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**Official Report  
of Debates  
(Hansard)**

**Thursday 20 May 2004**

**Journal  
des débats  
(Hansard)**

**Jeudi 20 mai 2004**

**Standing committee on  
the Legislative Assembly**

Adams Mine Lake Act, 2004

**Comité permanent de  
l'Assemblée législative**

Loi de 2004  
sur le lac de la mine Adams

Chair: Linda Jeffrey  
Clerk: Douglas Arnott

Présidente : Linda Jeffrey  
Greffier : Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE**

Thursday 20 May 2004

Jeudi 20 mai 2004

*The committee met at 1402 in the Hilton Windsor, Windsor.*

**ADAMS MINE LAKE ACT, 2004**

LOI DE 2004

**SUR LE LAC DE LA MINE ADAMS**

Consideration of Bill 49, An Act to prevent the disposal of waste at the Adams Mine site and to amend the Environmental Protection Act in respect of the disposal of waste in lakes / Projet de loi 49, Loi visant à empêcher l'élimination de déchets à la mine Adams et à modifier la Loi sur la protection de l'environnement en ce qui concerne l'élimination de déchets dans des lacs.

TONY BRUININK

**The Chair (Ms Linda Jeffrey):** I'm going to call the meeting to order. I'd like to welcome members of the Legislative Assembly committee to our first meeting with regard to Bill 49, which is An Act to prevent the disposal of waste at the Adams Mine site and to amend the Environmental Protection Act in respect of the disposal of waste in lakes. We're here to hear our first delegation at 2 o'clock, and I believe it's Mr Bruinink.

**Mr Tony Bruinink:** There's a little misspelling there, but that's OK.

**The Chair:** Yes, we have the wrong spelling in our agenda. Could I ask that before you begin your delegation you say your name for Hansard. I believe you're an individual here today doing a presentation, and if that's the case, you have 10 minutes. If you leave some time at the end, we can ask questions. Welcome.

**Mr Bruinink:** My name is Tony Bruinink. I'm all by myself. I represent no one. I have no interest in anything other than the fact that I have a reading for this assembly that I think is extremely important to the residents of this province, as well as Canada as a whole.

I'm from the Netherlands originally. I immigrated to Canada in 1951 and settled in Chatham; I'm now in Mount Brydges near London. Having visited the Netherlands on many occasions after I arrived, I noticed that they have something that we don't have, and that is waste management control. Being a small country of 937 people per square mile, they had no alternative but to have a system that was different from ours. We seem to take the position that we just take material and dispose of

it in the ground or, at one time, into a mine, which has now been abandoned. I believe that Europe as a whole, not just the Netherlands, has a better mousetrap.

If I may read this—you have a copy—you'll understand my proposal. In October 2003, while on a trip to Europe on business, I took time out to investigate the solution to the problems of garage disposal in a small country that has no facilities for landfill. The Netherlands has 937 people per square mile in population density, which generates a considerable amount of garbage. Since they do not have problems with disposal, I felt they might have some valuable information we could use in this country. As the saying goes, why reinvent the wheel?

The following report is of my visit to Europe in October 2003 to investigate the management of garbage.

Twente Milieu is an independent company that was incorporated as the result of the merger of a number of sanitary departments in the region of Twente in the Netherlands. It consists of a number of large cities and the surrounding rural areas. The mandate of Twente Milieu, among other functions, is to pick up and dispose of household garbage, chemical materials, glass, paper and electrical apparatus such as fridges, stoves, fluorescent light bulbs etc.

The company maintains a regular schedule of pickup, known as grey for regular garbage, and green for compostable material. Paper is picked up once a month by volunteers assisted by a city truck with a driver and supervisor. Service clubs are chosen to volunteer for this pickup and receive the profits from the sale of this material to the recycler for their organization, such as the Lions Club or whatever.

Other collections take place at quarterly intervals for large household items, a maximum of four items per household, not to exceed 25 kilograms each, and chemicals. Between collections, these items may also be dropped off at specific sites.

The highlight of the operation of Twente Milieu is the disposal of garbage collected. In January 2002, a large industrial plant known as Twence started operation to burn regular garbage. There's a picture of this facility that I've also circulated. This plant is totally safe and in no way a threat to the environment. This plant can be seen on the Web site [www.twence.nl](http://www.twence.nl). Unfortunately, it's all in Dutch; however, some of the information on that site is contained in this report.

Twence employs 170 workers and management and has annual sales in excess of 50 million euros, which is the equivalent of C\$80 million. My contact in Holland suggested that their service area—this part is very important—consists of approximately 400,000 homes. The burning process will supply turbines with enough energy to generate electricity to supply 70,000 homes. The electricity is sold back to the local electrical utility.

The foregoing information is very basic. Since I have a standing invitation to visit this facility in the Netherlands, plans have been confirmed for a delegation of 25 business people and their spouses from the London area to visit the plant at 1 pm on July 28, 2004, as part of a trip to Europe, with lunch provided by this company.

Respectfully submitted by me, Tony Bruinink, 2550 Emerson Street in Mount Brydges, Ontario.

Why am I here? I'm here because I love my country and I think we are being very, very silly by having trucks, especially from the Toronto area, drive our beautiful highways at the rate of one truck per 10 minutes crossing into Port Huron, pounding our roads to bits. Here we have a country like Holland—and it's not just Holland, but all of Europe actually is the same way. Denmark goes a step further: They generate steam from their plants and in fact supply many homes in the immediate area. These homes don't even have furnaces.

Also, I love going to the Netherlands. I'm here on my own. I have spent my own \$40 to get here—10 cents per kilometre, it was exactly 400 kilometres. I would respectfully request the government of Ontario to take me there too and pay my airfare and two nights of accommodation and send with me some experts on this type of incineration and come back with a wealth of knowledge as to what they do better than we do. We are one of the greatest countries in the world—not always the greatest but one of the greatest—and we have something to learn from other countries. That's why I submit this report to you.

I'm very thankful to Maria Van Bommel, my MPP, who let me be here at such short notice. We had breakfast yesterday morning at the chamber of commerce, and she said, "Tony, would you like to go tomorrow?" She called me back. "Is two o'clock fine?" I said, "It's perfect. I'm here." So I prepared this late last night, and here I am. I thank you. Are there any questions?

1410

**Mr Mario Sergio (York West):** Yes. Thank you for the presentation, Mr Bruinink. Do you have any information as to the cost of such a facility in the Netherlands?

**Mr Bruinink:** No. We possibly will have the contract of the plant. I have not corresponded with them as of yet. If I'm not going, I will see to it that I find their name. It's expensive. You can see by the picture, it's an expensive plant. If you look at the little cars in the parking lot, you have some comparables as to how big it is. It's very expensive, but it is a money-making operation.

The red plant, as you see the background, the red building with the red roof, is actually a sorting station.

Materials come in and are sorted and disposed of. Regular garbage is burned there. Beside it, on the right-hand side of the building, is a place for vegetation for the green boxes.

**Mr Sergio:** Do you know if they do any sorting?

**Mr Bruinink:** Yes, they do. As a matter of fact, on the Web site it says that in 2002 they began sorting on a larger scale than they ever have. It's also part of their business now. So they do bring material in and have ways of selling it to private enterprises.

**Mr Sergio:** Other European nations have the same problem we do here, perhaps even worse. Do you know if they are located in some other European countries?

**Mr Bruinink:** What country are you speaking of?

**Mr Sergio:** Let's say Germany, Switzerland, France, England, Italy.

**Mr Bruinink:** They have problems like we have?

**Mr Sergio:** With garbage, yes. Do you know if such a plant is available in one of those nations?

**Mr Bruinink:** I've been told that Germany, for example, has similar facilities to the one in the Netherlands. I'm not aware that any country in Europe has any great problem with garbage, other than maybe England.

**Mr Sergio:** So you don't have any material with you with respect to contaminants running in the water, soil or air from such a facility?

**Mr Bruinink:** No. That's precisely why I suggested to the Chair here that I would like to go there and take somebody with me. We can find this information very readily. Also, as a matter of interest, the director of the company would come here and tell us, but it's much better to see the plant and have an inspection.

**Mr Rosario Marchese (Trinity-Spadina):** Thank you, Mr Bruinink. Obviously, you're supporting the government in its desire not to take garbage to the Adams mine. You are supportive of that, right?

**Mr Bruinink:** Of what? I'm sorry?

**Mr Marchese:** You're here to support the government in its desire not to bring garbage to the Adams mine, right?

**Mr Bruinink:** Oh, of course.

**Mr Marchese:** Right. I just wanted to be clear that's why you were here in part. The other part is to say, however, in terms of how garbage is disposed, what you're proposing is that it be burned.

**Mr Bruinink:** Incinerated, yes.

**Mr Marchese:** Incinerated. That's what I should have said.

**Mr Bruinink:** Totally safe, without any harm to the environment.

**Mr Marchese:** So are you aware—and I'm not an expert—of the fact that there's a great deal of controversy in terms of incinerating material in general?

**Mr Bruinink:** I don't have to go far for that, sir. I can go right to London. They had an incinerator in London. It was ill-received by the population. It was totally built inadequately and has been torn down. It's no longer in existence, but it was not the right building. That was 10 years ago.

**Mr Marchese:** So what you're saying is the state of the art exists to be able to incinerate with very little environmental problems?

**Mr Bruinink:** None whatsoever.

**Mr Marchese:** None even?

**Mr Bruinink:** None whatsoever.

**Mr Marchese:** That's a claim that those who incinerate make, and you, obviously, believe that and have no reason to disbelieve that kind of information. Is that correct?

**Mr Bruinink:** The gentleman whom I visited in the Netherlands said they have computers that monitor this steam that comes out the chimney on a second basis, and there's never any risk of—and if there would be, I'm sure they would shut it down immediately to repair it.

**Mr Marchese:** So those environmentalists who oppose incineration are simply—possibly—wrong? They just don't have the information. Is that possible?

**Mr Bruinink:** I don't think they're wrong. They don't have the information.

**Mr Marchese:** I see.

**Mr Bruinink:** And because they don't have the information, they're wrong.

**Mr Marchese:** So even though that's their field, that's what they do, that's what environmentalists do, they obviously don't have the access to the facts, in your opinion?

**Mr Bruinink:** That's correct. Yes, absolutely.

**Mr Norm Miller (Parry Sound-Muskoka):** Thank you for coming in today to make your presentation; it's very much appreciated. My wife's family is Dutch; her family came over in 1954, I think. If you're not Dutch, you're not much, I understand.

**Mr Bruinink:** As the saying goes, yes. I want to be politically correct.

**Mr Sergio:** I'll remember that.

**Mr Miller:** I'm not Dutch though; my kids are half-Dutch. There are a few other sayings, I've heard.

**Mr Marchese:** And he might even have some questions.

**Mr Bruinink:** You have a question? My time is running out; I need a question.

**Mr Miller:** I did want to thank you for coming in. I think you are raising some very worthwhile points. I happen to believe it makes sense to at least look at incineration. I think it's a lot better solution to dealing with Toronto's garbage problem than burying it in a landfill, which is just a time bomb. It then goes on to poison one of our most precious resources—that being water.

**Mr Marchese:** Composting.

**Mr Miller:** I like the idea. They have composting in the Netherlands as well. I think we need to look at the latest technology and explore incineration, and generate some electricity as well by solving Toronto's garbage problem and eliminating the 200 trucks or whatever it is, the 125 trucks a day that travel down the 401.

I'm also interested in a deposit-return system. In fact, I have a private member's bill I put forward a month or so ago to get the LCBO to establish a deposit-return system.

I would like to see a deposit-return system for all containers, including Tetra Paks and soft drink containers. I think there are a lot of environmental benefits. Do they have a deposit-return system there?

**Mr Bruinink:** Yes, they do. I'm glad you mentioned it. If you go to a supermarket, there is a conveyor and it has a screen in front. I put my number in, deposit the bottles, they disappear and out comes a piece of paper that says I'm owed two euros and 50 cents.

**Mr Miller:** I think that sort of system would work very well with these other ideas you have. I certainly will be pushing for many different environmental benefits that go along with the deposit-return system.

**Mr Bruinink:** I believe this plant is only the tip of the iceberg of what we can do to solve the problems of Toronto and Hamilton—I mean, it's having a problem right now. I hear Gravenhurst wants to bring garbage to London. It makes no economic sense. You can make money doing this.

**Mr Miller:** I thank you for coming in. I certainly think it's an idea that should be explored.

**Mr Khalil Ramal (London-Fanshawe):** You were talking about deposits and the things that used to be here in Canada a long time ago, five or six years ago. After Pepsi-Cola and Coca-Cola changed the bottling system, I guess they disappeared from the marketplace.

First, I want to thank you for coming, volunteering your time and effort to talk about this very important issue to all of us. Just a question to you: You're telling us you're volunteering yourself to go to Europe to investigate on behalf of the Ministry of the Environment?

**Mr Bruinink:** I would not go alone. I'm not technically inclined enough to just go by myself. I would like to see somebody from the government, one or two people, come with me. I will speak to these folks and be an interpreter at times, when necessary—I speak Dutch fluently. I can certainly act as the interpreter. When you start talking very technical, I may need more information, but other than that I'm well spoken in Dutch.

**Mr Ramal:** Volunteering your ability to communicate, that's what you're looking for. OK, that's it.

1420

**Mr Bruinink:** On my initial contact, I called the man and spent two hours with him. He told me as much as I could understand and we went from there and had some correspondence. I was very pleased that they invited me to come and see. We are sending people there. When my article appeared in the London Free Press about five weeks ago, this gentleman called me and said, "Your timing is impeccable. I would also like to visit this plant, because we are going to Europe." They're not going especially to see this plant—I hope that's understood—but during the trip they have also taken the time out to see it, and I think that's very important.

**Mr Ramal:** That's the Dutch plant?

**Mr Bruinink:** Yes, he's a businessman.

**Mr Ramal:** I'm talking about the facility. If we decided to go buy that system, we can to the Netherlands

and buy that system and apply it here? That's what I meant.

**Mr Bruinink:** Sorry?

**Mr Ramal:** It's made in the Netherlands?

**Mr Bruinink:** The building?

**Mr Ramal:** The technology.

**Mr Bruinink:** I have no idea who the producer of the plant is. Is that what you're speaking of?

**Mr Ramal:** Yes, the technology.

**Mr Bruinink:** I have no idea who the contractor is. I would suggest it's probably Dutch technology, but it could be elsewhere too. It may be a combination of many. As a matter of fact, I had calls from some Canadian companies that would also very much like to speak to the company and maybe work with them to do something here. That would probably be most—

**Mr Ramal:** I wonder if you are aware that we have a plant here, I think in Ottawa. It does the same things. That's what I mean.

**Mr Bruinink:** There are companies that make certain parts—

**The Chair:** Thank you. My last speaker is Mr Racco.

**Mr Mario G. Racco (Thornhill):** I come from a municipal background where the Keele Valley is located. I believe it's potentially the largest dump in Canada. We have been talking about this issue for many years. In Europe, which has been dealing with this issue for many more years than we have in Canada, they seem to have an answer to this problem. What do the Europeans do in general, not just Germany? Do the largest nations in Europe burn it? Do they dump it? Do they do something else? What do they do to dispose of their garbage?

**Mr Bruinink:** The countries that I have heard of—and I can't say I speak for every country in Europe—are doing much the same thing. In the Netherlands, a man said to me, "I'll do a fast calculation. If I do what you do, I need 18 soccer fields half a kilometre deep to bury my stuff. In 10 years from now, it will be one heap of dirt, because we have no room to put it." So they do it out of necessity. I think we're at that point too, where we have to start thinking out of necessity.

Can you imagine, if a dump is not totally sealed off below, the garbage that's going into the earth, if you will—and we don't know what's in it, because people put everything in it—seeps into our water base, the water base goes into the river and the river goes into the lake. We're going to be drinking that stuff later. Over time, as it seeps into the lakes and more and more communities—Strathroy, where I live close to, is now pumping water out of Lake Huron. It gets worse, and we're going to be drinking that stuff. I'm sitting here today, on May 20, 2004, and I can assure you that it will happen, that we're going to be drinking this stuff.

**Mr Racco:** Mr Bruinink, I'm sorry, I'll go back to the same question. I agree with what you said. I think all of us understand the reality. I'm trying to be clear in my mind because I'm not, as of today, after 20 or more years: Do you know how a number of countries in

Europe dispose of their garbage? Is it by incineration, generally speaking? What is it? Do you know?

**Mr Bruinink:** They all do it much the same way; like I said, Norway and Denmark.

**Mr Racco:** I'm sorry?

**The Chair:** Mr Racco, could you let him answer the question, please, and then our time is going to be up for this delegation.

**Mr Bruinink:** You were asking me what other countries are doing with their garbage, besides Holland.

**Mr Racco:** Yes.

**Mr Bruinink:** I can say Norway and Denmark—I think it was Denmark or Norway, either one of the two—do the same thing. They incinerate and create steam, and steam goes to the homes. Belgium does the same thing; Germany does the same, and France. These countries are all incinerating. They don't dump it in the ground.

**The Chair:** Mr Bruinink, on behalf of the standing committee on the Legislative Assembly, I'd like to thank you for your delegation. I appreciate your coming out today.

**Mr Bruinink:** I appreciate very much being here. I hope something very serious will come out of this. I know political wheels sometimes turn slowly. Thank you.

## CAW WINDSOR

### REGIONAL ENVIRONMENT COUNCIL

**The Chair:** Mr Bondy, if you'd like to come up. Welcome. I appreciate your coming out. I understand you're speaking on behalf of the CAW Windsor Regional Environment Council. Is that right?

**Mr Ken Bondy:** That's correct.

**The Chair:** You have 20 minutes to speak to this committee. Obviously this committee is interested, so if you can leave a little bit of time at the end of your 20 minutes, we may have some questions for you. For Hansard, if you would introduce yourself and indicate again who you are speaking on behalf of before you begin your delegation, I'd appreciate it.

**Mr Marchese:** Madam Chair, for clarity, it's 20 minutes in total. So the idea is to leave time before the 20 minutes are up for questions. Is that the way you're doing it?

**The Chair:** Mr Marchese, I'm going by the schedule I have before me. Individuals get 10 minutes and groups get 20 minutes.

**Mr Marchese:** I understood that. But I think you said that after the 20 minutes you would allow for questions.

**The Chair:** As long as we don't go over our schedule for the next delegation, then I'm going to allow some latitude.

**Mr Marchese:** Sure.

1430

**The Chair:** Welcome, Mr Bondy.

**Mr Bondy:** My name is Ken Bondy. I am the president of the CAW Windsor Regional Environment Council. Our council represents some 40,000 members—

autoworkers, specifically—on environmental issues in this area.

We are obviously concerned about the problems we face in waste management, particularly the issue of waste that travels through our community. I believe we're talking about somewhere in the range of 1.2 million tonnes of garbage each year transported by some 140 trucks that travel through our community. For those of you who aren't familiar with Windsor, we certainly have our own serious problems with truck traffic and border congestion, which adds to an already suffering air quality issue down here in the Windsor area. So we have a unique sense of the waste management problems that the Toronto area is dealing with as they bring this garbage over to Sumpter, Michigan.

Having said that, we are certainly here today to applaud and to support the government on this progressive move to not allow the Adams mine site to be used as a landfill. This is an area that we know is, to a certain extent, pristine but traditional to natives in the area; certainly a situation that would have created an out-of-sight, out-of-mind, only-to-come-back-and-haunt-us-later situation. So again, we are here to support Bill 49.

We in the auto industry have embarked on a campaign that is looking at several ways of handling waste. We are focusing obviously on vehicular waste, but there are a number of ways that we feel waste can be handled and dealt with in a proper manner that is going to move forward as we continue to run out of spaces to put our garbage. We would like to offer some of those suggestions to you here today. I've provided those to all of you in a copy of my memo.

The first suggestion we would like to make is regarding the province's involvement in an extended producer responsibility practices program. This is a process that has been discussed at great length. The delegation before me was talking about Dutch origins. Over in the European Union, EPR is alive and well today in many aspects of waste diversion, including vehicular waste. We feel this is a role that the governments, both federal and provincial, have to play here in Canada if we're going to move toward dealing with the loss of land due to landfills.

The second suggestion we have is regarding more communication and more co-operation between the Ministry of the Environment and the Ministry of Natural Resources. Most of the products that are going into landfills today are obviously created from raw resources, and it makes absolutely no sense to take raw materials out of the ground, manufacture them, use them and then rebury them when we know there are recycling and reuse capabilities rather than burying something we had already taken out of the ground for people's use.

The third suggestion we have is something that we believe is long overdue, and that is the government subsidization of the blue box program. Right now in Ontario, depending on what community you visit, there is a wide variation of collection processes going on, and we need to standardize that. There are opportunities, technology

today, by which we can collect many of the waste products being put into residential garbage, as well as commercial/industrial and such things as hazardous products that many people put into their residential garbage that go into our landfills and create an even bigger pollution problem that we have to deal with, either the leaching into our groundwater or off-gassing into our atmosphere.

Finally, we feel the province could do a better job using all streams of the media to communicate to these communities—to the residents, to the industries—on good waste reduction practices. Right now in the county of Essex, where we hail from, the Windsor-Essex Solid Waste Authority does put out a very useful calendar and chart, and many people follow that guideline. But quite frankly, there are other ways to put this information out into the public, whether it's through the use of newspapers or mailings directly from the government of Ontario or, again, the media through television. As representatives who work very hard with the corporations we are employed by to try to manage and reduce the amount of waste that comes out of industrial facilities, we know there is never enough education. Unfortunately, there are always people out there who either don't understand the processes or are not reminded enough of the proper way to handle waste reduction and waste diversion.

Again, on behalf of the members I represent, we want to congratulate the government on taking this progressive step. We would certainly be open to having any suggestions or discussions on how, as this government tackles waste diversion needs into the future, we can do a better job of creating a clean and safe environment for our future generations.

**The Chair:** Thank you, Mr Bondy. Mr Marchese?

**Mr Marchese:** Thank you, Mr Bondy, for your presentation. I've got three or four questions, and I'll make them as quick as I can. I won't name the political parties, but some political parties are more beholden to the corporations than others, so to your first point in terms of talking about extended product responsibility, it can be an issue for some, right? So while we say we need or ought to do this, we saw, when the previous guy was there making that point—because other people came and talked about the very points you made—that there was no ear to that particular suggestion, although at some point in the future we are all going to be affected, so we've got to do something. But in the meantime, how do you influence the corporate sector, and therefore political parties, to do suggestion number one, and number two as it relates to the very same issue?

**Mr Bondy:** We have attended a number of conferences that representatives from across the world have attended, and not Ontario but Canada as a whole is seriously lacking in the way we divert waste. You don't have to look any further than the European Union and the directives they have put in place to legislate waste diversion—the extended producer processes.

I think it would be advantageous for this government of today to open up dialogue with the federal government

so we can have a level playing field across this country on the way we handle extended producer responsibility. Finally, we have answered the criticism from industry that says this would not be cost-effective and would be unmanageable by once again looking at the European directive and showing an example of success.

**Mr Marchese:** My question, I guess, is how we influence the corporate sector to do the right thing, because governments are going to have a hell of a problem in terms of how to introduce policies that they resist. What do we do?

**Mr Bondy:** I think I can answer that question. You may not be aware, but right here in Windsor a year ago, an organization was created called the Centre for Environmental Health of Ontario. That was created from an outcry from the citizens in this community over the high rates of cancer, asthma and other illnesses that we feel are connected to the poor environmental factors we live within.

We have modelled that on an organization in Massachusetts called the Toxics Use Reduction Institute, which is supported by that state government. They have built partnerships with industry and actually subsidize partnerships with industry to prove that there are positive processes, and then they take other industries into that particular facility and show them that those processes can actually be done.

So I would say the answer to your question is that this government could certainly—and we are in the process of talking to the members of provincial Parliament in this area—look at financially supporting the Centre for Environmental Health and allow us to go forward and teach the industries how they can do this.

**Mr Marchese:** I understand. Thank you.

To your point about the hierarchy, I suspect most people don't have a sense of what you're talking about, but the hierarchy talks about reduction, reusing, and then recycling is at the bottom of that hierarchy. It's partly what we were trying to deal with with the last government, where they only dealt with recycling, and we were saying, "You've got to shift that around." Composting is part of that hierarchy, and that's again part of the educational problem we've got to engage in. I think we're all doing a poor job of educating, at the municipal level, the provincial level and the federal level. I'm assuming you're urging governments to do a better job of how we do that education.

**Mr Bondy:** Absolutely. The government has an ability to reach out into all the communities across the province and set an example of how things can be done properly, and, to go back to your first statement, to show that it is not only one particular sector of this province that you are supporting but that you're supporting the residents of each community in Ontario.

**The Chair:** Mr Brown?

**Mr Michael A. Brown (Algoma-Manitoulin):** Thank you, Mr Bondy, for being here with us. We appreciate your support for the act that's before us today.

I was just thinking, as I was listening to my colleague over there, about how we owe a debt to the labour movement in general for their very active participation in environmental issues, both in their own workplaces and in their communities. I think that's very important and I don't think we could have made the strides we have made without the labour movement being involved.

Because you're a CAW representative, maybe you could tell us a little about the reuse and recycling within your industry, what you've maybe seen within the last few years and what you expect to see, or would hope to see, within the next few.

**Mr Bondy:** To your first comment, I must say that we are very grateful to have been able to sit down and have full representation from Dwight Duncan, one of our members of provincial Parliament, as we developed the Centre for Environmental Health. So we do have a good working relationship with this government, certainly in this area.

Secondly, one of the biggest problems we have identified in the industries, and I'm talking particularly about General Motors and Ford, who employ a huge number of people in this area but also create a huge amount of trash, is that under the provincial regulations in place today, the way they manage their waste and what they look at as a cost-effective measure is simply to transport those things not allowed in municipal landfills across the border to the state of Michigan. We see that as a real problem, when you have different corporations utilizing out-of-province or out-of-country landfill. Not only is that not answering the larger environmental question as people who have to live on this planet, but it also takes away from the revenue that could sustain our municipal landfills, and because we lose that business, there are increased tipping fees and more issues and problems that I think cause people to do illegal dumping because they don't want to pay the tipping fees. It's something we've taken to the attention of the corporations here in Windsor many times. The issue has never been answered to us, and it's something I would encourage this government to look at: Is there a way we can talk to those industries that are transporting trash across the border to handle that here at home and utilize the regulations and the landfills that are in place in each municipality?

1440

**The Chair:** Thank you, Mr Bondy. We're running out of time.

Mr Wilkinson, do you have a very quick question?

**Mr John Wilkinson (Perth-Middlesex):** No, I would offer my time to make sure all three parties have an opportunity.

**The Chair:** OK. There are no more speakers, and we're out of time. On behalf of the standing committee on the Legislative Assembly, I'd like to thank you for coming out today and for your delegation.

**Mr Bondy:** Thank you very much for coming to Windsor.

## DANIEL ACCIAVATTI

**The Chair:** Our next speaker Daniel Acciavatti. Is he here? Have I said your name right?

**Mr Daniel Acciavatti:** You did better than most.

**The Chair:** Thank you. Welcome to the standing committee on the Legislative Assembly. I appreciate your coming out. I understand you're here from Michigan, so I'm going to provide you with a little more time since you've come a great distance to see us. Could I ask that you introduce yourself and the group you represent for Hansard, so we get a record of that?

**Mr Acciavatti:** I am state representative Dan Acciavatti. My legislative district is basically right across from Sarnia. I was running a little late because we didn't get out of session in Lansing until after noon. Luckily there was no backup at the bridge. I guess I'm here representing myself, hopefully giving a different view, the Michigan view, on this problem.

First of all, I'd like to thank you for allowing me to be here. I consider Ontario our friends, our neighbours. We're bound by geography, and I consider it a great honour to be asked to come before you. I handed out the written testimony I'm going to give, along with a resolution. So I'll give that testimony and then leave some time at the end for questions.

Did I fulfill your first request?

**The Chair:** Yes, you did. Thank you.

**Mr Acciavatti:** I appreciate the opportunity to speak with you today regarding the Adams Mine Lake Act and the issues surrounding it. I hope my testimony will provide you with a different angle on this issue, from the perspective of your friends and neighbours in south-eastern Michigan.

My name is Daniel Acciavatti, and I am a state representative in the Michigan Legislature. I represent an area that stretches from the northern shore of Lake St Clair to the outskirts of Port Huron, in what could be described as the base of the thumb in Michigan and home of Pine Tree Acres, near Lenox township.

While I am not entirely familiar with the pros and cons of the Adams mine project, I am aware that its future has been in limbo for more than a decade, and residents in Ontario and Michigan have been hopeful that the Adams mine, in combination with the expansion of existing landfills and waste diversion programs, would deliver the "in Ontario" solution to the landfill disposal crisis that has proven to be so elusive.

I am also aware that significant political and environmental obstacles stand in the way of the Adams mine ever being approved for operation, to the point that the site's continued presence in the debate may only serve to draw attention and resources away from other, more viable solutions to resolve Ontario's disposal crisis.

One thing I am certain of, however, is that Michigan residents, and particularly my constituents, will view the demise of the Adams mine project as evidence that Ontario is abandoning efforts to create the "in Ontario" solution that has been pursued for so many years, and

that the province is unconcerned with the amount of solid waste being shipped across the border to Michigan landfills, unless the decision to end consideration of the Adams mine site is accompanied by concrete steps to address the problem elsewhere.

From my perspective, the decision to build or abandon the Adams mine project is not the one that will ultimately define Ontario's position on resolving the disposal crisis. What truly matters is whether the decision to abandon this particular site is followed up by meaningful action that demonstrates both the vision and political will to get the job done.

**1450**

At this point, I believe it is important to state that I have been very impressed with Ontario's efforts to reduce the amount of waste going into the waste stream, your diversion efforts. The emphasis placed by the province on recycling programs and other ways to reduce solid waste generation is definitely laudable. I was also greatly impressed by the decision to achieve an Ontario-wide diversion goal of 60% by 2008.

Additionally, I was encouraged to read that provincial government leaders understand that a review of the environmental assessment process is needed to ensure it functions as a valuable part of the approvals process for landfill siting and expansion and not as an impediment to progress on this issue. And I do believe there needs to be progress on this issue in Ontario.

While your promotion and application of the three Rs—reduce, reuse and recycle—is clearly a worthy project and a laudable goal, I believe the progress you are making is coming in large part at the expense of my constituents, who are seeing the landfills that were designed to hold Metro Detroit's waste well into the future being filled much more quickly than anticipated, as they not only serve one but two major metropolitan areas at this time. Many of those whom I represent feel very strongly that years of local planning for the future needs of our communities are going down the drain because Toronto—and by extension Ontario—is simply unable or unwilling to take care of a basic municipal need.

I had the pleasure of visiting Toronto in April as part of a delegation from the Michigan House of Representatives. I and two of my colleagues met with local and provincial business and government leaders to discuss our issues of mutual concern. Some of those issues were border crossing issues, economic development issues and water quality issues, and of course this solid waste issue was one of the many topics we discussed.

We had the opportunity during our visit to tour some of the incredible recycling facilities that are currently in operation in Toronto and to gain a little bit of insight into the progress being made toward the diversion goals set by the province. But it is clear that even with the great progress that has been made to date, the city of Toronto still needs to send a significant amount of its trash to landfills. It is also clear to me that the province of Ontario is totally unprepared and unable to meet the

needs of its largest city on this issue. When I asked city officials if there was a backup plan for solid waste disposal should Michigan landfills, for whatever reason, become unavailable, I was stunned to hear the answer was no. Other than a two-day storage capacity at transfer stations, there is no place Toronto can go with its garbage other than Michigan.

The simple fact of the matter is that even with the diversion efforts that are currently in place, the city of Toronto and the province of Ontario are still going to produce a certain amount of waste that will need to be landfilled. And until such time as 100% of the waste is recycled, reused or otherwise diverted from the waste stream, the responsible course of action for your government to take is to ensure that Ontario has adequate capacity to landfill that waste stream.

I'm here today to ask you to not let Michigan shoulder the burden of all of this waste stream alone. I am aware that the Adams mine site is not the only option available to you. Expansions of current landfill sites are under consideration in Warwick, Richmond and Green Lane. I believe the Warwick site in particular has been in the planning and approval process for nearly five years.

I want to close by noting a story I read in the Toronto Star on April 20 of this year. The headline of the story is "Don't Dump on Us, Halton Pleads." The first paragraph of the story caught my eye. It read, "The spectre of 125 tractor-trailer loads a day of Toronto's garbage being trucked to Halton's landfill site has regional chair Joyce Savoline more than a little concerned these days." I personally can sympathize with Ms Savoline's concerns on this issue, because the trash that she only worries about ultimately ends up in my district. I see those trucks every day. I see the additional wear and tear they cause on our highways. I hear the complaints from municipal officials and constituents who are concerned that our landfills are rapidly filling with trash from another country. As an elected official, I am under heavy pressure to find ways to reduce or stop that inflow. This too is the reality you must face as you consider this issue.

For your consideration, I have distributed copies of a resolution that I have sponsored in the Michigan House of Representatives urging Ontario officials to take prompt action on this issue. I hope you will take time to consider that resolution, which will be taken up in committee and in the full House in the coming weeks.

As you deliberate on this legislation that would remove a potential landfill site from consideration forever, I strongly encourage you—I urge you—to redouble your efforts to increase Ontario's landfill capacity so that your province will be able to meet the needs of its citizens.

I just want to again say that I really appreciate being here. Thank you for allowing me to speak, and I would take any specific questions you may have at this time.

1450

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** Thank you, Mr Acciavatti. Your House resolution more specifically urges the Ontario Ministry of the Environment to establish new landfills and landfill expansions.

As you've indicated, what's going on in Ontario is in large part at the expense of your constituents. I understand there's also a House bill that's now law that requires garbage—Canadian or out-of-state waste—to meet Michigan standards. I just wondered if you've had any evidence now of how well Ontario would hold up to the Michigan standards. I know there's something like at least 11 bills from you and state senators calling, in part, for tougher measures to reduce or prevent waste from coming in.

**Mr Acciavatti:** If I could maybe give a little longer answer, if I've got time, and go into the history a little bit and why we're here. I'm sure a lot of you already know this history, but I think it would add to the conversation a little bit.

**Mr Barrett:** I know your mother was involved a number of years ago.

**Mr Acciavatti:** Yes, she was, and she was very inspirational in me getting involved in politics to begin with. In 1978—so we're talking over 25 years ago—the leaders of Michigan had the vision to adopt the Solid Waste Management Act. That act had a number of mechanisms in place that basically said that every county, every municipality, had to have a long-term goal to deal with their solid waste. There were a bunch of mechanisms put in place—must-site language. In St Clair county, for example, if we didn't have enough capacity to deal with our waste long-term and into the future, then a mechanism kicked in that said you must site a landfill. As a result, we ended up with a glut of landfill space. It was a very unfortunate, unintended consequence, I believe, of the legislation, and the leaders back in that day didn't necessarily see what was coming at them.

In 1989, when my mother was chairwoman of the St Clair county board of commissioners, which is right across from Sarnia and the Blue Water Bridge, that's when this whole issue kind of came up, with the Fort Gratiot landfill case. The Supreme Court came down and gave their ruling, the interstate commerce clause, and it pretty much put us to where we are today.

Nothing significantly has been done with state law since that Supreme Court ruling. The package of bills that you spoke of was the first significant package of bills to change state law since then. Essentially, that package does a number of things. The heart of the package was to say that any waste coming into our landfills needs to meet our standards.

From my visit to Toronto, I would say that the city of Toronto does a tremendous job. I would argue that your waste stream is very clean and I would argue that it will probably meet our standards at the end of the day.

**Mr Barrett:** Just to follow up, I know that to other state legislators it's a concern, and I know that Tom Ridge of homeland security has been approached with respect to the possibility of anything coming across in one of these tractor-trailers that could threaten the population of the state of Michigan.

Secondly, I know that down in this part of North America you have a problem with the emerald ash borer,

which we're desperately hoping doesn't move farther east by the same token. One of your colleagues has pointed out that Toronto has a problem with the Asian long-horned beetle. Twenty-five percent of the waste that comes from Toronto to your state is yard waste, according to your environment department's figures.

Could you comment on those two things, both security and, secondly, invasive species?

**Mr Acciavatti:** Absolutely. On the security side, in the global world we live in, Candice Miller was instrumental in bringing Tom Ridge to the Blue Water Bridge area. I think he went on both sides of the bridge and looked at that crossing from a homeland security standpoint. The homeland security issue is a concern. In the global world we live in, there's a real possibility that we could end up at an orange or red homeland security level, which would affect those border crossings. So that definitely brings into conversation a whole different part of it.

Yard waste is not allowed in our landfills, so that is going to pose a problem. That's one of the prohibited items, along with bottles and cans. We have a very expansive recycling bill that we use.

As for the emerald ash borer, it has devastated the ash tree population in my district and right across the river in Macomb, Oakland, Wayne and St Clair counties. It's a tremendous problem. Any other invasive species that could potentially get into our country or into your country from our country is something that is a concern and would pose a risk to our public, our health and our safety, which wouldn't help with all this and would be a concern of mine.

**Mr Marchese:** I appreciate your coming and I share your concern, and I would do the same, by the way. It's crazy that a province can't take care of its own problems and has to ship the problem of garbage outside its own borders.

Do you have an opinion on the issue of taking garbage to a mine site? That's what we're dealing with.

**Mr Acciavatti:** I know. I wanted to speak more to the concept of keeping all landfill options on the table, like we do, like the policies that we have in Michigan. The specific environmental challenges you have with that site I think are tremendous. I don't know in detail the pros and cons, unfortunately. I wish I did. I do know there are some challenges there.

**Mr Marchese:** There are three political parties. America only has two, but we've got three. We're on the left here, and we oppose the idea of taking garbage to a mine site. We think it's wrong. That's why we support the Liberal government that introduced this bill in terms of preventing the disposal of waste in a mine site. We think it's a dangerous thing for future generations. That's why I asked you whether you have an opinion in that regard.

But it is a problem and we've got to deal with it. How are you dealing with that in Michigan, in terms of your own waste?

**The Chair:** Can I interrupt for just a second? Could you make it a quick answer on this one? I still have another speaker, and we have about three minutes left.

**Mr Acciavatti:** OK.

**Mr Marchese:** I'd be curious to know.

**Mr Acciavatti:** We have a very detailed solid waste management plan that has must-site language in there, that we site landfills when they must be sited. I think there aren't as many obstacles that we have to jump through. We now have a moratorium—in one of those bills—on new landfills and we're kind of moving in the direction of your province on that issue. But right now, we have must-site language; regardless of the environmental consequences, you must site a landfill. There are obviously very strict standards they have to meet in how they're constructed and how the cells are built to make sure they're safe, to make sure they're put in the right place, but that must-site language is there.

**Mr Ramal:** Just a quick question. If we are meeting our government's standard to ensure that [*Inaudible*] use landfill to take our garbage there. Why are you objecting to the whole issue, if we're meeting all the standards and stuff that we have to meet?

**Mr Acciavatti:** I don't think you are meeting the standards just yet. We don't allow any yard waste, bottles and cans. Besides that, I think you have a very clean waste stream and I think you are meeting the standards. Therefore, on the basis of the federal commerce clause and the Supreme Court ruling, it can't be stopped.

I am objecting because I've got 250 trucks a day coming over the Blue Water Bridge through my district, on my roads, past my constituents' houses, and they're banging on my door every day to stop it. It's a horrible perception problem. We're friends, we're neighbours, and we're bound by geography, but unfortunately this issue is beginning to shape our relationship with the residents of Michigan. That's why I'm here.

**The Chair:** Mr Acciavatti, I appreciate your coming, and we thank you for your delegation.

1500

#### RESPONSIBLE ENVIRONMENTAL AND ECONOMIC PROSPERITY ASSOCIATION

**The Chair:** Our next delegation is Martha McSherry. Welcome to the standing committee on the Legislative Assembly. We appreciate your appearing before us today. I understand you're speaking for the Responsible Environmental and Economic Prosperity Association. Is that right?

**Ms Martha McSherry:** That's correct.

**The Chair:** You have 20 minutes. We'd appreciate if you would begin with introducing yourself and the organization for Hansard.

**Ms McSherry:** OK. Again, my name is Martha McSherry. I'm from Kirkland Lake, Ontario, which is about 10 kilometres from the Adams mine site. I've happened to live in that area for the last 25 years. I did grow up in southwestern Ontario.

REEPA, which stands for Responsible Environmental and Economic Prosperity Association, first got started when the Adams mine site came up as a possibility, and

that was back in 1989. Shall I carry on with my presentation, then? I think everyone has a copy of it.

Thank you for this opportunity to present at today's hearing. I am here representing REEPA, a group that has been in existence for 15 years. REEPA members are concerned with the idea of dumping garbage in the Adams mine, which is a former open-pit mine that has crumbling pit walls from 27 years of mining and blasting for iron ore. The pits are in direct contact with groundwater, levelling off with the surrounding water table. The Adams mine site is south of the Arctic watershed where water systems are divided, flowing north and south. Waters flowing from the Adams mine site flow into a river system that feeds a rich farm basin in south Timiskaming, which then flows into the Ottawa River Valley system. Bill 49 is protecting the headwaters of that watershed.

There are three main points that REEPA wants to discuss with respect to the act to prevent disposal of waste at the Adams Mine site.

First, the Liberal government is to be commended for taking the leadership to protect water in lakes from waste in the province of Ontario. Ms Dombrowsky, Minister of the Environment, was quoted recently in the media, "The endless proposals and challenges around the Adams mine have created too much uncertainty, and for too long have drained the energy and resources of the local communities."

This quote sums up exactly what has been going on for the past 15 years in the district of Timiskaming. Unfortunately, as long as the Adams mine site was seen as a possible destination for Toronto's waste—a total of 15 years—there has not been any serious waste management by the city of Toronto. In addition, citizens opposed to the dumping of waste have spent valuable time and energy protecting our environment, time that could have been devoted to community economic and social development.

The second point in this presentation is that the Liberal government's leadership for setting aggressive targets for diversion and recycling, with specific timelines, needs to be commended. We look forward to product stewardship, closing the loop on toxics, diversion of compost and recyclables from landfill, packaging reductions, research and development, and the seeking out of markets for recyclables.

The landfill crisis that looms over Toronto can only be prevented through strategic waste planning. There are numerous examples in Canada, the United States and Europe of how other major centres have achieved 60% to 80% diversion from landfill.

The third point of this presentation is to bring to the attention of this hearing the weakening of citizen participation in the process of protecting their environment during the Harris government reign. Citizens experienced the loss of the intervenor funding act, which provided an opportunity for awarding citizens' groups with funds when a project went to the hearing stage. The limited funds that may have been awarded came late in the hearing stage, when they were very much needed in the

investigation stage prior to a hearing. Without the intervenor funding act, proponents of a project are favoured over the opponents. In the case of the Adams mine, the project moved ahead quickly without proper examination of the consequences to the environment.

Citizens were further hampered from participation in the Adams mine hearing when the Harris government proceeded to weaken the Environmental Assessment Act—I'll continue to call it the EAA—again perceived as favouring the proponents of the Adams mine. It was REEPA's experience that a lawyer, Mr Robert Power, represented proponents. In this case, it was Toronto, Adams Mine Rail Haul and the provincial Tory government. This particular lawyer was in a strategic position to influence the legislated changes to the EAA in that the Adams mine hearing was streamlined to look only at one issue: hydraulic containment. In other words, will the pumps work?

The EA process is a good planning tool if it is done the way it was originally designed, and applied sincerely. A full EA establishes need, examines all aspects of a project, looks at the good and the bad consequences, examines alternatives, strives to lessen adverse effects, and only then is a decision made on whether to go ahead with a project.

In the case of the Adams mine, the hearing was streamlined, taking 15 days, when most projects of similar size would have taken one to two years to complete. The streamlining of the EA on the Adams mine did not look at the need for the project. It did not look at the extent of the consequences of the project. All criticisms, weaknesses and shortcomings were not responded to at the EA hearing. There was no clear plan by the proponents at the time of the hearing on how the toxic leachate would be treated when pumped from the pits. As well, there was no clear plan on where the billions of tonnes of toxic leachate would be disposed of.

Despite these flaws with the EA hearing, the EA panel of three was split at the end of the 15-day hearing. One panel member outlined very solid reasons why the project should not go ahead. Two panel members were undecided, outlining numerous conditions that needed to be met before a final decision could be made on whether the site was suitable for waste. One of the conditions involved drilling a borehole under the proposed pit to further investigate whether hydraulic containment would work. The EA panel left the final decision on the Adams mine site at the discretion of the Minister of the Environment.

Citizens had to raise thousands of dollars to have the borehole drilling results examined by a scientist. The results indicated a high potential for leakage at the bottom of the pit.

Despite the limitations of the streamlined EA hearing on the Adams mine, the fact the EA hearing panel did not deliver a final deliberation on the site and that there were differing results on the borehole tests done at the bottom of the pit, the proponents received a certificate of approval on the Adams mine site.

I have taken the time to provide the details on why and how citizens have been limited from participating in the Adams mine EA process. It is our hope that the Liberal government will make changes to ensure that citizens in this province have an equal and just opportunity to make a full contribution to protecting their environment. The Adams mine scenario is a lesson for all of us on the risks of cutting the red tape to favour the proponents of projects that can have major environmental consequences.

In conclusion, REEPA commends the Liberal government for their leadership in preventing the disposal of waste in the Adams mine site and for amending the EPA in respect of the disposal of waste in lakes. In addition, REEPA commends the leadership around waste management in the province, setting targets and timelines.

Finally, REEPA asks that efforts be made to ensure there is a full and equal opportunity for citizen involvement in the EA process through reinstating the intervener funding act, and that the full Environmental Assessment Act be reinstated such that projects undergo a full environmental assessment hearing as was originally intended.

**The Chair:** Mr Marchese, did you have any questions?

**Mr Marchese:** Sure. Thank you for your presentation. New Democrats introduced the intervener funding, when we were in government, for a good reason. We know that when people are trying to defend something—rightfully or wrongfully—citizens don't have the money to defend themselves or to defend a public interest. So that was the purpose of the intervener funding. I think if we don't have that, it weakens your possibility and the right of citizens to be able to intervene.

I wondered, have you had any success with anyone within government in terms of getting a hearing on this issue; any sympathetic ear from any one member or two or three or four, the ministry or the policy assistants of the minister—anything?

**Ms McSherry:** We've been too busy fighting the Adams mine to have time for anything else.

**Mr Marchese:** But today is an opportunity for many of them to say, "We're going to move on that."

**Ms McSherry:** That's why I'm here. I've come all the way from Kirkland Lake.

**Mr Marchese:** Thank you for coming.

**Mr Miller:** I'd first of all like to thank you for coming all the way from Kirkland Lake. It's unfortunate that this committee couldn't meet in Kirkland Lake to save you the drive.

**Ms McSherry:** Or even in the north—Sudbury or North Bay. Why here?

**Mr Marchese:** I would have gone there too.

**Mr Brown:** I would have too.

**Mr Miller:** So would I. So thank you for coming.

**Ms McSherry:** We honestly thought you didn't want us here and that's why you held the hearing here. We really are quite suspicious of government.

**Mr Miller:** Well, thank you for coming. I just wanted to hear if you had any ideas about what Toronto should do to deal with its garbage problems.

**1510**

**Ms McSherry:** Again, there are incredible stories. I'm in no position to travel around the country and the world. I can only tell you what I read. There are many communities around the world doing incredible things around diversion, reusing, recycling.

**Mr Miller:** How do you feel about a deposit return system?

**Ms McSherry:** Absolutely.

**Mr Miller:** I happen to have a private member's bill put forward to put in place a deposit return system, so I wanted to get a plug in for that. I've noticed that out in British Columbia they are far more successful than we are in terms of capturing bottles and all kinds of other containers. In their deposit return system, they capture something like 86%, whereas with our curbside system, it's something like 35%. So you're in favour of deposit return systems?

**Ms McSherry:** Absolutely.

**Mr Miller:** Any other ideas, just broadly?

**Ms McSherry:** I heard an earlier speaker talk about incineration, and I think there were some challenges and questions around that. I can honestly say our group is not in favour of incineration. We're also confronted with an incinerator in our community. It would be for toxic waste, hazardous waste. We have had people from the EPA in the States—Dr Paul Connett; some of you may know him—up to our area. Incineration is just another way of burning trash and converting it into a more toxic form. We don't lose it, we still have to landfill it and it can still spew very toxic gases and vapours off into the environment, particularly if the scrubbers aren't working or there's a power failure or whatever.

So I'm not sitting here promoting incineration. I think it has to come right down to individual citizens and industries doing what they can to reduce, reuse, recycle and taking government action to reduce packaging, to standardize packaging—all those tough measures that have to be taken. Fifteen years have gone by and nothing has been done. It's just so tragic: 15 years of lost time on the Adams mine.

**Mr Miller:** Thank you for coming today.

**The Chair:** Ms McSherry, based on your earlier comments, I just wanted to assure you that this committee on the Legislative Assembly, to a member, wanted to go up to Kirkland Lake. This was a negotiated settlement between our House leaders.

My next speaker is Mr Ramal.

**Mr Ramal:** Your point about why are we here in Windsor—I guess that for our government, our commitment is that all people are participants, so that's why we're here and we are travelling across this province, to listen to the public, to listen to institutions in order to strengthen our position and also to make sure we have enough consultation with all the people. I would imagine we are here in Windsor, as you heard a few minutes ago,

to listen to members from the Legislature of Michigan, and also because there are a lot of older trucks that pass through Windsor.

I heard you talking about incinerators and all this stuff. You heard the first speaker talk about environmentally friendly institutions or facilities that would help to observe and digest all this solid waste. You are against it, too?

**Ms McSherry:** I can tell you, from our point of view, incineration is not something we're favouring in our community, because we are confronted with an incinerator right now.

**Mr Ramal:** No, but I'm talking about if it was proven to be environmentally friendly.

**Ms McSherry:** Again, I'd have to hear all the information. We'd have to go through a process, just like—that was the challenge with the Adams mine. We had scientists on each side and, depending on who funded them, you'd get their expert opinion. Who, in the end, do you decide upon? Those are the kinds of tough challenges we all have, based on the science we're hearing.

**Mr Marchese:** That's why intervenor funding is important, isn't it?

**Ms McSherry:** Absolutely, it's important.

**Mr Ramal:** That's why we are here to listen to you. Also, you know the direction of our government and our Minister of the Environment is clear on this matter: We are against it. That's why we are listening to more, to strengthen our position and to introduce a bill to stop people from filling abandoned mines like Adams mine. We share the same views. That's my comment. That's it.

**Mr Marchese:** Intervenor funding: Do you support that too?

**Mr Brown:** I think my friend from downtown Toronto is a little creative with the intervenor funding history, but nevertheless—

**Mr Marchese:** What do you mean?

**Mr Brown:** There was actually intervenor funding approved before you.

**Mr Marchese:** That's even better.

**Mr Brown:** Yes, I know.

**The Chair:** Mr Brown has the floor. We have a delegation.

**Mr Brown:** I just wanted to thank you for coming. It's unusual to be in Canada, looking north to our American friends. Mr Oraziotti and I both represent northern constituencies, and we do appreciate you coming all the way to one of the southernmost parts of Canada to make your presentation.

I know the hard work of the folks in the Timiskaming area, even across the province, having visited Belle Vallée and other places in the clay belt in that part of the world. Clearly, this will bring some certainty to your part of the world. As you mentioned before, having this settled will perhaps create a climate for greater economic opportunity in the area. Would that be a fair assumption?

**Ms McSherry:** I think more energy can go in that direction.

**Mr Brown:** I served in the Legislature in the early 1990s with a Liberal member from, in those days, St George-St David, Mr Ian Scott, the former Attorney General. He would occasionally get up in the Legislature and say, "Garbage: What problem? My constituents have no problem with garbage. They come in a truck and it goes away."

Ian said that a bit tongue-in-cheek, of course, but in our large urban centres, like the city of Toronto and perhaps some others, we haven't given this much consideration during the last 10 to 15 years. I want to assure you that the government is moving forward and looking at the Environmental Assessment Act, looking at a way we can streamline but at the same time make sure everyone is heard and that all views are taken into account in the environmental assessment process. Because we do have to find some solutions here and we need some good solutions. I just wanted to thank you for coming.

**The Chair:** Thank you, Ms McSherry. We appreciate your appearing before the standing committee on the Legislative Assembly and appreciate your coming all the way down. Thank you very much for your delegation.

We're going to be waiting for the Minister of the Environment. I believe she is in transit. Until she is here, perhaps we can call a 10-minute recess.

*The committee recessed from 1515 to 1525.*

#### MINISTER OF THE ENVIRONMENT

**The Chair:** We'll resume our meeting. The Minister of the Environment is here. Welcome. Thank you for coming and appearing before the standing committee on the Legislative Assembly to speak to Bill 49, An Act to prevent the disposal of waste at the Adams Mine site and to amend the Environmental Protection Act in respect of the disposal of waste in lakes.

**Hon Leona Dombrowsky (Minister of the Environment):** Thank you very much, Madam Chair. I am very pleased to have this opportunity to take part in the public consultation on a very important piece of legislation, Bill 49, the Adams Mine Lake Act, 2004. Bill 49 is an important part of the McGuinty government's commitment to deliver real, positive change. We believe that Ontarians deserve a cleaner environment and cleaner communities that benefit the people who live in them.

Bill 49 is immediately important to the northern Ontario communities most directly affected by the Adams mine proposal. But the act also sets important protections and precedents for all communities. That is why I believe it is important to hear the voice of the people in Windsor and in other communities across Ontario. I want to share with you my thoughts on how the Adams Mine Lake Act would help achieve our goal of clean, safe, livable communities across Ontario.

Adams mine has been subjected to endless rounds of proposals and challenges. This debate has been a source of great uncertainty. It has drained the energy and resources of local communities. For too long, it has created divisiveness. The local community has repeatedly voiced

concerns about the Adams mine landfill. We heard those concerns and we took action with Bill 49, which stops the Adams mine proposal.

The protection of our communities is of paramount concern. We are not convinced that the Adams mine proposal could be operated safely to protect the environment. The act we are discussing today is about protecting our environment. It's about protecting our water sources, respecting our communities and ensuring fairness.

I will now outline the contents of Bill 49 and how it relates to our efforts to protect health and the quality of life enjoyed in our great province. I will talk about the bill as part of the waste management strategy.

The Adams Mine Lake Act, 2004, has three objectives. The first is to prohibit the use of lakes as landfill sites. For the purposes of the bill, a lake includes surface waters that are a result of human activities like the one in the Adams mine. It does not apply to bodies of water that are less than one hectare in area. Bill 49 also would not apply to the disposal of inert fill in lakes or to the disposal of mine tailings.

Second, the proposed legislation would prevent the use of the Adams mine site as a landfill. It would revoke all approvals and permits issued by the Ministry of the Environment prior to the date the legislation takes effect. The proposed legislation would also nullify any applications for permits that are under consideration by the ministry on the date the legislation comes into effect. The proposed legislation would extinguish any agreement of purchase and sale of the adjacent crown land that may have been entered into between the Ministry of Natural Resources and the owner of Adams mine.

Thirdly, Bill 49 would address matters related to the government's actions to stop the Adams mine proposal. Further, any related legal action against the crown that may exist on the date the proposed legislation comes into effect is extinguished by the proposed legislation. The Adams Mine Lake Act, 2004, would also prevent any further legal action being taken against the crown as a result of the legislation.

I want to be clear that Bill 49 is not an expropriation of the Adams mine property. The Adams Mine Lake Act would require the province to pay the owner of the Adams mine compensation for reasonable expenses paid prior to the date of first reading of the bill.

Under Bill 49, expenses would be defined as costs incurred for the purpose of developing the Adams mine landfill. These expenses would include the acquisition of the Adams mine site, surveys, studies and testing, engineering and design services, legal services, marketing and promotion, property taxes, seeking government approvals and seeking acquisition of crown land.

Compensation would not be paid for any future profits the owner may or may not have received as a result of operating a landfill at the Adams mine site. The amount of compensation would be determined based on the expenses minus the fair market value of the site on the date the legislation comes into force.

The Adams Mine Lake Act adds up to an excellent piece of legislation that protects the environment and people of Ontario, and that is fair to the owner of the Adams mine. We want to ensure that the owner receives reasonable reimbursements for the costs that have been paid as part of the proposal to use Adams mine as a landfill.

Our foremost concern is the health and well-being of the people of Ontario. They deserve the peace of mind that comes with knowing that their environment is being protected and their concerns are being addressed by the government. People also need confidence that the government is committed to better managing Ontario's waste and reducing the province's reliance on landfills.

The McGuinty government understands that stopping the Adams mine proposal does not address the root of our current waste management challenge. As Ontarians, we simply must reduce our reliance upon landfills. As the situation now stands, despite strong gains through diversion programs, we are still generating too much waste and sending it to landfill. Increased waste generation is already compromising the gains we have made through diversion. Future population growth will put even greater demands on our waste management system. Landfill space is limited and, as the people of Windsor are well aware, some communities are already relying heavily on shipping waste to Michigan.

There are a number of factors that could lead to increased costs, not to mention significant disruptions at US borders that could affect Ontario waste exports. As we are now doing with electricity, we need to create a culture that values conservation, not consumption. Ontario has set an ambitious new provincial target to divert 60% of waste from disposal by 2008. Our government has announced a new strategy to manage Ontario's waste and reduce the burden on landfills in the province and in other areas. It is a far-reaching strategy that will help us by setting targets for waste diversion over the next four years.

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Also, we will release a discussion paper in the coming weeks and consult across the province. Other issues to be considered through the discussion paper include a ban on organics and recyclables in landfills, the expansion of central composting facilities, and the role of new technologies to help Ontario divert more waste from landfills.

Our strategy will also address root issues with the environmental assessment process that have led to so much uncertainty for so long. Our government has made a commitment to establish an expert advisory panel to identify ways to improve the environmental assessment process to provide greater certainty and timeliness while maintaining or enhancing environmental protection.

Our goal is to increase waste diversion, to help address the issues with landfill siting and to give the public more confidence in the process. This is an action that is long past due. We have a system in place in the province right now where basically it can take between eight and 12 years to site a landfill. It can be a very expensive under-

taking. Our government recognizes that for municipalities, it is an onerous undertaking. We believe we must improve the process so that we have a process where there is still regard given to the environment and at the same time we are able to achieve siting facilities—landfills and composting facilities—that will enable us to achieve our diversion goals.

As well, we have entered into a draft framework agreement with the federal government to coordinate the environmental assessment of projects that are subject to both the provincial and federal process. Environmental assessments should be about clarity, not pointless repetition. The agreement has been posted on the Environmental Bill of Rights registry. The 30-day comment period ended last week.

It is important that this committee understand the full context around the Adams Mine Lake Act. The important protection measures contained in the act are part of a broad plan to ensure our province's waste management plan is sustainable and responsible. At the Ministry of the Environment we are working to meet this goal through far-reaching actions to protect the precious natural resources that are so fundamental to our health and way of life.

We are developing a comprehensive source-to-tap system for protecting the water we all must drink. We are improving the protection of Ontario's air by making sure that all sectors make their fair-share contribution to reducing emissions that foul our air. We have brought in an ambitious plan to divert 60% of waste from disposal by 2008. The Adams Mine Lake Act is an important addition to these efforts. It flows from our belief that we need cleaner water, cleaner air and cleaner communities for people to call home.

While we have put a lot of hard work into making the proposed legislation responsive to the needs of Ontarians, there is always room for refinement, which is why I'm very delighted that we have also provided this opportunity for the public to provide input as we move forward on this legislation. I am looking forward to hearing your thoughts on Bill 49, the Adams Mine Lake Act.

**The Chair:** Thank you, Minister. Mr Miller?

**Mr Miller:** Thank you, Minister, for coming to this committee today. In your opening statement you talked about wanting a cleaner environment and cleaner communities. Does that also include having less roadside litter?

**Hon Mrs Dombrowsky:** Of course.

**Mr Miller:** OK. In the province of British Columbia, where they have a deposit-return system, they have 50% less roadside litter than we have here in Ontario, because the deposit-return system is so effective. They also have a much higher capture rate in terms of the containers—not just liquor and wine bottles, but all containers, whether it be soft drink containers, Tetra Paks. They have an 86% capture rate versus 35% here in Ontario. Ontario recovers 40% less material than British Columbia, which has a comprehensive deposit-return system.

It's my feeling that if we implemented a deposit-return system, it would help your government's stated goal of trying to accomplish the 60% diversion rate. I see many other environmental benefits with having a deposit-return system: less airborne pollutants, fewer barrels of oil consumed—there's a long list, and some real obvious ones. How do you feel about a deposit-return system?

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**Hon Mrs Dombrowsky:** I think that Mr Miller has made some very valid points.

I'm sure the member would also be very aware of Waste Diversion Ontario and the role it plays to assist the government in implementing diversion plans for the province, in bringing to the government a plan to increase diversion across the province.

Waste Diversion Ontario is actually in the process of preparing that plan. It has not yet been finalized. I look forward in the coming weeks to receiving that plan. I will be very eager to look at the new options, because obviously we've made our goal of 60% diversion very clear to Waste Diversion Ontario. They are aware that there is an acute need to increase what is at the present time being diverted from landfill in the province of Ontario. I think the overall provincial average is in the neighbourhood of 30%. We want to double that. So I expect there will be a wide range of options for this ministry and this government to consider.

**Mr Miller:** I certainly hope that a deposit-return system is on the list of things to be considered, and perhaps could be implemented by Waste Diversion Ontario. I think there are some real, clear environmental benefits that could be achieved for the province, so I certainly hope you take a look at that.

Just as a general question, don't you think the province should be dealing with our own garbage and solid waste within the boundaries of Ontario? We just had a state representative here.

**Hon Mrs Dombrowsky:** Yes, actually, I've had the pleasure of meeting Representative Acciavatti, along with two other representatives from the state of Michigan. On that occasion, I took the opportunity to explain to him how seriously our government took waste management issues, that we believed that one way to better manage municipal solid waste was to, first of all, reduce the amount of municipal solid waste.

I also explained to Representative Acciavatti the problems with the current environmental assessment process. Previous governments—certainly the government previous to this—attempted to tinker with the environmental assessment process. As a result of that tinkering, we now have a process that leads to between 8 and 10 years to site a landfill. We were able to discuss that that is not a way to meet the needs of municipalities in the province.

I also explained to the representative that in Ontario it is the municipalities' responsibility to manage their solid waste, that the province has a responsibility to provide effective tools so they can in fact do that. Up until now, that really has not been the case. Many municipalities, rather than look to manage their solid waste issues in

their own communities—because it can take them from 8 to 12 years and hundreds of thousands of dollars, even millions of dollars to site a landfill in the province—they will look to perhaps an easier, less expensive route, which can be sending it to other jurisdictions.

So we believe that the first step, in terms of providing municipalities with what they need to better manage their municipal solid waste in their own communities, is an environmental assessment tool that is more efficient.

**Mr Miller:** I know Mr Barrett would like to—

**The Chair:** I'm going to go to the other side, and I'll come back to Mr Barrett. We're going to have to be quick to stay on schedule. Mr Wilkinson.

**Mr Wilkinson:** I just had a quick question: As you've mentioned, Minister, waste disposal is a municipal issue. The province is setting a target about the need to divert that waste. Could you comment on the relationship that you're trying to build with the municipalities? How are we working together, and how do you find that relationship?

**Hon Mrs Dombrowsky:** Again, the province has set a goal. We believe that by setting a goal, we have also created a climate for both the municipal sector and the private sector to look to invest in alternatives and options that will assist us in getting to that goal. For example, I know that there are private sector businesses that are now very prepared to work with municipalities to assist them to develop composting initiatives, green bin initiatives. There are some very good examples, even in the greater Toronto area right now.

When the government sets these very real targets, it's not a matter of "We'd like you to do this, we hope you do this." This is our goal.

The feedback we have received from both municipalities and those industries that would be interested in assisting municipalities manage their solid waste is that they're very delighted there is a commitment, that there has been the leadership on the part of the government to say, "This is what the goal must be." I sometimes hear from folks that it's not achievable, and I can only offer that there are communities in Ontario that are achieving over 60% right now. The city of Edmonton, actually, I believe diverts 70% of its municipal solid waste from landfills. There are other provinces that enjoy a much higher diversion rate than Ontario.

So we believe by setting this goal we are demonstrating leadership. I'm very proud of that, and we believe it is achievable and that on a go-forward basis it will assist greatly as municipalities look to site landfills. It will enable them to site a landfill that will serve their needs for a longer period of time when they're able to reduce the amount of waste that they're actually directing to it.

**Mr Wilkinson:** No goal has ever been met that hasn't first been set.

**Mr Barrett:** Thank you, Minister, for testifying before the committee. You have met with representative Dan Acciavatti, who gave some compelling testimony—quite appropriate as we look out on the Detroit skyline

from this committee room. I appreciate the representative staying for the remainder of the hearings.

Representative Acciavatti sponsored, as you may know, a House resolution, which was number 261, to urge the Ontario Minister of the Environment to establish new landfills and landfill expansions. I know the representative used "rigorous, must site" language that was used in the state legislation. So this bill, I guess, is going to the House.

Another bill, a House bill sponsored by the representative, Bill 5234, has been signed into law, as you may know, by the governor, Jennifer Granholm; again, to reduce the influx of Canadian or out-of-state trash by prohibiting landfills in Michigan accepting waste unless it meets state standards. That piece of legislation is made up of something like 11 different bills from different representatives and Michigan state senators.

The one question I have, and perhaps ministry staff could help us as well, is the Senate Bill 498, sponsored by Senator Patty Birkholz, Saugatuck township, expands prohibited products in landfills to include beverage containers, as Norm was mentioning, whole tires, oil, lead acid batteries, low-level radioactive waste and hazardous waste. These are all items that are prohibited by the state of Michigan and, I would assume, prohibited by the province of Ontario. Do we have any idea if there is a problem with any of these kinds of products being shipped out of Durham or York or Peel or Toronto?

**Hon Mrs Dombrowsky:** What I can say to you is that with respect to recycling programs for used oil and for tires, I am awaiting in the very near future a plan from Waste Diversion Ontario on how Ontario can better manage these materials that can be recycled.

I have met with the mayor of the city of Toronto, who has assured me that they have an excellent sorting process at the city, and they remain confident that they will be able to meet the very reasonable standards that have been set by the state of Michigan.

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**Mr Barrett:** I would assume there'd be a similar structure for Peel and York and Durham. With respect to oil—and I know this has been a bit of an ongoing problem—I'm aware of one process in the steel industry. I think we're using the basic oxygen furnace, where oil can be used in that process. It's not burning it, it's a reduction process, which incorporates it chemically. I think there would be some merit in that particular process.

During the testimony—

**The Chair:** Mr Barrett, can you wrap up?

**Mr Barrett:** The plane is leaving pretty soon, is it?

**The Chair:** If you could just wrap up. Summarize your question, please.

**Mr Barrett:** The other issue that did come up is yard waste. It's important, I think, to find out. Certainly, in other municipalities at this time of year, I see the bundles of pruning, the branches and things that go in, and whether they're recycled—I doubt that they're burned. I'm not sure where they go and what the situation would

be in Durham or Peel, but we have a very serious concern, certainly in this area.

I had a chance to tour Windsor today. They have a problem down here, as you know, with the emerald ash borer. We sure don't want that one heading our way. By the same token, one of the Legislatures is concerned about the Asian long-horned beetle, as you know, which is present in part of Toronto, and the concern that someone has thrown some bark or some branches into the garbage and transferred it across the border. Again, what they've gone through in the Detroit area with that one pest, and their concern with respect to exotic species—both Ontario and Michigan were fighting the same battle on exotic species, whether it's in the Detroit River or in Lake Erie.

It's something that I think we really have to be vigilant on, because if there's anything that could shut down that border overnight—and then we saw the border get shut down a year ago today, I think it was, with the BSE crisis. I watched the trucks line up, going in to Sarnia during 9/11. I happened to be on the 401 and watched that line-up of trucks. It was probably 10 miles, maybe longer.

So I just feel it's very important that we remain vigilant. I think the communication between Ontario and the state of Michigan is very important, and there's a great deal we can learn from these several resolutions and bills that are coming forward.

**Hon Mrs Dombrowsky:** May I make just a couple of comments? I believe that Mr Barrett has raised some important issues. My husband used to work for the Ministry of Natural Resources and, some years ago, he was involved in the gypsy moth program. Again, that was another pest. The thing about pests is that they seem to be able to get across borders; they don't need a truck to take them.

Certainly with that problem, it was all over the north-eastern seaboard of North America, in Ontario, as well as in the northeastern states. I offer that just to suggest that if there is an infestation, we would need to be careful not to simply suggest that it might have happened because the insect may have travelled in a vehicle. It's an open border. It's the largest unprotected border in the world.

Having said that, I think municipalities do have a responsibility to ensure that the waste product they would be shipping out, number one, meets the standards of the jurisdiction to which it is being shipped. When I spoke with the representatives from the state of Michigan, I was certainly given to understand that any shipment deemed not to meet the standard would be turned around. Obviously, municipalities in Ontario have a vested interest in ensuring that the product they are shipping south meets the standard. I think that is very important. There is no question that it's an issue to be aware of.

Your last point was with regard to the relations between Ontario and the state of Michigan. I was very happy to meet with three representatives from the state of Michigan. Did you tell me that was the first time that had happened?

*Interjection.*

**Hon Mrs Dombrowsky:** It was the first time that had happened, that a Minister of the Environment from Ontario had actually met with them. I'm glad that Representative Acciavatti is still here to confirm that.

At the time of our meeting, I was able to commit to them that I thought it was so beneficial that it was something we should do on a rather regular basis, and would intend to do that, because I think we do have a great deal to learn from them. I'm very eager to continue to share with them as we develop our environmental assessment process and other environmental issues. They are particularly interested in a number of our environmental initiatives. I do look forward to continuing a very good and healthy relationship with the representatives from the state of Michigan.

**The Chair:** Thank you, Minister Dombrowsky, for your delegation today. We appreciate your taking the time to appear before the standing committee on the Legislative Assembly and appreciate your answering questions for us this afternoon.

This committee stands adjourned until tomorrow morning at 9:20, when we'll be at the Ramada Inn conference centre in Milton.

*The committee adjourned at 1555.*



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