mr Stockwell: Exactly the point.

The fall session is a long session. Spring is a long session. We're geared for the spring. And you will see the safe drinking water act in the fall. We've still got six, seven, eight weeks of House time left.

Ms Churley: OK, sometime this fall.

Hon Mr Stockwell: No, sometime in the spring.

Ms Churley: You said fall.

Hon Mr Stockwell: Fall for the safe drinking water act, spring for source protection.

Ms Churley: OK. Are you committed to public hearings on the safe drinking water act across the province?

Hon Mr Stockwell: I am totally committed to public hearings. I have been committed to public hearings all my life.

Ms Churley: That's what I thought; I just wanted to confirm it.

I just wanted to ask you, how many surface water quality monitoring stations are there actively taking samples today?

Hon Mr Stockwell: My guess would be 240, but let me check. It's 350.

Ms Churley: So 350. There used to be 750. So you have brought it up. It was down to—

Hon Mr Stockwell: The old 240.

Ms Churley: Yes, 240. What I'd like to know is, who does the testing after the samples are taken out of these 350 stations?

Hon Mr Stockwell: Our lab does.

Ms Churley: The environment lab.

Hon Mr Stockwell: Yes, we do.

Ms Churley: How do you store and analyze that information?

Hon Mr Stockwell: How do we store and analyze?

Ms Churley: Yes. You've got 350 stations across the province with sampling. How do you deal with the volume?

Hon Mr Stockwell: It's an internal database that we put together that analyzes and produces the reports. I don't think we're finding it that difficult, are we? No.

Ms Churley: Are you planning on opening more of those monitoring stations?

Hon Mr Stockwell: Yes, but I think we should be strategic in opening them. I think what we agreed to—in Justice O'Connor's report, he talked about that. We're not opposed, but rather than just haphazardly slapping them up, we should strategically place them. I don't know if 350 is the right number. I think it may still be a little low. But I don't think 750 is the right number either. I think it's somewhere between there. Strategically placed, you can maybe operate with 500 or 450 or something along those lines. Ultimately, it's going to depend greatly on the watershed management plan that they bring me, saying, "Here's the plan. Here's where you should locate these, and the number is 426," or whatever that number may be.

Ms Churley: The reason I ask is because the Environmental Commissioner specifically referred to it. He had the numbers "from 730 stations in 1995 to 240 by 2000." He expressed real concern about the reduction. He mentions that "Only six of these are located across ... northern Ontario. The remainder represent less than six stations per major watershed in southern Ontario. The dismantling of the network seems clearly inconsistent with MOEE's 2001/02 business plan."

He goes on to say—and that's why I asked that specific question, what happens after the test sampling is brought in?—that "No consolidation or interpretative reports are produced from the acquired data, and this severely limits the usefulness of the data to environmental decision-making and to the public." That's why I asked those questions.

Hon Mr Stockwell: I know why you asked the question.

Ms Churley: Is he wrong on that?

Hon Mr Stockwell: I don't know why he thinks he knows. That's the concern I have with the Environmental Commissioner. I don't know why he thinks he knows what the number is. He hasn't got a watershed management plan either. Until you have the watershed management plan, nobody knows. I'm not saying he's wrong, but I'm also not saying he's right.

Ms Churley: I'm asking you now specifically—back to the question—he says, "No consolidation or interpretative reports are produced from the acquired data."

Hon Mr Stockwell: OK. With respect to consolidation, I think we do have consolidated reports—

Ms Churley: So he's wrong on that.

Hon Mr Stockwell: No, let me finish. We don't have interpretative reports. I think we're going to work toward reaching the goal that we'll have consolidated and interpretative reports.

Ms Churley: He did point that out. I don't know how right or wrong he is or you are, but it's pretty—

Hon Mr Stockwell: I'm not claiming to be right. All I'm saying is, I don't know how anyone can be right without the watershed management plan. It's all throwing darts at a board, in my opinion, whether it's the Environmental Commissioner, me or you.

Ms Churley: But you would agree that this is a pretty serious problem, that we're getting this sampling done

but we don't have the consolidation or interpretative reports.

Hon Mr Stockwell: You know what I agree the serious problem is? That you had 700 and whatever number with no watershed management plan 10 years ago. Those 700-odd that you'd placed around this province could have been a colossal waste of time.

Ms Churley: I don't think so, but—

Hon Mr Stockwell: Let me finish. You could have had parts of this province without a watershed management plan that should have had more sites and didn't.

The point I'm trying to make is that the whole union isn't important. What is important is that you have the watershed management plan and you place them where they're suppose to go. You could have had 1,200 five, 10, 20 years ago, and if you missed the wrong place out of your 1,200, it was no better than the 250 that are out there today.

Ms Churley: I know you like to point out that our government didn't bring in a watershed plan—

Hon Mr Stockwell: I wasn't talking about your government.

Ms Churley: —and you're quite right, we didn't. We brought in an Environmental Bill of Rights and some other progressive environmental things. We moved forward.

Hon Mr Stockwell: That you didn't apply to yourself, I might add.

Ms Churley: There are certain things we didn't do which we should have, but we began a process.

Hon Mr Stockwell: You brought in an Environmental Bill of Rights that you didn't apply to the government, which was you.

Ms Churley: What?

Hon Mr Stockwell: Your Environmental Bill of Rights.

Ms Churley: What are you talking about?

Hon Mr Stockwell: You were not subject to the Environmental Bill of Rights.

Ms Churley: Of course we are. Every ministry is.

Hon Mr Stockwell: No, when you originally brought it out in the first draft, you weren't subject in that particular piece of legislation.

Ms Churley: But that wasn't the final bill.

Hon Mr Stockwell: Because we forced you to change it.

Ms Churley: Oh, Chris, what can I say? The final bill is one of the few pieces of progressive legislation brought in by New Democrats, Liberals before us and Conservatives before us that was saved under your government. So be careful where you go on that. It's a very progressive—

Hon Mr Stockwell: Thank God for the opposition. That's all I have to say.

Ms Churley: I say that too: thank God for the opposition. We agree on that.

But coming back to source protection and water protection, I applaud and support you for the initiative on the centre for excellence in Walkerton. That's something that you know I have asked questions on. To be fair to

everybody, your government was there from the first. I may have some quibbling with some of the ways it has been done, but I think that was a very good move.

Hon Mr Stockwell: Thank you very much.

Ms Churley: I'm just asking, when will that project be up and running? And have you decided yet exactly what it will do?

Hon Mr Stockwell: Right now, we're waiting for a report from the community and those in the community. It's being worked on as we speak. I think we're supposed to have an interim report sometime in late October. I would hope the final report will come back before the year is out that will give us the broad overview of what the plan will look like. We'll share that plan with the people. I think we have full and complete support from the local community. I think you're going to see a fairly comprehensive outline by the end of the year or very early the next year.

Ms Churley: So by the end of the year.

Hon Mr Stockwell: Or very early next year.

Ms Churley: Of course we expect an election in the spring.

Hon Mr Stockwell: That's just circumstance.

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Ms Churley: I forgot to ask you what charges have been laid against drinking water providers or systems and drinking water testing labs since May 2000?

Hon Mr Stockwell: Charges that have been laid against labs?

Ms Churley: Drinking water providers or systems and drinking water testing labs.

Hon Mr Stockwell: Give me one second. Do you want the whole numbers?

Ms Churley: If you have them. I'll take what you've got.

Hon Mr Stockwell: I'm sure I do.

Ms Churley: How much time have I got?

The Acting Chair: You have about two and a half minutes.

Hon Mr Stockwell: Go on to another question, and I will give you that before the time's out.

Ms Churley: I wanted to ask you about ITER. You know what ITER is?

Hon Mr Stockwell: Yes.

Hold it, I've got them for you. You wanted to know how many charges have been laid?

Ms Churley: Yes.

Hon Mr Stockwell: Twelve charges in 2000-01, 32 charges in 2001-02 and we're not through 2002-03 yet, so I can't give you the number.

Ms Churley: Is there a breakdown?

Hon Mr Stockwell: What the charges are for?

Ms Churley: I asked specifically about drinking water providers or systems and drinking water labs. This is total charges, is it?

Hon Mr Stockwell: Yes. These are municipal water treatment plants inspected annually. This is what you asked for. These are just municipal treatment plants: 32 charges in 2001-02 and 12 charges in 2000-01.

Ms Churley: OK. I just wanted, in the last minute, to ask you about ITER. It's the big experimental nuclear fusion—

Hon Mr Stockwell: Yes, I know what it is.

Ms Churley: OK. My questions are, how much has the government paid toward the bid of this project? Would you know that, or would that come under another ministry?

Interjection: \$300 million.

Ms Churley: How much will the cleanup of the site be afterwards?

Hon Mr Stockwell: It's through MEOI ministry that you'll have to get those numbers.

Ms Churley: OK. So you wouldn't know as well about the assessment of the cleanup after the fact?

Hon Mr Stockwell: Not a chance.

Ms Churley: OK. Thank you.

The Acting Chair: That pretty well wraps up your time, Ms Churley. Mr O'Toole.

Hon Mr Stockwell: If they give up their time now, does that mean I can go?

Mr O'Toole: Yes, but that would mean we'd have to agree with you. We'll just amble along here.

Ms Churley: Or would I get to take it?

Hon Mr Stockwell: No, you can't take it. The standing orders say you can't take their time.

The Acting Chair: If you need to get out of here early, they can ask for that 20 minutes when they come back, or it gets divided between the—

Hon Mr Stockwell: No, it doesn't. That's not the standing order. I don't want to make an argument, but the standing order strictly says they can use their time, and if they choose not to use it, it falls off the table. It doesn't get redivided.

Mr O'Toole: That's what they do; they redivide it. That's what they did before.

Hon Mr Stockwell: That's wrong.

The Acting Chair: Mr O'Toole has a question.

Mr Miller: It is very important.

Mr O'Toole: Yes, I have a very important question.

Hon Mr Stockwell: Yes, but say he doesn't use the whole time. Could I ask for a clarification on that ruling? I think the ruling is wrong.

Mr O'Toole: That's what they did in previous ministries that have been examined. It's been divided.

Hon Mr Stockwell: If they do, it's wrong. It's against the standing order.

Mr O'Toole: While we're dealing with the administrative issues, I have some—actually there are two parts to this. Defining the safe drinking water regulations is difficult, because any challenge to it sounds negative. Who in their right mind wouldn't want safe drinking water? So I start with being in agreement with the objective. But the mechanisms for compliance are where I have the serious problem.

I know the current issue is the reporting mechanism, which I mentioned earlier, and the audits, both random and predictable, of the water treatment plants are an issue. But if I look more specifically, one of the appli-

cations is community wells, which I have brought to your attention before, specifically the one in my riding, where there are a number of homes on a couple of community wells. I've met with the constituents, and basically they have never had a negative test. They have had regular tests done in co-operation with Durham public works, but it's going to cost each homeowner \$8,000, and exactly for what? That's not really the question; I'm leading to a question.

I understand Bill 175 talks about the whole full-cost-recovery issue. I've been sort of recommending they actually buy shares in a bottled water company or something, because this isn't the end of this saga. The reason I say that—is water affordable and safe? That needs to come into the equation. If I look even further at some of the stuff we're looking at, these groundwater studies that Ms Churley mentioned, we've spent millions. Even when I was on council, I believe the NDP had a plan for mapping groundwater and all that kind of stuff.

Ms Churley: We did, thank you.

Mr O'Toole: They didn't do anything. They spent about \$20 million and they got a bunch of maps, which may not fit our framework as we go forward. I'm wondering what the plan is technically. But it's not just that; it's the whole issue of source protection that we're looking at. Somebody's got to define what that source protection is.

Every farmer, every person with a well, every person with groundwater under any piece of land and what goes on—it's almost a convoluted argument. If I spend \$8,000 to get water coming out of the well in compliance with some regulation and somebody comes along and says, "By the way, the aquifer has been contaminated by some process further upstream, so your well is really not in compliance," it's frustrating. It's sort of an open-ended problem.

What is the goal here? If it tests clear, and we're going to spend multiple millions of dollars more finding out a "framework mechanism"—I love those words; more bureaucracy than substance—what is going to be the cost of water? Is it going to be affordable? If you implement full cost recovery, it's going to be the electricity bill all over again. Who can say how many inspections are appropriate? Is it source protected? Who has done the groundwater study? If it was the conservation authority that did it prior to our regulation regime, then it's not in compliance. I'm sort of wondering—

Hon Mr Stockwell: Is this stream of consciousness?

Mr O'Toole: It's a stream of consciousness kind of creative thing that's going on, similar to what you often do, but you have the credibility of being a minister.

Hon Mr Stockwell: If you make any sense.

Mr O'Toole: Well, that's to suggest that yours was. Most of it was, "I don't know for now. We'll get back to you on that."

I'm not trying to be smart, Chris. I really am concerned about what the end goal is for having safe drinking water and what is the cost of compliance? Do you have any idea here?

Hon Mr Stockwell: That's a very good question. Obviously the goal is safe drinking water. The question that needs to be asked is, how much? I've heard these comments not just from you but from opposition members as well, particularly opposition members who represent smaller communities around this province. I look to my friend Mr Miller. He's got a lot of small communities.

Mr O'Toole: Campgrounds.

Hon Mr Stockwell: Campgrounds, private operators, trailer parks—good examples. The question is—and we, as a government, have to grapple with it, and to some degree the opposition has to grapple with it. The question needs to be put, and I put it today: if you've tested your water for 20 years and never had one issue with respect to chemical contamination through pesticides, and a pesticide test is \$4,400 a month, is it necessary to put a private operator through a pesticide test at \$4,400 every month and drive a business out of business? You've got to ask yourself that question. And the question posed in a rather circumlocutory way, I will add, by Mr O'Toole is the bull's eye: is it necessary to force an operator to focus on a \$4,400-a-month pesticide test when in 20 years they haven't seen one chemical in their tests? I guess my response is I don't think so.

But do you need to have E coli testing? Of course you do. It happens to be a lot less money. Maybe you need a pesticide test once a year. And maybe if your once a year pesticide test comes back and it's bad, then you've got to start testing on a monthly basis.

But you're driving home a point I've heard from a lot of rural and small-town members. You don't get it from the big urban cities like St Catharines or Toronto that have a long history of total cost recovery in their water. I come from Etobicoke. I sat on Etobicoke council for eight years. We always had cost recovery in water. We had sinking funds, we had source protection, we had all the revenue set aside. We never even used that water revenue for anything else except water, and there were huge surpluses.

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Those are not the people I think we're trying to protect with this legislation. Although it could happen, I'd be hard-pressed to believe one day that Toronto wouldn't be doing proper things with their water and provide clean water to the constituents. So, Mr O'Toole, you've asked the \$64-billion question.

Mr O'Toole: That's about the price.

Hon Mr Stockwell: I guess the question stands. I don't think it's a political issue at this point in time. It becomes a practical issue and it's necessary that we all sit down, every party, and say, "OK, how can we practically implement a safe drinking water strategy that has capital costs that are affordable that protect the people's water?" Right now we've maybe gone over the edge and we have to kind of—it's an old saying, I know; I heard it in the House: "It's a lot easier to go over Niagara Falls than it is to climb back up." We have to kind of climb back up Niagara Falls a little way, with the co-operation of the opposition parties, because I hear from those members—

less from the NDP because there are fewer rural members; more so from the Liberals—that we have to do something to fix this because it's too draconian. I'm coming to the conclusion, and I think my caucus and cabinet colleagues are coming to the conclusion, that that might be true.

Mr O'Toole: It's motherhood, sort of. Who wouldn't want to come down on the side of absolute public safety? That being said, is there any mechanism going forward to reconsider or to have an ongoing review of the prohibitive nature of—

Hon Mr Stockwell: Yes.

Mr O'Toole: Because I'm dealing with one right now where they're actually being forced to comply—on Fralick's Beach, \$8,000 per household—and they're saying to me, "Gee—"

Hon Mr Stockwell: Yes, we have to look at that, we have to examine it.

I will say this about Justice O'Connor's report: I agree that Mr Justice O'Connor did a great job.

Mr O'Toole: A terrific job.

Hon Mr Stockwell: He did a fantastic job.

Mr O'Toole: A great reference work.

Hon Mr Stockwell: I like his recommendations, but I will say he made one mistake: he totally underestimated the costs. I think you'd have to agree and I think the Liberals would have to agree: he completely underestimated the financial implications to municipal and provincial levels of government.

Mr Bradley: Sounds like the hospital restructuring commission.

Hon Mr Stockwell: I want to get on the record that the member for St Catharines chimed in that he agreed. So we have to examine those costs and review them.

Mr O'Toole: Mr Miller has a question, I think.

The Acting Chair: Do you want to continue on, or do you want an answer to this right now?

Mr O'Toole: Let's do this.

The Acting Chair: OK, Mr Miller; the floor is yours.

Mr Miller: I'm happy to hear the minister's perspective on drinking water for rural areas and small operations. I've had many constituents concerned about trying to comply with some of the existing rules, like regulation 459, small campgrounds, very small operations we're talking about, that have three wells and that basically will be forced out of business with some of the current rules, even. So I think we have to have goal-oriented rules—that the goal is to have clean water at the end versus having rules that are overly prescriptive.

Hon Mr Stockwell: I agree.

Mr Miller: I have a question to do with technology and septic systems. Of course, in my riding of Parry Sound-Muskoka there are many lakes and—

Hon Mr Stockwell: I'm in your riding and I'm on a septic system.

Mr Miller: That's right, so you would be concerned about this. Phosphorous reduction technology in new septic systems: does the ministry have a process whereby they approve new technologies which will be more

beneficial for the lakes in my riding and allow people to build cottages as well?

Hon Mr Stockwell: We set the standards that you live by, right? And we force you to live to those standards. We don't tell you how to meet the standards, and if you want to meet the standards through technology and we do our testing and you meet those standards, our position is, well, you met the standards. As long as it's environmentally sound and sensitive and you're not doing something illegal, I guess our position is, "Congratulations."

Do we actually go out and endorse a process to meet? No, we don't do that. We have concepts and ideas and we'll give you advice, but we're not going to tell you how to meet the standards specifically. If we tell you to do this to meet the standard and it doesn't meet the standard, then you're really mad at us.

Mr Miller: So when a new technology comes along—I understand there are systems in the States that reduce phosphorous—and therefore would allow development on some lakes that with current systems might not otherwise be allowed—

Hon Mr Stockwell: Would we encourage or examine those? Yes, we would.

Mr Miller: OK; very good.

Nutrient management: I was meeting with the Nipissing and Parry Sound agricultural—

Hon Mr Stockwell: On Friday I'm looking forward to the public hearing in North Bay on nutrient management. I had one in Kemptville last week. It was a bang-up meeting; I really enjoyed it.

Mr Miller: And you're in the middle of the regulations, forming the regulations.

Hon Mr Stockwell: Right. We have two regulations drafted. We're consulting on them. We're following that up with a series of regulations worked on by the Ministry of Agriculture and the Ministry of the Environment in co-operation. Frankly, they're working famously together.

Mr Miller: Good. There was concern expressed in the northern part of my riding. Most of the farms are pretty

small there; their gross revenue is \$20,000 to \$30,000. So it's different for a small operation like that trying to comply with the new rules versus a larger industrial or agricultural—

Hon Mr Stockwell: Similar to eastern Ontario. They have very low grosses out there too, probably in the low 30s to mid-30s. A lot of the deputations that came forward said that some of them may be too restrictive, too expensive for a low-grossing farm. You'd probably be in the same boat in your riding as well. I'm sure I'm going to hear a lot about that.

Mr Miller: Yes, I think for most of the farms their gross revenue is \$20,000 to \$30,000. So they're fairly small.

Hon Mr Stockwell: It's southwestern Ontario where the big grosses are.

Mr Miller: OK.

Hon Mr Stockwell: Mr Chair, is that fair if they don't use the rest of their time?

The Acting Chair: My understanding from the clerks is that if there's consent of the committee right now, we can adjourn. The seven minutes left are allocated to the government at the next sitting of the estimates committee.

Hon Mr Stockwell: Do you mind, guys? I've got to go—

Mr Mazzilli: I could do better than that. If I could get unanimous consent to waive our seven minutes and ask—

Mr Bradley: I thought you wanted to give me your seven minutes.

Mr Mazzilli: No, the minister's obviously in a bind and I'm asking the committee to waive our seven minutes and adjourn, with consent.

The Acting Chair: Then we'll adjourn and everybody splits the time equally when we resume—not that seven minutes, but we start all over again, fresh.

Any further business? Adjourned.

The committee adjourned at 1727.

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