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**Official Report
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(Hansard)**

Friday 21 May 2004

**Journal
des débats
(Hansard)**

Vendredi 21 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 ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Friday 21 May 2004

Vendredi 21 mai 2004

The committee met at 0920 in the Ramada Inn, Milton.

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.

The Chair (Ms Linda Jeffrey): Good morning. My name is Linda Jeffrey. I'm the Chair of the standing committee on the Legislative Assembly. Thank you for coming. I'd like to welcome our guests this morning. This is the second day of hearings on 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.

We have a number of delegations. We have a very full day ahead of us. I would just like to remind all our guests and members that we have determined that individuals will have approximately 10 minutes to speak and groups will have 20 minutes.

There are a few changes to our agenda this morning. With agreement from the participants, the delegation that would appear at 9:20, Dr Boyd Upper from Clear the Air Coalition, is trading places with our 10 o'clock delegation, which is Joshua Creek Ratepayers Inc, Rob Burton, president, but they will still be speaking this morning.

Yesterday there was a request for standing committee members to have a copy of the minister's statement. That will be faxed to us this morning for distribution to the members.

JOSHUA CREEK RATEPAYERS INC

The Chair: We'll begin with Mr Rob Burton, from Joshua Creek Ratepayers Inc. Would you do me a favour and introduce yourself and the group you speak for, for Hansard, please? You have 20 minutes.

Mr Rob Burton: Thank you for the opportunity to share with you today my thoughts on Bill 49 on behalf of my residents' association. Our residents' association has

not always so readily been given a hearing for our views, so we appreciate this very much.

I am the current president of the group. This is my third term. I've been active in the group since I moved to Oakville from Toronto 10 years ago. I'm a retired film and television executive. Some of you may have some note of me. I was the founder of the popular YTV television network.

I have a lot of respect for you who have made the commitment to serve in the Legislature. I've always worked as a private person on political campaigns as a volunteer, with signs and canvassing. I have another perspective on the process in which you are involved. The grassroots view that I just described is very important to me, but I've also seen legislators from the perspective of covering them as a journalist.

Before YTV was ever an idea in my mind, I was a journalist covering Parliament for CTV and CBC. I helped start Marketplace. My wife and I were co-founders, with a group of journalism friends from across the country, of the Centre for Investigative Journalism. I tell you this because I think you might like to know that I approach you and the matter of Bill 49 with a sense of perspective and some understanding of the process you are a part of.

Joshua Creek Ratepayers Inc, which is popularly known as JCRI, serves the southeast corner of Oakville. It's a forum for discussing and voicing the concerns and interests of this 180-year-old area. JCRI itself also has a well-built-up sense of perspective.

In 1822, five years before William Chisholm founded Oakville, another Canadian pioneer, Joshua Leach, bought what is JCRI's entire 200-acre area and settled his family there. The original home, millpond and dam are in the heart of the area.

In 1962, this area and the rest of Trafalgar township became part of Oakville and began to grow rapidly. Today, approximately 7,000 people live in a relatively stable community of 2,250 homes in the Joshua Creek area, and we share our space with a sewage treatment plant, one public school and a small shopping plaza. On two sides, we are surrounded by heavy industry, and on the west, we are neighbours with old Oakville.

For going on 30 years, JCRI has been a dedicated voice in public affairs for the community, and ours is as representative an area of middle-class homes as you could find anywhere. We are not the part of Oakville

where the mansions are. We are the buffer between that part of Oakville and the heavy industrial area of south Mississauga. My friends and neighbours in JCRI are salesmen, firemen, lawyers, ad account executives, engineers, policemen and policewomen, teachers, mechanics, radio DJs, retirees, empty nesters and young families.

JCRI, in its 30 years of activity, has had to take action to protect and improve the environment by being actively involved in environmental protection cases. These have involved St Lawrence Cement, as well as Petro-Canada, Sithe Energy and Ashland Chemical, which moved to this area after its plant on Castlefield Avenue in Toronto blew up in 1975.

Today, our board of directors includes members active in those past events, and we're justifiably proud of our built-up expertise and reputation in matters of environmental protection, as well as in other areas of public affairs. We have a corporate memory, if you will, of 30 years of work to protect and improve the environment. If you noticed that last week's first smog alert of the year came six weeks earlier than last year's, and if you noticed that Oakville had the worst reported smog in the province, you can see why we think the environment is an urgent matter and why we feel there's much work left to be done.

0930

When I think of the calibre and accomplishments of my friends and neighbours, I always feel grateful to live in a community so blessed with skill, experience and interest in public affairs and the environment. So I hope you'll not be surprised that we are interested in and strongly support Bill 49, among other initiatives by this new provincial government. JCRI supports Bill 49. JCRI welcomes the government's recognition and use of its inherent powers to protect the environment and the public. Previous governments have not been so astute or so responsible, in our experience.

As I mentioned earlier, JCRI's area borders the city of Mississauga. We have followed with dismay the way previous provincial governments frustrated and prevented our friends and neighbours in Mississauga from identifying and preparing suitable landfill facilities over the last 10 years, as its landfill capacity was used up by its rapid growth.

As a result, today, our neighbours in Mississauga are sending their garbage on trucks to Michigan too—it's not just Toronto—and they're subject to the same uncertainty that Toronto faces, but it's not out of any preference by our friends and neighbours in Mississauga. They feel they were forced into this uncertain, and therefore unsatisfactory and expensive, solution to their waste management problem.

With the example next door of how Mississauga ran out of waste management facilities, we tend to believe that Toronto didn't get into the fix it's now in on its own either. We assume Toronto council's vote against the Adams mine indicates that their continuing desire is the same as ours and of our friends next door.

JCRI believes we all want to be environmentally responsible. We all want to deal responsibly with our waste. We all recognize that this means we need to control growth better for a change. I think we all know that we need to plan growth more comprehensively for a change. We all realize, we hope, that we must link population growth plans to well-tested waste management planning to accommodate growth. We believe we can and must achieve the diversion rates being mandated by Minister of the Environment Leona Dombrowsky.

JCRI welcomes Bill 49 because we take it as evidence that this government understands the quality-of-life issues that brought it to power. Both JCRI's riding and the riding next door to us in Mississauga switched their support from the previous government to the new government in the last provincial election primarily because of these concerns. These were the dominant issues in the elections in those two ridings.

We could see the costs of growth being shifted to existing residents in the form of unsustainable increases to our property taxes and rates. We could see other costs of growth being shifted to a future, more expensive reckoning by being evaded and ignored in the present. We could see the environment being the first sacrifice in almost every decision.

We're happy to see Bill 49, and we see it as a sign that this government will end the failure to adequately plan for the consequences of growth that have been systemic up to now and to require satisfactory waste management plans as part of any plan for urban growth. So how could JCRI not support Bill 49?

Bill 49 prohibits using Adams mine or any other lake in Ontario as a landfill site. Anyone with an ounce of environmental common sense, we like to think, knows that would be a deadly way to deal with garbage.

Some people have chosen to try to tie Adams mine to the Halton landfill site. All Bill 49 does is remove Adams mine as a landfill destination for Toronto garbage. Toronto would fill Halton's landfill in two years—a blink of an eye. That would be no solution at all. It would only add Halton to the list of communities with a garbage problem.

JCRI is very grateful to the committee for choosing Halton as one of the locations for its hearings on Bill 49. It gives us an opportunity to spotlight our community's success in providing adequate—for now—waste management facilities. It gives us an opportunity to express our strong desire to work with the government on its promised initiatives in planning and managing urban growth better for a change.

We are proud of the way our community has achieved sustainability—for now—in its waste disposal. Our sustainability cost us more than \$100 million and more than 10 years of work. Today, our sustainability in waste management is under great pressure from a huge population increase being adopted through the planning process, as we speak, in Milton and north Oakville. For all the stress falling on our waste management plan, our community should be an example to others for our prudent

creation of our present waste management site. In this, we think Halton should be emulated. We don't want to be taken advantage of by others who need to be allowed to develop their own solutions.

JCRI also applauds what appears to be this government's respect for the environment, which reflects the importance our community has always placed on the environment. As an example of our concern, there are two environmentally significant areas in our community, both under such severe stress from the negative impacts of poorly managed urban growth that they are being delisted as ESAs. Our town and regional official plans express a commitment to protect, preserve and enhance environmental features, but our locally elected officials appear to be choosing to eradicate them rather than remediate them. So we may need your help before this is over.

Whether by inattention, expediency or indifference, governments in the past have too often chosen to sacrifice environmental quality in the name of balancing what are dubious goals at best. We therefore believe very strongly that filling lakes with garbage is a perfect example of how not to deal with the problem of waste management.

As a college student, I was part of the group that created the first Earth Day in 1970. It is amazing to me that in the year 2004 we are still unable to take for granted that all our government officials will place the environment first in the execution of their responsibilities.

This new provincial government has gotten off to a good start in environmental matters with Bill 49 and other initiatives we support, such as the greenbelt study. I hope this government represents a turning point for the environment in Ontario.

JCRI believes that no one should be able to approve or proceed with growth plans that don't include adequate waste management plans for all the waste reasonably to be expected from such growth, and no one should be able to off-load on to the environment or his neighbours those responsibilities with regard to growth and waste management. Bill 49 is an essential step toward putting this vitally important policy concept into practice.

Please, we hope you'll keep us informed as to how we at JCRI can be of any assistance in this work. My town's member of the Legislature is Oakville's Kevin Flynn. He said in the second reading debate speech he gave last month for Bill 27 on the greenbelt that the province owns more than 1,100 acres of prime greenbelt-type land in Oakville. We hope he and the government will take the necessary steps to keep that land in public ownership and not sell it off to developers as the previous government intended. We support and endorse a proposal that this land be turned over to Conservation Halton, a proven and respected steward of lands entrusted to it. That land is a reminder that protecting open green space and the environment is and has always been so mainstream a concept in Ontario that it's been done before, by the Bill Davis government in the 1970s. They called it the

parkway belt, but too much of it is gone now. The last government exempted, removed and sold parkway belt land as well as many another public asset that wasn't nailed down. For a long time, the province has had these wonderful words in its planning and development policies, "to protect, preserve and enhance." The previous government didn't always live up to those words when their developer pals came calling.

From a citizen's perspective, too often in the past urban planning has seemed anything but something we could recognize as planning because it ignored too many consequences and inflicted too much damage on our quality of life. Bill 49 is a major step forward, in our view, when viewed in that context. Too often, it seems to us that planners are working for the bad guys and are just trying to rationalize bad ideas and evade costs and responsibilities. I want to explain how that works.

Imagine that a planner dies and goes to hell. When he gets there, he doesn't care for the way he finds Satan has let the place spread out. He persuades Satan he can grow the place faster if he brings in developers and learns to pack the bodies in more tightly by building smaller homes and cutting down on such frills as wide streets, good roads and adequate parking and zoning that keep homes away from industries. He teaches Satan to start calling this "live-work" so he can make the sinners think they're getting something new and different that can't be judged by any previous expectations. He tells Satan to just spread the sewage on the fields and dump the garbage in the lake of molten fire because it will take a long time for all that garbage to cool the fires of hell and the fumes will help punish the residents of hell for their sins. Satan is delighted with his new diabolical planning. He rewards the planner with higher pay and some junior demons to boss around. Satan lets the developers build themselves giant estates with huge homes, far from the new high-density developments they build so they don't have to see or hear the moans of the condemned and the disappointed. One day, God calls Satan to mock him. "How's it going in hell, Satan?" he asks. "Hey, things are great," Satan says. "We've got sinners stacked up on top of each other now. My sin taxes are only going up. All my demons are on higher pay. They've all got bigger offices and they're sucking back more perks. And my sinners are more dazed and confused than ever." God says, "What? You've got a planner? That wasn't supposed to happen. Send him up here." Satan says, "No way. I like having a planner. I'm going to keep him." "Send him back up or I'll sue," God thunders. "Yeah, right," Satan says, "and just where are you going to find a lawyer?"

We hope that if the province will have better rules and standards for urban planning, we might all be a little less bedevilled by what passes for planning in our province and enjoy a higher quality of life, the way Municipal Affairs and Housing Minister John Gerretsen promised in his April 2 speech in the Legislature on second reading of Bill 27; who knows, maybe even get some of the lawyers out of the planning business.

We're talking about a non-renewable resource here, a resource called the quality of life of Ontario. It's clear from their remarks in the Legislature that this government, on the occasion of Bill 27's second reading, understands this fact and is acting on it. This is what Municipal Affairs Minister John Gerretsen said, "Ontarians need green space, because it improves their quality of life, and a high quality of life is what we were elected to deliver."

We say amen to that, and we say bravo to Bill 49 as an essential part of that vision. I thank you for any consideration of these remarks.

The Chair: Thank you, Mr Burton. I don't have any speakers that have indicated—thank you very much for a very entertaining delegation.

Mr Burton: I wanted to get you off to a good start.

The Chair: You did.

0940

NOTRE DEVELOPMENT CORP

The Chair: Our next speaker is Mr Gordon McGuinty. He has given us a handout. Everybody should have one in front of them. Good morning, Mr McGuinty. I've read the beginning of your delegation, and I understand you would like some latitude. I will try and provide that latitude, as we've had a cancellation this morning. I do have to stay on schedule, but I will endeavour to make sure that people are able to ask you questions as we go through your delegation. For Hansard, if you would introduce yourself and the group that you speak for.

Mr Gordon McGuinty: Thank you, Madam Chair. I'm speaking today as the president of Notre Development Corp, which owned the Adams mine site for about 13 years. I'm also the managing director of Adams Mine Rail Haul, the company that is now the owner of the site. The majority of my comments, you will see, reflect the ownership period of Notre Development Corp.

I'd like to thank you for the opportunity to attend. As the Chair kindly said, my time period—we spent 16 years on this project, so I suggested 16 minutes might be relevant. As I've attempted to do on every one of the over 500 public presentations I've made in Ontario since 1990 on the Adams mine and waste management issues, it's my intent to be factual and constructive. I also trust my remarks may be cause for all members of this committee and, in fact, all political parties in Ontario to reflect on how this legislation will impact on the future of waste management in Ontario. I'll provide the committee comments on the Adams Mine Lake Act, 2004, plus take the opportunity to thank the many thousands of people who have recognized the need and supported the development of new landfill capacity in Ontario at the Adams mine.

First, let me be clear: I am under no illusion that this presentation will have any impact on the passage of Bill 49. This government, for political reasons, has determined that the Adams mine landfill will not be developed under any circumstances.

Since 1989, I've had the opportunity to watch five separate provincial administrations in their attempts to deal with the waste management crisis in Ontario. Interestingly, only the Liberal government of David Peterson understood the need for the province to work with the city of Toronto and the GTA regions to develop long-term solutions. It was the Liberal government of David Peterson, supported by David Ramsay, the MPP for Timiskaming, that was prepared to develop the Adams mine landfill, the only option in Ontario with a willing host community in 1989 and, by the way, still the only site with a willing host in 2004.

Since then we've seen the NDP government of Bob Rae spend \$89 million on an ill-advised attempt to site mega-landfills within the GTA and then the Harris-Eves government for eight years refuse to recognize the impending disposal crisis and attempt to download the responsibility to municipalities and the city of Toronto. It was this policy, or lack of policy, on waste management disposal issues that has resulted in our current crisis.

The reality is that the province is a regulator and makes the ultimate decisions on where and when landfills are developed in Ontario. The Conservative government turned a blind eye to the issue. It was too controversial for them. This current government is following the same path in stating that disposal remains a municipal responsibility. However, the magnitude of the problem has become so great due to the Michigan situation that it will be the McGuinty government that will be forced to solve the problem during its term of office.

I'll not dwell on the issue, only to say that Ontario remains without any coherent policy to ensure adequate landfill capacity is developed for its citizens. Ontario is now shipping 3.5 million tonnes of garbage to Michigan annually, and we have no available licensed capacity to dispose of this tonnage. The magnitude of the crisis grows annually. An independent study released in 2003 by Gartner Lee Ltd, which was not contradicted by the Ministry of Environment, states that over the next 25 years, Ontario will need an additional 112 million tonnes of new landfill capacity to meet the waste generation of its residents and new population increases. Even factoring in aggressive recycling and 60% diversion, the problem will not be solved. We have a crisis. New landfill capacity is required today, not tomorrow.

In light of this crisis, the McGuinty government solution is to pass Bill 49, eliminating an option for Ontario disposal that has passed all regulatory requirements and has been issued a valid certificate of approval, an approval that took over five years and millions of dollars to obtain.

A few brief facts on the Adams mine: The Adams mine is not a lake; it's a large open pit that's been closed for years. This "picturesque lake," as it has been referred to by the so-called environmental lobby, looks more like a moonscape. It has a five-metre rock berm around it and, if you get too close, you could fall 300 feet and kill yourself. No cottages or recreational activities will ever be built or take place at the Adams mine lake. The

government has provided no environmental justification for this legislation. The issue of any impact on a lake is pure fabrication.

0950

The Adams mine landfill is not an environmental issue for thousands of people in the Kirkland Lake area who have taken the time over the past 14 years to become involved in the approval process and become informed environmentally. The town of Kirkland Lake has had five referendums since 1990 in the form of municipal elections. Five consecutive councils have supported this project. The same applies to the neighbouring municipalities of Larder Lake and Englehart.

The opposition is not Kirkland Lake-based and never has been. It's based in New Liskeard, approximately 100 kilometres away. If we put this in context, it would be like the city of Barrie residents telling Toronto not to operate the Keele Valley landfill or the city of Guelph telling London how to dispose of its garbage.

Finally, in 16 years, there has never been a technical document put forth that disproves the fact the Adams mine is safe. The government had the option to send the Adams mine back to a hearing for further review. They knew the site would again be proven safe. In fact, since 1989, the greater the environmental due diligence this site has received, the safer it has been proven to be. The environment is not an issue.

The reality is that politics has won out over the environment. The safest landfill site in Ontario will not be developed. I have no hesitation in saying to this committee and this government that your toughest days are ahead of you. You will still have to approve new landfills to solve our disposal crisis, none of which will be as safe as the Adams mine. Moreover, a dangerous precedent has been set that environmental opposition groups will use for years to come: specifically, that political pressure from a small group can and will kill environmentally sound projects.

I want to comment on Bill 49 specifically and then we'll conclude with some final remarks. The legislation is historic in that it directly targets two companies, Notre Development Corp and our numbered company that now owns the site. It revokes a valid certificate of approval obtained under the laws and regulations of Ontario, yet gives no specific reason for the action. The challenge this government or any government that follows will have is, why should any company invest the time and money to develop new landfill capacity in Ontario when politics and politics alone can result in a certificate of approval being revoked without full compensation or damages paid? This will be the challenge this government must address in the months ahead, and I wish them luck. The risk factors for doing business in Ontario, especially for those businesses that must rely on government-issued permits, has just increased dramatically.

Unfortunately, this bill should be called the David Ramsay I will quit act, 2004. In my view, this bill was passed because a minister of the crown threatened the Premier that he would resign if the Adams mine was not

stopped. In my view, David Ramsay won, but the result is that the environment of Ontario lost.

On the issue of keeping promises, the Premier made only a commitment during the election, which I thought personally was a sound commitment, to make sure that the Adams mine had received a full and fair environmental assessment. There was no promise to completely eliminate the site from consideration to help solve Ontario's disposal crisis. Again, in my view, politics won and the environment lost.

On the issue of compensation for Notre Development and our numbered company: The bill provides that we can file for expenses for the last 16 years' work only. Let me assure the committee: It will be impossible, by paying expenses, to properly compensate our company, our employees, our investors, advisers and partners who have spent the time, effort and money to make this project a reality.

The minister has stated that the government will be fair. The government formula is not fair. On one hand, the bill allows us to submit expenses, but then proposes to reduce the expenses by the amounts reimbursed to us by any person. All of our expenses incurred relevant to the Adams mine should be paid by the government. We will deal with and be responsible for any third party directly. The government should not try to micromanage our business, nor the settlement of our affairs, all of which were caused by the introduction of this bill and the ultimate passage of the act.

We'll forward to the committee a proposed amendment that will attempt to clarify and address these inequities. I trust that amendment would be reviewed fairly.

My simple message is this: Again, the minister stated the government intends to be fair. The government, through Bill 49, has eliminated our ability to develop and operate a valid business in waste management in Ontario—a business that is desperately needed to ensure Ontario does not have to rely on Michigan disposal; a business that would provide competitive balance in the waste industry in Ontario today. It has removed, by legislation, our ability to sue or commence legal action for damages or lost income, when it is clearly evident that the business was both needed and could be profitable.

Therefore, the minimum the government should do is to now pay these sums spent on the project and stay out of our business as we try to salvage what we can from the compensation received. The project was a private sector development; it'll be our responsibility to reimburse or compensate other third parties who may have been involved and who may be entitled.

Madam Chair, my final comments after 16 years' work: I want to thank the people of Ontario, who have had the courage and conviction, since 1989, to put the environment above politics and work to solve the disposal issue; specifically the mayors and councils of Kirkland Lake, Larder Lake and Englehart, represented over the years by individuals like Joe Mavrincac, Bettyann Thib Jelly, Bill Enouy and Joanne Thompson; also Joan King of Metro Toronto and Hazel McCallion of Missis-

sauga. These are politicians who have had the courage to confront the issues and the integrity to put the best environmental options first. Unfortunately, there has been no provincial government since David Peterson in 1990 that would support both their knowledge and their vision.

I want to thank the thousands of people who supported the Adams mine in Kirkland Lake and throughout Ontario—individuals from all walks of life who attended open meetings, made deputations, listened to presentations, wrote letters and cared about their communities and the environment.

I want to thank the hundreds of technical engineers and scientists who worked on this project over the past decade to prove this site was safe. I attach a couple of letters illustrating their credentials.

I also want to thank the staff at the Ministry of the Environment. The MOE staff vested with protecting the environment in Ontario did an outstanding job making sure the Adams mine was not only safe, but had the most restrictive certificate of approval ever issued for a landfill in Ontario. The MOE issued the certificate, and it is not being revoked for any environmental reasons, only for political reasons.

I ask what message this sends to the people in the ministry who are vested with protecting the environment. The ministry staff must be asking if their efforts really matter; if, after stating and testifying that the Adams mine could be operated safely, politics has overruled their professional recommendations.

My final comments and, if possible, a bit of advice to all members, notwithstanding their party persuasions: The continual tinkering with the EA Act will serve no useful purpose. The minister intends to reopen the approval process. My view is that this is unwarranted. The existing approval process for landfills in Ontario is the most onerous in North America. The government has all the necessary powers to ensure sites are approved or rejected.

Notwithstanding the cries from environmental activists, Ontario has the most extensive public consultation requirements of any jurisdiction in North America. Everybody has the right to be heard, and you will never be able to make changes that will satisfy specific special-interest groups opposed to individual projects. If a proposed site is safe, we have a competent Ministry of Environment that can make sure the necessary due diligence is done by any proponent. The system works as it is. Further tinkering will equal further delays and a greater disposal crisis.

1000

Notre Development showed that a site can be approved under the current process. In fact, our site was approved under the EA process in place prior to the legislative changes made by the Conservative government, and came into effect in 1996.

If there is one thing I will take away from these 16 years, it's the fact that we followed Ontario's stringent approval process. There were no shortcuts. There was no political assistance or interference. We delivered an

approved landfill site that could have been developed and used for the betterment of Ontario.

In conclusion, as I stated at the beginning of my presentation, I trust my comments today will be taken in the spirit they're intended: to be factual and constructive. I am not here to make any political statements, just to lay out the facts, because, with the passage of this legislation, our day is done.

However, I will suggest with all due respect that the future will prove that the challenges this government will face in finding new landfill capacity in Ontario as a result of this legislation will be greater than if the Adams mine had been allowed to be developed.

On that note, I thank you for your attention and ask you if you would seriously consider the amendment we will forward. I'd be pleased to answer any questions.

Mr Toby Barrett (Haldimand-Norfolk-Brant): Thank you, Mr McGuinty, and thank you for the written brief.

Our previous speaker, Mr Burton from Oakville, said that Ontario is looking at a future of more expensive reckoning. Your waste management business, as you indicate, is desperately needed to ensure Ontario does not rely on Michigan disposal in a business that would provide competitive balance in the waste management industry in Ontario. As you've indicated, the passage of this bill effectively eliminates your companies—Notre or Adams Mine Rail Haul—from the competition, so to speak. You previously did bid on Toronto garbage. The other party was a successful bidder with the Michigan approach. Part of my question relates to competition or future lack of competition. After 16 years, what group in North America would take a look at the province of Ontario, having seen what your organizations have gone through?

Mr McGuinty: I'll try to make this very simple. In the United States approximately 85% of the garbage is managed by the private sector; municipalities manage about 20%. In Ontario, it's the reverse. Historically, about 80% of the garbage has been handled by municipal landfills and the private sector has basically looked after private sector waste etc. In the 16 years I've been around, the regulatory process to get a landfill approved in Ontario is so onerous compared to licensing a landfill in Michigan that companies—Ontario-owned or Canadian-owned or American-owned—have not bothered moving ahead to license landfill capacity in Ontario. So when the Keele Valley landfill closed, there was no available capacity to replace that, either municipally owned or on a private sector basis. In Ontario the only competition that has been provided in the last five or six years was Michigan and the Adams mine. On the last two major tenders, both in 1996 and 1999, for the city of Toronto, if it hadn't been for the Adams mine putting a tender on the table, the price would have been escalated substantially into, I'd say, the \$65-a-tonne range, because the only option bidding was Michigan. In fact, in 1996 our number was about \$56 a tonne and we didn't have our environmental assessment finished, so we couldn't be

awarded the contract. When the tender went down in 1999-2000, we actually drove that price down to \$53 a tonne and the American companies had to follow.

What's happening by taking the Adams mine out of the marketplace is that you will not have that market correction. You'll now be in a situation where there's basically one company in Ontario that's American-owned that has two major landfill expansions moving forward, which I suggest to you they're going to get faster than before, because the Adams mine isn't on the table any more. What's going to happen on the business side, to try to answer your question, is that the prices for everybody in Ontario—every business, every homeowner—are going to escalate because we have no competitive balance out there.

Mr Barrett: With this legislation, the province of Ontario is now playing a much larger role in landfill and in decisions with respect to waste management. Again, it's hard to predict the future, and I just have a few quick comments or questions. Is there any future or viability for rail haul in Ontario to other sites? Is there any future in other abandoned iron ore mines, or are we looking at the province now making decisions to landfill on farmland, for example, in southern Ontario?

Mr McGuinty: My quick answer—and I apologize that my presentation today is to try to be very balanced—as you might have mentioned, I suggested that the previous government in power has created the environment of where we are today. I'm sorry I have to say that.

In specific answer to your two questions, we've examined every site in Ontario and the eastern US seaboard where rail haul could be used. The advantage of rail haul is that it can go from A to B with a unit train, and we were able to do that at the Adams mine. If you're into having to build spurs and things, the cost of the development escalates substantially. Certainly there are no sites we know of in southern Ontario that could be rail-haul-served unless the rail infrastructure is built, which could be done but would drive the cost up. Just a comment on the lake issue: As I said before, I suggest that the government, in their wisdom, should seriously look at this because there are a number of open pits, abandoned mines, that could be served for utilization of waste management.

If I may digress slightly, and I'll do this quickly: If you visited the Adams mine, you would see that what we're doing there is taking a resource that for 26 years shipped iron ore to Hamilton, and we're going to reuse that resource. The Adams mine looks like a bomb hit it. We're going to take that—or could have taken that and reused that to the benefit of Ontario, utilizing rail haul.

The way this bill is, and to your question on the use of lakes, my concern is—and I think the Aggregate Producers' Association of Ontario is worried about this, everybody—that this is so restrictive that it's going to have implications down the road on being able to help solve the problems. So you're taking the ability, really, of abandoned mines, abandoned pits, abandoned quarries, which can be made safer, in my view, and can be proven

to be safer than greenfield sites, out of the equation. So if you're a place in Ontario right now where this province and this government are going to have to have approved landfills—I'm sure they realize that themselves—you've taken one area or one option off the table. So anybody who's got a couple of hundred acres of farmland had better start worrying, because that's where the garbage has got to go.

Mr Michael Prue (Beaches-East York): Contrary to what has been the mythology, the public often thinks that Toronto city council turned down your proposal. In fact, they did not. They supported your proposal. The previous speaker said that too; they supported your proposal. I was on council; I did not. I was one of the minority. You, in fact, backed away from the proposal because there was an addendum or an addition to Toronto's acceptance that you had to assume the full environmental responsibility, which you and your company declined to do. Why did you do so, in view of the fact that you say you trust all of your experts that there was no environmental problem? You should have just said OK and done it. That's what I have never, ever understood.

1010

Mr McGuinty: I really appreciate that question, Mr Prue. The reality is that we negotiated, were the low bidder by, about \$20 million, ranked number one environmentally by a substantial amount, as our member here said. So what happened was, we were awarded the contract. There should have been a ratification of that contract, but again, with all due respect to then-Councillor Layton, he organized a protest against that. He turned democracy into a joke in terms of shutting that council chamber down and putting pressure on Mayor Lastman and whatever.

The clause you're referring to was a simple little clause in there that said, "In the event that over this 20-year contract there is a financial dispute that results from this government's or the federal government's passing legislation that would impact on the contract, then we could go to arbitration." There was absolutely nothing in that clause relevant to environmental liability. We were prepared to sign that contract. We would have signed it in a heartbeat. The issue was that they wanted us to withdraw that clause about the issue of a legislative change. That was a struggle for us to do at the time.

I'm sorry; I'm going to somewhere else here. The other thing that let that down is that there is no responsibility on the municipality if we contract their garbage. It's solely our responsibility under the environmental assessment laws of Ontario. So it was a sham, what Councillor Layton was trying to put off, and he got it done and the council acquiesced.

But we should have had some help from the Minister of the Environment of Ontario to clarify that there is no liability for the city of Toronto. We didn't get that help. There was no clarification from the government in power at the time and the whole thing blew up. It was a debacle. In essence, we were quite prepared to sign the contract. It has nothing to do with environmental liability. We

assumed full liability for the environment on that site. It's in the statutes of the Ministry of the Environment of Ontario in the certificate of approval that we assumed. But it got blown—I don't know if I'm answering your question—completely out of proportion and, as a result, politics prevailed and the contract fell apart. It was right in the middle of a municipal election. Our current mayor ran on it and it's just the politics of garbage. I don't know if I clarified that.

Mr Prue: I don't know whether you did either, but thank you for the answer.

Mr Jeff Leal (Peterborough): Thank you, Mr McGuinty. The reason I understand the red flags have been raised in New Liskeard: I've been to New Liskeard once and had an opportunity to look at the dairy farms on the clay belt, and I've been a municipal councillor in Peterborough and spending \$6 million to expand the landfill site there. The leachate escapes and there's always been the concern that that leachate would travel to those farming operations in New Liskeard. Dairy farms use significant quantities of water in their operations and in fact would have the potential of ruining one of the most sophisticated and successful farming areas in northern Ontario. Could I just get your comments on the technical issue of leachate escaping?

Mr McGuinty: Absolutely. First, my comment is that it has been proven it is impossible for leachate to escape off that site to contaminate anybody's ground well, not 50 kilometres away but not 200 metres away. We have proven that categorically. That was in the environmental assessment hearing testimony.

Relevant to the Timiskaming Federation of Agriculture, we made a specific effort to understand their concerns at the outset of our environmental assessment process. The Timiskaming Federation of Agriculture had an independent study done for them by a company called Gartner Lee Ltd when Metro Toronto, by the way, had the option on the site. Metro Toronto—

Mr Prue: I was there too.

Mr McGuinty: Yes—paid for that study. That study came back and said that there is no possibility whatsoever that the operations of the Adams mine can affect the Timiskaming farming community.

Second, during the environmental assessment the Ontario Federation of Agriculture sent a hydrologist up to review and work with our consultants, both our peer review consultants and whatever, and she confirmed to them that it would not happen.

Third, as part of our due diligence, the Timiskaming Federation of Agriculture asked us if we would do an additional study to show that while maybe it won't escape through the bedrock, but what if it surfaces? Would it get in the nearest river, which is about five kilometres away? We did that study too, and it confirmed that there is no possibility. Any allegation that Timiskaming agriculture can be impacted by it is completely false and inaccurate.

Mr Leal: Do I have time for a second question?

The Chair: If you're really quick.

Mr McGuinty: And I'll be really quick on my answer.

Mr Leal: Mr McGuinty, it never ceases to amaze me why everybody keeps looking at landfill in Ontario. How come companies aren't looking at energy from waste? I know successful companies now in upper New York state—I was through Syracuse in March. Americans field modern energy-from-waste facilities, putting energy back into the grid, with sophisticated technology now to reduce emissions. For the life of me, I don't understand why more companies in Ontario are not looking at that or other technologies in that area and moving totally away from landfill, which is a very archaic process, in my view.

1020

Mr McGuinty: A quick answer: First, the reality is that incineration or the burning of garbage has been going backwards as a method of managing waste in North America for about the last six years. There have been some developments, like you say, but no large urban area is moving to use incineration as their major method of doing it. Secondly on that, the cost factor is extremely high. For your capital cost to put in a large incinerator, say to manage a substantial portion of the city of Toronto's garbage, you're looking at about \$500 million.

Companies that want to do that have to have two things. They have to have a guaranteed contract from a city like Toronto that says, "I will feed that plant X number of tonnes a day and annually or I won't build it." That goes counter to what we're trying to do as a society in diverting from waste and goes backwards. So if you want to sign a contract with an incinerator guy, you're going to cap your ability to divert, because he needs the waste.

Secondly, your suggestion that landfill is archaic—maybe 20 years ago. We have this vision about what landfills look like, but you go to a landfill today and this is a highly technical, highly managed, tremendous operation.

I give the city of Toronto a lot of credit. They ran one of the best landfills anywhere you're going to go in North America, and it was located right in the middle of Vaughan. Yes, there are a lot of people growing up there now, but you could go there and ask somebody who was 10 blocks away if they knew where the Keele Valley landfill was and they would have a hard time saying where it is.

You can go to landfills in North America where the golf courses are being developed as the landfill is filled. So the suggestion that landfill is archaic—I don't meant to disagree with you, but landfill has come and is one of the more progressive ways to manage waste. There isn't a landfill of any volume today that doesn't have leachate treatment in it and also doesn't have an energy system in it to capture the landfill gas and turn it into methane.

As an example, the Adams mine landfill, had it been allowed to proceed, in year six would have had a 22-megawatt power plant there that would run for approx-

imately 40 to 45 years. It was in the design; it was in our certificate of approval that we would build it.

I apologize, Madam Chair; I know I wandered on a bit.

The Chair: Thank you, Mr McGuinty, for your delegation. We appreciate that you took the time. I hope you feel you had a fair hearing this morning. Thank you for coming.

CLEAR THE AIR COALITION

The Chair: Our next speaker is Dr Boyd Upper from Clear the Air Coalition.

Good morning. Thank you for being patient and waiting. Would you introduce yourself for Hansard and indicate the group that you are speaking for. You have 20 minutes.

Dr Boyd Upper: Thank you, Madam Chairman and members of the committee. My name is Boyd Upper. I'm chairman of Clear the Air Coalition. I want to thank you all for giving me the opportunity to express my views concerning Bill 49.

First, I'd like to tell you something about Clear the Air Coalition, why I'm here and what has shaped my views about this bill.

Our organization was started in 1999 as a not-for-profit corporation to advance programs that would enhance the environment by bringing together groups of like-minded citizens to support projects that would reduce air and water pollution and protect green spaces.

Our first major project was a community response opposing the location of a proposed 800-megawatt gas-fuelled electricity generating station on the border between Mississauga and Oakville in the midst of a large residential area. This area for years has been identified by the Ministry of the Environment as having a stressed air shed. The reason the air shed is so stressed is that we're downwind of the steel mills in Hamilton, the Petro-Canada refinery in Bronte, the paint plant at Ford Motor Co in Oakville, and we're directly adjacent to the St Lawrence Cement plant, Westroc Industries, the Ashland chemical refinery and the Lakeview Generating Station.

It's well known that children in south Mississauga have one of the highest rates of asthma in Ontario, and the principal reason is ambient air pollution. A few years ago, the Ontario Medical Association published a study that attributed 1,950 premature deaths per year in Ontario to the poor quality of our ambient air. The medical officer of health for Halton, for example, has published his calculation that ambient air pollution is responsible for 59 premature deaths a year in that county. In Peel, the number is 150.

With this background, the residents assumed that a terrible mistake had been made in suggesting that another gigantic polluter would be added to this mix and that the Ministry of the Environment would effectively block the development, in accordance with its mandate to reduce pollution, clean the environment and protect public health. They would do it by requiring the proponent to

undergo an individual environmental assessment which would clearly demonstrate how inappropriate this site was.

We assumed, wrongly as it turned out, that relocating an 800-megawatt gas generator downwind of the GTA would be a logical response to the OMA's report. We thought that adding to the ambient air pollution in the GTA by locating this gas generator upwind of Canada's largest urban population bordered on madness. The Ministry of the Environment didn't see it that way.

As events unfolded, the only action the Ministry of the Environment took in all the years we were engaged in this process was to begin, 13 years after it was originally announced, a small ambient air study that will conclude in 2006. We had to conclude that this small gesture, after such a long delay, was designed to divert the attention of the residents from the presence of another giant polluter in our stressed air shed.

Over three years, we learned the following about the process of dealing with the government of the day in general and the Ministry of the Environment in particular:

We found out that the Ministry of Energy had worked for 18 months with the company proposing to build this generator, helping it to locate its site, before there was any public announcement. In other words, the public was confronted with a fait accompli under government auspices. On its face, public consultation was not wanted and public consideration was going to be ignored.

We learned that the Minister of Energy and the Premier of the day combined the Ministry of Energy with the Ministry of the Environment, and it was the energy experts in that combined ministry who were looking at the environmental and health concerns of our objections. Written requests from hundreds of affected residents asking the Minister of the Environment to require the proponent to undergo an individual environmental assessment were not answered for more than a year. The fact that there were three different Ministers of the Environment in three years may be part of the reason for the delay. A petition containing 12,000 signatures of the residents in east Oakville and south Mississauga, presented to the Minister of the Environment in the Legislature, prompted this response: "Twelve thousand isn't very many."

The government of the day systematically gutted the environmental assessment process during our discussions with the company. The long-standing requirement, for example, that any change of five megawatts or more in the capacity of a generating station would require an individual environmental assessment, was revoked during this period to permit the development of an 800-megawatt gas station with no environmental assessment.

The new process did away with the proponent's requirement to provide a needs analysis, to review alternatives including alternative fuels and alternative sites, to dispense with a cost-benefit health analysis, to provide emission offsets, to eliminate any requirement for the proponent to use the best available control technology to

achieve the lowest achievable emission rates, and to commit to continuous technological improvement. When the ministry got done with its review, there was in fact nothing of material consequence left.

The environmental review process that gave interested parties, such as individual citizens and environmental groups, the opportunity to make their case in a public tribunal open to the media, was changed. The open public tribunal process was replaced by one in which the interested parties and the environmental groups were required to make their submissions in writing to a civil servant in the Ministry of the Environment, who replied in writing. There were no public hearings that the media could attend.

An appeal of the administrator's decision to a court was replaced by an appeal to the Minister of the Environment, whose decision was binding. After two years of trying to get the ministry to undertake what our community thought was their legal obligation, the minister changed the review process again and gave the interested parties 30 days to negotiate, arbitrate, mediate or otherwise settle their concerns with the proponent. In the absence of a settlement, the proponent's proposal would be accepted as submitted.

Those of us in CTAC who were struggling with this matter felt we were being toyed with and betrayed by the government. We felt then, and we still do, that the government was failing in its responsibilities under the law to maintain and enhance the environment and to protect public health. It was not doing its duty, as we saw it. It was not working with the citizens; it was working against them.

Now it had thrown up another major hurdle by requiring citizen volunteers to tackle a big, powerful commercial interest with hordes of highly paid technical experts to do a job that we thought the government should be doing for us. The resources arrayed against us were intimidating. Nonetheless, as required by the process, we responded by entering into negotiations with the proponent on a highly technical and scientific basis. We will be forever grateful to those technical experts who responded to our appeal for help with a generosity that gave us the courage to continue.

After five months, a detailed agreement was signed by our organization with the proponent that set forth a number of conditions, which the proponent would have to meet if it proceeded with the development. The detailed agreement resulted in an 80% reduction in the pollution of the residential areas closest to the plant. It resulted in an undertaking by the proponent to redesign the building and cocoon the generators to reduce noise. It produced a detailed commitment by the proponent to minimize noise and dust in the construction process.

We created the Southdown Station Citizens Advisory Committee, which will act as a permanent community monitor of the plant's operations. The membership now includes members of CTAC, our ratepayer affiliates, municipal councillors from Oakville and Mississauga and the MPPs from Mississauga South and Oakville. We

want the government to be involved in this process: an undertaking by the proponent to conduct a detailed four-year survey of ambient air quality in east Oakville and south Mississauga.

The scope of the agreement was such that the proponent withdrew his original application and resubmitted it to the ministry. The irony is that this agreement now obliges the ministry, since it has approved the agreement, to become a party to enforcing the terms and conditions that it was unwilling to impose itself.

CTAC and its friends have won some battles here, but we lost the war. The big guns in the ministry who should have helped us win this war were silent.

1030

What has happened since? To date, the generating station project has not proceeded because of the unstable state of the electricity market in Ontario and the unfavourable financial markets for new energy development. That may be about to change. Locally, there have been some significant changes. For one, thousands of residents have been mobilized on environmental issues. Our group now represents 10 ratepayers' associations, representing over 15,000 homes in Oakville and south Mississauga.

In the last provincial election, Mississauga South elected its first Liberal MPP since Confederation, and Oakville elected a Liberal in a riding formerly occupied by the Speaker of the Legislature. The new MPPs from Mississauga South and Oakville supported CTAC and the residents of their communities in opposing the location of this station in their midst. Undoubtedly, citizen awareness of the unresponsiveness of the government to its perceived responsibilities and the ineffectiveness of the local MPPs at the time played a part in that result.

This year, Oakville council has elected three councillors who have been active with CTAC and our efforts. On his first try for public office, CTAC's executive director lost the mayoralty race in Oakville by 28 votes in a recount against the incumbent mayor seeking her sixth term.

The Southdown Station Citizens Advisory Committee has responded to continuing local interest by adding four additional ratepayers' groups to our roster in the last two years.

We've been involved in a number of other activities as well, but with that little background I want to assure you that I'm pleased to be here today to support Bill 49. To me, it says that the government is now planning to do its duty on the environment.

I interpret Bill 49 and the announcements by the Minister of the Environment in introducing it as a welcome change in the government's approach to environmental issues. When Bill 49 was introduced, the minister said it was "part of the government's plan to create clean, livable communities. Our plan is about protecting our environment and respecting our communities." What a breath of fresh air that is. What a wonderful change.

Bill 49 is clearly more than an isolated statement about stopping the Adams mine becoming a garbage

dump. It's the first concrete step in the implementation of an overall plan to create clean, livable communities. I interpret this as the new Minister of the Environment stepping forward to become active in helping communities solve their environmental problems. I applaud her initiative.

Regarding the Adams mine closure, the announcement went on to say it was the government's intention that it "never be used as a landfill." Never is good. This means closure. It means the effort to stop the mine project will not have to be repeated, and it means the environment is protected for the future.

To the thousands of people in the north who have expressed their concern about the matter, the minister's announcement noted that "years of debate have drained the energy and resources of local communities." That sentence resonates loudly with my colleagues and me. We are one with our fellow citizens in the north on this matter. And I congratulate the Minister of the Environment for her acknowledgment of the stresses and strains the previous government inflicted on its citizens. I am delighted she is taking action to relieve them.

I am also very pleased with Bill 49 and the announcement that it is really an indicator to citizens of the government's desire to consult them about improvements to the environmental assessment process. The minister said she wants to make this process "more responsive to public concerns." Again, I applaud her.

As I think I demonstrated earlier, there is no question whatsoever that Ontario's environmental assessment process has been left in shambles by the previous government and is in urgent need of repair. One of the most important repairs would be for the government to make the process responsive to public concerns and not just to the concerns of special interests.

I might add that Ontario's air quality indices are also in urgent need of reform. The permissible levels of ambient air pollution, for example, are too high, and there is an immediate need to break down the silo mentality that governs applications for new polluters and to replace it with a comprehensive air shed approach that factors in incremental pollution.

Bill 49 specifically deals with the Adams mine for waste disposal. I interpret Bill 49 as acknowledgment by the new minister that waste management problems have been ignored for far too long by previous governments and that a new day has arrived for a provincially led waste management strategy. My contacts with local government have complained for years about the lack of leadership from the provincial government in dealing with waste management. Again I applaud the minister for taking an initiative here. It's long overdue.

For the record, I'd like to say here that I think urban growth and waste management are inseparable. I suggest that the cornerstone of any new approach to land use management, greenbelt preservation and environmental protection must include a requirement for each municipality to have a waste disposal plan that accommodates all of its wastes, preferably within its own borders.

Currently, Toronto and Mississauga have exhausted their landfill sites and are transporting hundreds of truckloads of garbage daily to Michigan. This is not a sustainable long-term solution to the problem of waste management. However, no community should be permitted to dump its garbage on its neighbours and no community should be required to have its neighbours dump garbage on them.

All new development should be approved only on the condition that there is in place a long-range program of waste management for that development which should be paid for by the development.

There are several other additional elements of Bill 49 that I applaud. They include the vesting of the Adams mine site in the crown in the right of Ontario. I interpret this as a welcome exercise of provincial sovereignty in resolving a contentious matter for the common good.

The Chair: Dr Upper, can you summarize, please?

Dr Upper: I'm almost finished. I have just a couple more items.

The only other one that I would like to comment on very briefly is that I'm delighted that legal action against this bill is being prohibited as part of the bill. Legal intimidation is a real chilling factor on citizen volunteers attempting to tackle vested interests in environmental matters. I would like to think that that provision might be extended to local government. Thank you very much. I do appreciate the chance to talk to you.

The Chair: Thank you, Dr Upper, for your delegation. Unfortunately we've run out of time, so there won't be room for questions.

RENEE SANDELOWSKY

The Chair: Our next delegation is Renee Sandelowsky. Welcome. If you could introduce yourself, and you're speaking as an individual; is that right?

Ms Renee Sandelowsky: Yes.

The Chair: You have 10 minutes. Welcome to the committee. If you could just say your name for Hansard at the beginning.

Ms Sandelowsky: Thank you. My name is Renee Sandelowsky. I'm a resident of Oakville as well as a newly elected town councillor in Oakville. Today I'm here to speak about the Adams Mine Lake Act as an individual resident on behalf of myself, not my position as a town councillor, because I didn't have time to bring this to council.

I'm very pleased to be here to give my support for the Adams Mine Lake Act, Bill 49. I believe it is an excellent beginning for this new government, a government that was elected largely, in my opinion, due to its promises to make responsible decisions with regard to our natural environment.

We, the residents of Ontario, spoke loud and clear at the polls. We, the residents, are desperately looking for leadership to help us protect and preserve our natural areas. Here in the GTA in particular, our green spaces are rapidly being gobbled up by development. Much of our

precious farmland, forests, creeks and wetlands is being destroyed in order to make room for more homes, more roads, more big-box stores and strip malls. Our lake is polluted, our streams are contaminated and many of us can barely breathe in our smog-filled air.

We want a government that makes environmentally responsible decisions and that's why we elected you. I believe that Bill 49 is just that—an environmentally responsible decision.

Ensuring that the Adams mine, a series of huge open pits blasted into the water table, with numerous fractures and lying between two major geologic faults, will never become a landfill site is a responsible decision, in my opinion. It's responsible because we just cannot accept the risk of contaminating the underwater aquifers that flow beneath the Adams mine. We cannot accept the risk of further contaminating any of our water supplies anywhere, much less here in a farming region. Ensuring that our environmental assessment process will be improved is an environmentally responsible decision. We cannot accept a process that allowed the fractured rock of the Adams mine to become the preferred alternative for a landfill site. I believe that a true environmental assessment would have shown that the Adams mine was not environmentally feasible. In my opinion, a true environmental assessment would have demonstrated that there were too many unknowns about the safety of using this abandoned mine as a landfill site. I believe that a true environmental assessment would have denied this application.

1040

Ensuring that the federal and provincial governments will coordinate the environmental assessment process is a fiscally responsible decision as well as an environmentally responsible one. How many hours and dollars have been wasted in the nightmare of bureaucratic red tape while duplicating the process at two levels of government? Ensuring that our government is going to support a 60% waste diversion target is a laudable start to finding ways to reduce the province's reliance on landfills. We have to do something. We absolutely cannot continue on the path we are on. I'm hoping this government will lead us on to a better path, one that is environmentally responsible and sustainable, because I want to be sure that our children and our children's children will be blessed with a clean and healthy environment in which to live and prosper.

Thank you very much for taking the initiative with the Adams Mine Lake Act. Please know that we in Oakville will stand behind you whenever we see you doing what's necessary to protect our environment. We want you to be strong, we want you to protect what's important to us, so please think about the good of the people. You are elected to protect the health and the environment of the people who live here, so please pass this act.

Three last items, while I'm here:

First of all, please don't penalize Halton region for doing a wonderful job of locating and extending the life

of its landfill. Halton has worked hard to do the right thing. I know Toronto can do the same.

Secondly, please do everything in your power to protect Oakville's remaining green space. If you act quickly, there's still time. In coordination with you, the province, the region and the conservation authority, the town of Oakville has created, on paper, a magnificent natural heritage system that will go a long way in protecting and preserving our significant natural features for generations to come, but we need your help in order to make this natural heritage system a reality. So don't be shy. Please do what you can to give these lands the protection they need through Bill 27, the Greenbelt Protection Act, or ministerial order. But, please, we need your help to save these lands. Once they are gone, they're gone forever. Our children will not be thanking us for a legacy of more big-box stores, but I think they will thank us for preserving our green spaces and protecting our water and air.

Finally, I would respectfully like to remind Premier McGuinty of his election commitment to protect the 1,100 acres of provincially owned lands in north Oakville by helping to create a park for all to enjoy.

That's it. Thank you very much for giving me the opportunity to speak. I hope you have many more great environmental initiatives to come.

The Chair: Thank you. I have a questioner.

Mr Prue: There are three separate councillors coming forward from the town of Oakville. Are all three of you saying the same thing? Did you consult each other? You said there was no municipal position on this.

Ms Sandelowsky: I don't know. There isn't a municipal position because I didn't have time to go talk to anybody about it. I don't know what the others are saying. I do know that Councillor Elgar had to leave. His mother is very ill, so he won't be here today.

Mr Prue: So he's not here. And the last one, Councillor Adams?

Ms Sandelowsky: I think he is coming but I don't know what he's going to say.

Mr Prue: OK. Thank you.

Mr Ernie Hardeman (Oxford): Thanks very much for the presentation. I have a couple of questions.

We've been hearing from all the presenters, I believe, except the proponent of the Adams mine proposal, the issue of its being a good idea to stop the Adams mine because it isn't environmentally sound. In the same presentations we hear that we should all emulate what happened in Halton region because they have what is required for landfill capacity. Not having been from either community, I understand that they both went through exactly the same process, both with a fair amount of opposition to its being approved, both getting to the point of final approval from the Ministry of the Environment. As a councillor from Oakville, how would that have rested with you, having gone through all that cost and work, to then have the government—which up until then had said, "We have no responsibility, only to set the rules and make sure that it's done properly"—say, "No; for

political reasons, we are not going to allow this one"? Halton would not have a site and would have the problem of no place to put their waste. Would you have the same presentation on that as you had for the Adams mine?

Ms Sandelowsky: I just have to tell you, I wasn't here when the Halton landfill came into being so I don't know all the details about it. What I can say is that when I believe there's good reason not to do something, even if you've gone through a long process that might have cost some money, I still think you have to do the right thing.

Mr Hardeman: I guess my problem, though, from your presentation—and maybe I missed it—I didn't hear anything where you had gathered evidence or had any documents that showed that there was good reason. As a member of the loyal opposition, the government has so far not given me any indication that they have good reason, other than, "For political reasons, it is not accepted by the community." I wonder what drove you in particular to the conclusion that government should step in after the people and the communities who were supporting it had followed it every step of the way and got the approvals they required, we have a finished project, 15 years of work, and then the government says, "No, we don't like it."

Ms Sandelowsky: You ask very long questions. I'm trying to remember it all. First of all, to me it's not for political reasons. But I've seen—and I am a new councillor, so you have to give me that—an environmental assessment done on the 1,100 acres of land in north Oakville and I saw that that process was not, in my opinion, a legitimate process at all. I saw them say that they were doing an environmental assessment on these lands and all that happened was that the process was an assessment on the actual transaction, the sale of the lands. They didn't do any assessment on what's going to happen to these lands if they're developed, how environmentally sensitive they are. The only assessment was, what happens if you sign a document that says, "We will sell these lands to developers"? That's it. So obviously there was nothing wrong with doing that. It didn't cause any damage, so you were allowed to sign the papers. That's my experience with environmental assessments. I think the system has to be changed. It's not a good system. It doesn't work. That's why I said that I'm pleased that there will be a better process for the environmental assessment.

I can't remember the rest of your question, I'm sorry.

The Chair: Perhaps you can chat about it afterwards.

Ms Sandelowsky: That's fine.

The Chair: Thank you for your presentation. On behalf of the standing committee on the Legislative Assembly, I appreciate your coming today.

REGIONAL MUNICIPALITY OF HALTON

The Chair: Our next speaker is from Halton region, Joyce Savoline. I believe Ms Savoline is being joined by Mr Krantz, the mayor of the town of Milton, and Mr Marshall, the chief administrative officer. Welcome. If, for Hansard, you wouldn't mind introducing yourself and

the group that you speak for—I believe you're speaking for Halton region; is that right?

Ms Joyce Savoline: That's right. My name is Joyce Savoline and I am chairman of Halton region. I am joined today by the mayor of Milton, Gordon Krantz, and the CAO of the region of Halton, Brent Marshall.

Good morning to everybody. I'm really pleased to have this opportunity to yet again tell you about the Halton experience. I'm very pleased that the mayor and our CAO have been able to join us today. When it comes to time for questions, please feel free to ask any one of us.

Let me begin by saying that, unlike many of the other speakers, perhaps, I'm not here to tell you what the future of Adams mine should be. I'm not here to tell you whether or not you should pass Bill 49. Rather, I'm here today to talk about the process and how the process may affect Halton region, and I am here today to speak to the issues of fairness, procedure, precedents, responsibility and accountability.

1050

My concern, as chairman of Halton region, is that a decision on today's proceedings regarding the future of Adams mine could negatively impact the residents of Halton region. My concern is that a decision rendered on Adams mine could reduce the options available to you with regard to waste disposal at a time of crisis.

Halton made the responsible, forward-thinking decision, along with a sizable investment, to create a made-in-Halton solution. Halton taxpayers paid, through property taxes, for our landfill site. We spent in excess of \$100 million for the process and the site development. We also had to export our garbage in the middle of the 1980s.

You should know that when we shopped around for interim capacity, all doors were closed to us. We even suggested reciprocal agreements. We would, at a future date, receive the same amount of garbage from another municipality that would take ours in the interim, and we were told unequivocally, "No, thank you." Halton was told, "Get on with the job," and we did. We did it admirably. We spent an enormous amount of money, time, and, none the least of which, emotion. Others have failed to do this.

We do not want to revisit this experience—not in our lifetime. Literally, the experience among our community was so negative that the wounds are still fresh today. Through an understanding, an appreciation and a full participation by our residents, we have increased our diversion efforts and doubled the life capacity of that landfill site. It was originally opened with a 20-year capacity with the condition that we would open EFW within eight years, and then that option was taken away from us. We included other diversion efforts. We now have, after 12 years of use in that landfill, a 40-year life capacity for that site. Our residents have taken ownership of the importance of diversion. So we've increased that diversion to double the lifespan of our landfill to avoid similar experiences in the near future.

The EA process, as I've heard other speakers talk about, is badly broken and it needs to be revised. The government needs to legislate changes to enable timely solutions when a process begins. Halton's experiences prove that the EA process is lengthy, costly and totally unpredictable.

We were the first municipality to endure that EA process when we tried to site a landfill site. We began back in the late 1980s with what was deemed to be the environmental protection process. That was the process that we needed to go through to find our landfill site. Politics played a big part. That process, after two and a half years, was eliminated, and we were deemed to be under the Environmental Assessment Act. That whole process began—ladies and gentlemen, it took us 14 years, and it took us almost \$100 million to get through all of that. That's unreasonable. It's unrealistic.

We began that process about 1978. That was the Environmental Protection Act process. We switched to the EA process. We began that in about 1981. So it took closer to 12 years. There were 50,000 pages of transcript during the hearings. That's not even including any of the studies that we went through during those 12 years. If you stand those studies up, they're almost as tall as I am. It was onerous, frustrating, highly emotional and extremely costly.

The nature of the issue is that it breeds divisiveness, and this is fostered by a process that is not finite. Organizations engaged in the provincial EA process are vulnerable to also being embroiled in a federal EA process if there is deemed to be federal interest. So think of the complexity that's involved when that kicks in.

The province must be engaged. You must be engaged to change this process to allow for landfill applications to move forward in a more timely, realistic and predictable manner.

We can all agree that the issue of not finding a long-term waste disposal solution quickly really is a crisis in the making. All the ingredients are there for that crisis to occur: primarily, that many municipalities would not be taking care of their own waste. They don't do it today, so that crisis is looming.

Exporting our garbage leaves us vulnerable to the control that exists within another country or another state. These changing circumstances are, of course, responding to the new environment in which we live. It's not a matter of that excellent relationship that Canada has with our neighbours in the US, but the threats of terrorism prompt increased security and potential border closures. That's just the reality of today. Circumstances beyond our control leave us in precarious predicaments when it comes to deciding how to dispose of our waste. US citizens don't want our waste; we don't even want our own waste.

Halton is looking 40 years into the future while some municipalities are still 20 years in the past. Halton's experience should have been a huge wakeup call for the municipalities around us that were beginning to run out of landfill, but they did little. Three municipalities in the

greater Toronto area actually have standing, active resolutions that do not allow them to site a new landfill within their municipal borders. How realistic is that? Yet, that is allowed to continue while other municipalities like Halton are threatened with receiving their garbage. We take offence at that. Municipalities should be forced, through acts, to look after their own garbage in a timely way, within their own municipalities; maybe through an official plan—who knows?—but something should be done.

Ontario generates approximately 13.8 million tonnes of waste per year. Almost half of that—45%—is generated right here in the greater Toronto area. Those are two-year-old stats, so who knows where that number has reached so far. Some 9.4 million tonnes that have not been diverted have to be disposed of somehow. We've disposed of about 6.4 million right here in our own municipalities and three million get exported out of the province. Those are stats that exist.

We know that continuing to export our garbage to Michigan is not a sustainable option. Artificial cost is narrowing the gap between that exporting venue and disposing of our waste in our own communities. So where it costs much less to ship garbage to Michigan than to look after it here, that gap is closing because of all kinds of things like gas prices and new rules for drivers who drive those trucks. They have to do it in shorter time frames, so it increases the cost of that travel.

We need to look at the options that are available to us here, within our own boundaries. We need legislative control to do that and we should plan and control our own destiny. We need to recognize that waste disposal is the concern of each of our municipalities, not our friends' and neighbours'. It is not realistic for some municipalities to have passed resolutions in order that landfills are not permitted within their geographical boundaries. This is NIMBYism at its worst, and they are applying it even to their own garbage.

This issue becomes even more complex when emotions kick in. That's why I'm so adamant about sharing our Halton experience with you and with other municipalities. We need to move forward. We can avoid the pitfalls and show you how that can happen. Halton is already working with the other GTA municipalities. Halton is working with Hamilton and Niagara. They're all trying to site landfill sites. We work with them in a very co-operative way. We also want to participate in any options that may come forward so that we can engage with other municipalities for further waste diversion. But we need to get off this treadmill and make some advancements. We need the ministry to force municipalities to develop these strategies that would see each of us take care of our own waste. The process doesn't allow for that right now.

The solution must be realistic, to address the lack of predictability in this process. There must be established within that EA process a finite timeline for the establishment of new landfills.

1100

The process that we need to engage in must be open, but it cannot be open-ended. That means all options need to be on the table. I suggest that in the interests of fairness, no options that have not been eliminated for technical reasons be removed at this time; or if it is the decision of the government to be predisposed to removing options to landfill in a time of crisis, then I am seeking assurance from you that Halton region's landfill also be removed as an option.

Surely the case has been made already to eliminate Halton's landfill waste management site as a possible short- or long-term solution to the waste disposal woes we have today. If you were to bring Toronto garbage to Halton today, in two years Halton would not have a landfill, and yet for Halton's purposes we have 40-year capacity. That is a very different number. This is a question of political fairness and that's how we feel about it in Halton.

Please eliminate Halton's landfill site and any municipal landfill sites which are unwilling hosts from the list of options to be considered in a time of crisis. Please amend the certificates of approval to include the option for private landfill sites to take this garbage. There's lots of capacity in those sites now.

Precedent has been set. Green Lane Environmental landfill—the ink isn't even dry on the agreement—is just accepting Guelph's waste. That site is in St Thomas, it's close to the GTA and it has capacity to receive this waste.

There are other such private landfill sites in Ontario that can easily accommodate this waste in a time of crisis. Give some predictability and some comfort to municipalities, who have spent property taxpayers' money to develop these sites, and allow the private sector to look after the issue. They have the capacity, probably, to take Toronto's waste for a good four years or more. In fact, Green Lane was second on the hit list when they were looking for interim measures. Michigan won out, and I bet you for price. Already this has been done in the city of Guelph, and I feel it can be done for the city of Toronto.

Embark on a formal review of the EA process so as to streamline it. Inject some measure of certainty into the process, some predictability and reality. Ask the WDO to negotiate the acceptance of organic waste as a designated waste. That's a really important factor.

In summary, I want to emphasize to you that in raising these issues, I do so with the unanimous support of all the mayors in our municipality: Mayor MacIsaac from Burlington; Mayor Mulvale from Oakville; Mayor Krantz is with me today from Milton; and Mayor Rick Bonnette from Halton Hills. They say so without any reservation.

I'd like to ask you to respect the work that Halton region and our residents have done in becoming a waste disposal leader in Ontario. Typically, leaders are heralded as examples to others and not penalized for being responsible. So I would ask the ministry that, regardless of the decision on Bill 49, you also act responsibly and

guarantee that the repercussions to Halton that would be seen do not become part of the short- or long-term solution for waste from other municipalities, and exempt Halton and other municipal landfill sites from any solution to a crisis in the diversion of landfill.

The Chair: Thank you. We have a very limited time for questioning.

Mr Leal: I'll be quick for you. Chairman Savoline, thanks very much for your presentation. What's your current diversion rate in Halton?

Ms Savoline: We're at almost 42%.

Mr Leal: With your great work, how quickly can you get to the 60% diversion rate?

Ms Savoline: We have options we have been considering over the last two years. We are very careful about how we consider options. We like to create successes from the ground up; we don't like to experiment too much. We have reports coming forward this fall that will lead us into areas, perhaps organic waste and others, that take us much closer to the 60% diversion.

Mr Leal: Will you be building a centralized composting operation for the region?

Ms Savoline: We are determining all that through our reports and process this fall; that discussion hasn't taken place yet.

Mr Ted Chudleigh (Halton): Just very briefly, the previous government, our government, had a policy that no community would be receiving garbage without their approval. We've asked that of the current government and that hasn't been forthcoming. If there were a crisis in which Toronto had to divert its garbage, could there be a quid pro quo to allow Toronto to dump some garbage here if they took some garbage back, much the same way as you asked other communities to do when you were in a shortfall position?

Ms Savoline: We had some discussions with the minister. Those discussions have not been concluded yet, so I don't have an answer.

Mr Chudleigh: Is that still on the table?

Ms Savoline: We just haven't concluded the discussions; it just hasn't happened yet.

Mr Chudleigh: I'd recommend against it, if you're looking for an opinion.

The Chair: Thank you for your delegation this morning. We appreciate your appearing before the standing committee on the Legislative Assembly, and we appreciate your words and attendance.

Ms Savoline: Thank you, Ms Jeffrey.

MIKE LANSDOWN

The Chair: Our next delegation was to be Mr Elgar, councillor for ward 4, town of Oakville. I understand he has been called away and an individual will be reading his submission. Good morning. Welcome. You're here to read the submission?

Mr Mike Lansdown: I am.

The Chair: Mr Elgar was speaking as an individual; is that right?

Mr Lansdown: I believe so.

The Chair: OK. You have 10 minutes to read his submission, and if you could introduce yourself for Hansard.

Mr Lansdown: My name is Mike Lansdown. I'm a resident of Oakville and a founding director of a citizens' association called Oakville Green Conservation Association, Inc. We are a group that was formed in 1999 because of our interest in responsible environmental management and planning.

"Six years ago, prior to" his "election to council," Councillor Elgar "founded Oakville Green Conservation Association to provide a representative voice for a significant number of Oakville residents interested in ensuring environmentally compatible planning in our local area."

In addressing you on Councillor Elgar's behalf, I fill the roles that he also fills. "Oakville Green continues to be a strong voice for environmentally responsible planning in the communities of Oakville and the region of Halton, and discharges their advocacy responsibilities through a strong communication system supported by an active Web site at www.oakvillegreen.com and numerous opportunities for dialogue with its membership, with all meetings being entirely open to the general public."

On behalf of Councillor Elgar, I wish to note that he and I strongly support "Bill 49 and welcome the government's recognition and use of its inherent powers to protect the environment and the public. It is evident that this government understands the quality-of-life issues that brought it to power. It is also our considered opinion that filling lakes with garbage is a perfect example of how not to deal with the problem of waste management.

"We are very grateful to the committee for choosing Halton as one of the locations for its hearings on Bill 49."

As I'm sure the minister is fully aware, following extensive communications from our regional chair, Joyce Savoline, who spoke to you just before myself, "our municipalities in our region have worked hard over the years to develop an extremely responsible waste management system. Through good planning and good management we have moved from a crisis situation several years ago to a system today that is well under control. Prudent management of leading-edge source separation technology has even resulted in our being able to substantially increase the expected life of our waste site.

"As further evidence of good management and the recognition and understanding of the huge role that waste management plays in the infrastructure of a growing municipality" and not satisfied with our present status quo, our region recently signed partnership undertakings with our neighbours in Hamilton and the Niagara Peninsula to research all available technology and opportunities to extend our waste management capacity even further into our planning future.

1110

"As I'm sure the minister is well aware, the preamble to the provincial policy statement of the Planning Act advisedly cautions all parties to get it right the first time. We believe that Halton's responsible waste management

system demonstrates our understanding of this statement, and we further believe that Bill 49 is another reflection of this important principle."

On behalf of Councillor Elgar, I thank you once again for this opportunity to address your hearing on this important piece of legislation. "I believe I speak on behalf of both levels of government that I represent when I say that the town of Oakville and the region of Halton stand ready to share their waste management knowledge and principles where it might help to resolve the problems of other municipalities."

Minister Dombrowsky, those are my comments respectfully submitted on behalf of Councillor Elgar. I'll be happy to answer any questions.

The Chair: Mr Prue, did you have any questions?

Mr Prue: Just on a point of order: How can someone reading someone else's submission answer questions on their behalf? I don't think we should entertain them, that's all.

The Chair: Mr Flynn, do you have any questions of this delegation?

Mr Kevin Daniel Flynn (Oakville): I think I do.

Mr Prue: I think you have to rule on that.

The Chair: I'm going to allow him to speak.

Mr Flynn: I think when you hear the question, you may understand why it can be answered under these circumstances. Mike, you're a member of regional council. I heard in the House the other day the member for Burlington say that the previous government had given a guarantee that Toronto trash would not come to Halton. A previous question also said there was a policy that said that Toronto trash would not come to Halton. As a member of regional council, would you be able to find that undertaking for me?

Mr Lansdown: I can certainly undertake to do so, Mr Flynn, but I can't put my finger on it right away.

Mr Flynn: No, obviously not, but at some point in the future I'd be interested in seeing that in writing. I wasn't aware that it existed in the past. Surely it must reside somewhere at the region of Halton if it was in fact put in writing.

Mr Lansdown: I will certainly be happy to inquire.

Mr Chudleigh: I believe it's in the chairman's office. She asked for that guarantee and we gave it to her.

Mr Hardeman: It was in the presentation, and as the Chair ruled we can ask questions because you do have the expertise, the same as the author of the letter—it's the same question I had before. You made reference to the high quality of the waste management system you presently have in Halton and that others should do the same. The mine went through exactly the same process, almost exactly the same length of time, I believe they spent slightly more money, but when they got to the point where they could implement it or start to implement it, that's when this bill was introduced to take away the certificate of approval they had received. Would that not have been a bit of a problem in Halton, if just at the time when you'd gone through this whole process—and I think the regional chair suggested \$40 million of ex-

penditure to get to that point of certificate approval—the government of the day had said, “No, you can’t do it. We’re going to take away the certificate at this point in time”? I can’t understand the rationale.

Mr Lansdown: I’m not able to help you with the rationale because I do not have the background on the rationale that underpins those two separate and apparently opposite decisions. So I cannot help you with the answer to that question.

Mr Hardeman: I guess the question really was, then, how can we say that this bill is a decision in a certain direction if we don’t have the information on the decision?

Mr Lansdown: The only response I could possibly give you to that is that it would appear that environmental assessments were taken in both cases, and the one in the case of the Halton region landfill site was found to be acceptable. I do not have, as I say, the expertise or the background as to how those decisions were made to be able to answer that from an authoritative point of view.

Mr Hardeman: OK.

The Chair: Thank you, Mr Lansdown.

Mr Lansdown: If I may just explain my presence here this morning, unfortunately Councillor Elgar’s mother was required to attend for a CAT scan at a Toronto hospital on an emergency basis. Councillor Elgar only got the information late last night and asked me if I would stand in for him at this event. So it is an emergency situation. I apologize for not being better informed in terms of the technical questions, but I don’t have that technical expertise.

The Chair: Thank you very much for appearing and stepping into the fray. We appreciate your appearing to provide the delegation.

NORTHWATCH

The Chair: Our next delegation is Northwatch. Speaking is Ms Lloyd, the coordinator. Good morning. Welcome. Thank you for appearing before the committee. I understand you’re speaking for Northwatch, which is an organization. That would give you 20 minutes to speak before us. If you wouldn’t mind introducing yourself for Hansard, and the organization you speak for before you begin.

Ms Brennain Lloyd: Thank you, Chair, and members of the committee. My name is Brennain Lloyd. I work with Northwatch. We’re a regional environmental organization, a coalition of environmental and social development groups in northeastern Ontario. I would like today to speak to the substance of Bill 49, but also make some introductory remarks and speak briefly to the context from our perspective for this bill coming before you and before the Legislature, and address some of the specifics of the bill as well before concluding.

As I said, Northwatch is a regional coalition. We were created in 1988. We emerged out of two networks within our region. Really, we were motivated as a coalition or as a regional entity by a number of pressures we saw that

were region-wide, including some fairly large and predicted-to-be and proved-to-be lengthy environmental review processes: the class environmental assessment of timber management on crown lands in Ontario—if you would like to discuss lengthy EAs, that would certainly be an example—and a federal environmental assessment of a proposal to bury nuclear waste in the Canadian Shield, by all assumptions and predictions again in northern Ontario.

We saw, as local volunteer groups throughout the region, that we didn’t have the capacity to respond and engage fully and effectively in these very large but very important processes—very important for the future of our region, very important in terms of both the environmental outcomes and certainly the social outcomes as well. So we created a regional organization to provide us with that representative voice and that regional voice, as well as retaining those networking functions that allowed groups and individuals across the northeast with a concern and interest in environmental protection to work together and to support each other.

Northwatch was in place when, in 1989, we began the very long and arduous task of defending ourselves and our region against the Adams mine proposal. As a regional coalition, we focus on regional issues. Those are mostly crown land, natural resource management issues, mining and forestry; certainly waste issues. Unfortunately, I think in our case in northeastern Ontario, most of our work around waste has been responding to various waste import schemes. We’ve seen perhaps the full range—I hope the full range—and most of them have come and gone. We’ve seen proposals for the import of low-level radioactive waste from southern Ontario; repeated versions of the scheme to bury high-level radioactive wastes in northern Ontario; proposals for PCB incinerators, for PCB treatment facilities, for biomedical waste facilities; and again and again, proposals to become the receiving ground for very large volumes of Toronto garbage.

We were fortunate, I think, to have a regional organization in place in 1989, when the Solid Waste Interim Steering Committee released its list of potential receiving sites for Toronto garbage, and it included a number of locations in northeastern Ontario, and one of them, the one that survived to plague us the longest, was the Adams mine proposal.

That’s the background and the experience, I think, that we bring to this work, and it has been 15 years of work on this proposal.

The context for our presentation today and our comments on Bill 49 is very much, and I think quite obviously, driven by our experience with the Adams mine proposal and the various proponents, the various promoters and the variations of the proposal that we’ve dealt with over the very many years.

1120

It all began in 1989, as you know, with the Solid Waste Interim Steering Committee, and we’ve had a number of highlights, a number of low points throughout the last 15 years. In 1990, I think we had a high point

when the Bob Rae government, the NDP government, announced that it would not be moving in that direction, that it was going to develop new initiatives to direct waste management, responsibilities being kept at the local level. That was a high point, which was not successful.

The Adams mine proposal did return a few years later, and in 1995, we had another high point when Metro Toronto turned the proposal down. What they rejected was the option of becoming the proponent of actually taking on the site and developing the site. They turned it down for good reasons, both fiscal and other liability concerns, as we understood it at that time.

In 1988, we had what should have been a high point but turned out to be very much a low point, and that was the referral of this project for an environmental assessment and an environmental assessment hearing. It should have been a high point, because an environmental assessment should thoroughly review a project: the need, the purpose, the environmental conditions the project will take place in, the environmental effects, how those effects can be managed or mitigated. A full and fair review process, we believe, would have resulted in the rejection of the Adams mine.

We didn't get a full and fair environmental assessment. We got a very scoped review, and it was scoped in two ways: at the onset, by accepting the proponent's position that "need" should be defined as a business opportunity. There was never an analysis of the need or the purpose of this project, which is central to a sound environmental assessment process, and then a scoped environmental assessment. So, in fact, what we had was a 15-day hearing that was restricted to only one question: Will the hydraulic trap containment concept effectively control leaching?

The big debate was, you'd fill a large hole with garbage, let all the water run through to, in effect, wash the garbage, contaminating that water, producing 83 billion litres of contaminated water. All we were allowed to look at in that scoped environmental assessment hearing was whether the water would move out through the walls of the pit, whether we would be contaminating the groundwater. That's all we were allowed to look at.

We weren't allowed to look at the question of what happens when you take 83 billion litres of contaminated water and dump it into the receiving surface body. What's that going to do to the Misema River, to the Blanche River downstream from that, to the Timiskaming watershed as a whole? That question wasn't on the table. So no one can call this a full environmental assessment hearing, and no one can call it a full environmental assessment, even though many do. But no one can call it that with justification, in our view, and it's a view informed by both an understanding of the act and our experience with the act.

At the end of that hearing, there was no decision. There was a split decision, the first split decision in at least a decade. The Environmental Assessment Board themselves couldn't decide. Of the three-member panel, one member said, "No, it's not a go. It should be turned

down," and two other members said, "Well, we don't really know. We hear this on the one hand, and we hear that on the other hand. So give us a couple more drill holes, and maybe then someone will know enough."

But instead of keeping that responsibility for themselves and having the information returned to them and continue the EA process in a public and transparent manner, they referred that information to a bureaucrat within the Ministry of the Environment. That bureaucrat was supposed to issue a final decision saying that, without reservation, those final drill holes had demonstrated that hydraulic trap containment would work. That statement was never issued. The certificate of approval was issued for the landfill, and we all know the story from then.

Part of the story we don't hear very much, and we certainly didn't hear it from Mr McGuinty this morning, is that that was only one of several permits that were required. So by no means was Notre Development or Rail Haul North, or whatever configuration you want to refer to them by, at the end of the permitting process. They still had a number of permits that were outstanding. That was 1998, and I would say it was a low point.

In 2000, you've already heard of in some conversation this morning another what I think was a high point, and that was the breakdown of contract negotiations between Toronto and Notre Development. I think Mr Prue characterized it correctly. In our understanding, it was a refusal on the part of the proponent to retain responsibility, to retain environmental liability for the project over the long term. So Toronto, quite rightly, said no. We would have liked them to say no sooner on other terms, quite rightly, but we were satisfied with that in the end.

Now we're here in 2004, and you can see we've had high points every five years. It was turned down in 1990, 1995, 2000, and here you are a year ahead of schedule, 2004, and we have Bill 49, which I think is going to conclusively end this conversation. I certainly hope so.

That's the context or the experience we bring to Bill 49 in terms of the Adams mine.

I also want to mention just very briefly, though, that on April 5, the day Bill 49 was announced, there were other initiatives announced as well which I'm sure you're familiar with that I know aren't before the committee. We just want to say briefly that we do very much welcome those other initiatives. A review and looking to improvements in the environmental assessment process are very welcome, and we're hoping to be able to contribute to that exercise. It's overdue. I think there are a number of improvements that could be made and we look forward to being part of that discussion.

The waste diversion management paper and discussion that will follow are also very central to this general debate. We have some questions about the targets, whether 60% by 2008, coming in two years after Toronto, is really setting the bar high enough. We'd like to see it lower, but that's a discussion we think is going to be had in the context of that exercise. From northeastern Ontario, we are excited at the opportunity to actually

participate in discussions about waste diversion in our own home communities, and how we can make our own improvements in the region, rather than spending all of our time dealing with these import schemes.

Speaking more specifically with respect to Bill 49, we welcome this bill. We think it's decisive and conclusive. We think it brings an effective closure for all parties: for ourselves, for the various governments that are involved and for the proponent. It clears the way for the central issues of waste management, waste diversion and waste reduction being put first and foremost in our thinking and given our attention.

There are a few areas where we think the bill could be improved. One is with respect to the use of the language around "lake." We appreciate very much where the drafters were going with that, but we think where they were trying to go and didn't quite get to is a declaration or a prohibition against placing waste in the water table. I think there is some potential for confusion around using the word "lake" when we're actually referring to various surface bodies, including pits and quarries and so on. The central issue is, are we going to put solid waste in the water table? Should we do that? No, we shouldn't. That's a simple improvement that could be made to the act, and I think it would bring a lot of clarity, both in its passage and certainly in its future use.

The other area where I think we can see some improvement is with respect to compensation. We're not taking an extreme position on this. We're not saying, "Absolutely nothing; not a cent," but we are saying there needs to be an abundance of caution applied here. We were surprised and disappointed to see that the compensation was available back as early as 1988. If there is any call or any cause for compensation, I would think the very earliest it could go back to would be 1999, after the first of several permits that were needed was issued. To go back to 1988 I think is saying that any time any business person engages in pursuit of a business opportunity and they are unsuccessful, they can be rewarded; they can be compensated for that. I think that's extremely problematic.

1130

Even in the instance of going back to 1999, though, I want to urge some caution. I think of other examples where this situation could come into play. I haven't got a specific example, but I'd ask you to imagine, for example, a manufacturing a mining operation that is issued a certificate of approval, perhaps they even begin operating under that certificate of approval, and the certificate of approval is found not to be sufficiently protective—it's not doing the job, it's not protecting the environment, so it's revoked. Well, does offering compensation to Notre Development and the numbered company, Mr Cortellucci, set a precedent for future compensation claims, when clearly the law allows you, as legislators, and your responsibilities as legislators to demand that the province act in the public interest, and that would include revoking certificates of approval that were not protective of the environment?

I just urge caution on that count. I think it's fraught with peril. What we would like to see is an abundance of caution, some transparency to the process, and we would ask that you at least consider in clause-by-clause pulling that date up to 1999 or even later.

Certainly, there are some expenses on the list that look pretty suspect. What do promotion and marketing include? Does that include every lunch that's ever been bought? I don't know, but I don't want to pay for it. I certainly wasn't on any of those lunches.

In closing, I want to say that despite those two areas of concern that we have, we very much support this bill. If it were a package deal, if it came down to that, "Take it or leave it," we'd take it. We would take it and say thank you very much, thank you for finally bringing some conclusion to this 15-year saga and allowing so many people of northern Ontario and throughout the province to get on with the real work of waste diversion and waste reduction.

Mr Leal: Thanks very much for your presentation, Ms Lloyd. I've heard contradictory evidence this morning.

In my question to Mr McGuinty, he assured me that his consulting firm Gartner Lee concluded that leachate wouldn't escape from the Adams operation.

I note in your submission here that in 2003, Ken Howard, a hydrogeologist, was hired by the Timiskaming Federation of Agriculture. What's his background? Does he have extensive experience with landfills? He concluded, I take it, that leachate escaping would be a major problem on this site.

Ms Lloyd: I only know Ken Howard's background very generally. I believe John Vanthof is appearing before you this afternoon. Mr Vanthof can certainly answer those questions in detail. He's a hydrogeologist, he has extensive experience and he is well respected. I can't cite his credentials the way I expect Mr Vanthof will be able to, but he is a very credible expert in this area; I think he is one of the leading experts in the province in this area. He concluded that the hydraulic trap containment concept was not sound.

Mr McGuinty's consultants concluded that—I can't recall word for word whether they ever said it would never leak or if they just said that there is no evidence that it will leak. The absence of evidence is not the evidence of absence.

We had more than Mr Howard; we also had Mr Bowen, our expert witness during the Adams mine hearing. Mr Bowen said that there was not sufficient evidence that he could not say that the hydraulic trap containment concept would work. He could not prove that it would fail. That's the difference between our expert who said, and he was very cautious, "I'm only going to say what I know I can absolutely, irrefutably forever say. I can't say that it will work," whereas Mr McGuinty's consultants took a more carefully broached approach and said, "There is no evidence that it won't."

Mr Leal: I can ask my question again later today, then?

Ms Lloyd: Yes.

Mr Leal: Good. Thank you.

Mr Prue: Two things: I note from your Adams mine chronology that it was not until 1996 that Notre Development announced they were going to proceed as a private sector proposal. You were talking about 1999. They may have a case. But I fail to see the government legislation back to 1988. I fail to see it anywhere. I have no idea why that number—and we will be raising that. Do you have any explanation?

Ms Lloyd: It was late December—I think around December 20, 1995—that Metro Toronto rejected the option of becoming the proponent themselves. So it was early in 1996—I can't recall the exact date—that McGuinty announced they would be proceeding as a private sector proponent.

Many proponents and would-be proponents can bring projects forward that may or may not be sound, may or may not be approved and may or may not ever find a contract to bring their business into fruition. So even from 1996, I don't think he has a case.

1140

Mr Prue: OK. My second question, and perhaps the more important one, is the definition of "lake." I have to tell you, I was puzzled by that too, because the Adams mine pit cannot meet the definition of "lake." First of all, I don't think anything grows in it because of the mine tailings. Is that—

Ms Lloyd: There were some fish found in it.

Mr Prue: I think that's in a minor pit. That's not in the big one.

Ms Lloyd: But I think it's not a lake. It's not a natural lake. Locally, people do refer to it as a lake, and I think there was some appreciation for the sense of solidarity on the part of the government in adopting that term. We might all agree to call the Adams mine pit a lake, out of respect for local sentiment and so on, but I think we need to look beyond the Adams mine. I think we need to look at all of the other applications of this act. I think re-defining "lake" is too cumbersome. I think making it "water table" is much clearer and much more straightforward.

Mr Prue: So any body of water within the water table?

Ms Lloyd: I think any placing of waste within the water table. I don't think an engineered landfill that was going to dig into the water table in a greenfield site should be approved either.

The Chair: Thank you, Ms Lloyd, for your presentation. We're out of time, unfortunately. I appreciate your coming and giving us your presentation and your delegation.

PUBLIC CONCERN TIMISKAMING

The Chair: Our next delegation is Public Concern Timiskaming. Mr Graves is the steering committee member who's making the presentation. Welcome, Mr Graves. You're speaking for a group?

Mr Terry Graves: Yes, I am.

The Chair: You have 20 minutes. Once the handout is handed around, perhaps you could introduce yourself and the group that you speak for, for Hansard, please.

Mr Graves: I think I can be fairly brief, since my good friend Ms Lloyd covered a lot of the area that I was going to cover. That's not a criticism at all. She did it very well.

I'm a resident of Bucke township in the district of Timiskaming. My name is Terry Graves. I moved to Timiskaming in 1978 from the shadow of a reactor site in Pickering. Within a year, there was a proposal by Atomic Energy of Canada Ltd to deposit spent fuel rods just a short distance north of my farm.

I'm one of those loathsome environmental activists that Mr McGuinty referred to. I was not an environmental activist when I moved to northern Ontario, and I don't consider myself to be one. I'm a citizen who became concerned with what was going on in northern Ontario.

The district of Timiskaming has been targeted, as Ms Lloyd stated, by a number of initiatives: We could have seen low-level nuclear waste, spent fuel and we had PCB facilities proposed. It's been ongoing. We've basically decided that someone has decided we are a sacrifice zone, since we are north of cottage country and north of Lake Temagami and we are in an area that doesn't have a lot of political clout. We seem to be targeted every three or four years by some new initiative.

Mr Bruce Crozier (Essex): You've got a pretty good member, our minister.

Mr Chudleigh: David Ramsey would take exception to that.

Mr Graves: He certainly would. David is a very close friend of mine and has certainly stepped forward on this particular issue.

I want to thank the committee for the opportunity to speak to you. I've worked for the same law firm in Timiskaming for 22 years. I am also vice-president of a risk management consulting firm that has among its clients the largest retailer and the largest ground transportation company in the country, so I have some knowledge of risk, and this was a very risky proposal.

I'm somewhat dismayed that two days of hearings are taking place in southern Ontario on a proposal that is certainly centred in northern Ontario, but I have grown used to that being the fact, having traveled down here many, many times over the last two or three decades to address committees such as yours.

On the issue of compensation, I would concur with Ms Lloyd: We believe it should be very limited. I personally am out of pocket over \$50,000. I know of people who are out of pocket a great deal more than that. I know of people on fixed incomes who showed up at every meeting, rally, gathering, and dug deep in their pockets to help finance a campaign to stop this project. Nobody is talking about compensation for anyone except the proponents, so I think it should be very limited.

Our concern was with groundwater and surface water contamination. We have lots of holes in northern Ontario.

We decided 15 years ago that if one was secured by the city of Toronto to put its waste in, there would be another and another, and we would be looking at the spread of contamination in groundwater throughout much of north-eastern Ontario.

I should tell you that the highest point in Ontario is in the district of Timiskaming, in the southwest corner of the district. It's called Ishpatina Ridge. This particular site, the Adams mine site, is in a very high ridge in the northeast corner of the district. The top of the ridge is about 600 feet over the elevation of Lake Timiskaming, which is the headwater of the Ottawa River. So all water flowing from that site would ultimately wind up in the Ottawa River surface water. We're very concerned about groundwater.

Mr Gordon McGuinty spoke this morning about willing hosts, but he failed to tell you that in fact the site is not in any of those communities. It's in the unorganized township of Boston. People in Boston township certainly did not want the Adams mine. They had no voice in it, however. The so-called supporting communities were some miles away. If enough goodies are tossed toward small-town northern Ontario councils, those councils will look favourably on just about anything that creates jobs and brings some money into the area.

The little clay belt area, which is downstream from the Adams mine site, or this ridge on which it sits, is a dairy farming area of \$200 million annually. I think John Vanthof—I saw him walk in—is going to address you later today. John is a farmer in that area and the president of the Timiskaming Federation of Agriculture. Some 40 million litres of milk are produced per year in that district and about 160 million litres of water are used to produce that milk.

Our wells are tapped into the same groundwater that the Adams mine is tapped into. That is what the concern is. We have an area of very shallow overburden on this particular ridge. An enormous number of springs emerge from this ridge. You can find water coming out. About every 150 metres that you walk around on that ridge, you'll find another spring that emerges. That is basically a very fractious site. It was blasted for over 25 years. It has some major fault lines in it. On reflection, it seems to be a totally inappropriate site to even consider using for solid waste disposal.

The mine is 600 feet deep into this ridge, which is the height of about a 55-storey building. So it's not insignificant. You have the photographs in front of you that illustrate the size of it. I don't think the photographs do it justice. You literally have to stand there to see it. It doesn't look like a bomb site to me. It does not look like a bomb site to the people who drive off the highway to come and visit this site.

In October 1990, I received a telephone call from Gordon McGuinty requesting a meeting. We followed that up with other meetings and we began speaking to people in the small Quebec town of Bristol who had been through a similar proposal by the same developer. They would not talk a great deal because they were subject to

lawsuits and so did not want to be involved in discussing the issue as it unfolded in their town. I met with Metro Chairman Tonks at that time, Toronto councillor Joan King, who was very much a proponent of the proposal, and public works commissioner Bob Ferguson, and we expressed our concern. The Bob Rae government, of course, passed legislation that prevented this from moving ahead.

In June 1991, I was involved in a trial in Toronto with the head of our firm and one evening we decided to go to Bigliardi's on Church Street for dinner. We were seated at the back. We had with us an articling student, the son of the head of the firm, and another individual. About five or 10 minutes after we were seated, another party was seated at a very large table behind us. That party included Joan King; Bob Ferguson, commissioner of public works; then-mayor of Kirkland Lake Joe Mavrinac; the developer Gordon McGuinty, whom you met this morning; Michael Harris, then-leader of the Tory party; and Peter Minogue, who is a good friend of Mr McGuinty and was chair of SuperBuild during Mr Harris's time in power—most infamous, I guess, for a golf course issue in North Bay, if you read the papers.

Mr Harris, at that meeting—and it was a very loud affair—stated that it was not a question of allowing the Adams mine to proceed; it was a question of making it happen. As recently as last June Mr Harris was photographed entering a meeting of the shareholders of the Adams mine project at Mario Cortellucci's facilities in Vaughan, and I'm sure Mr Harris has the right to go into any meeting he wishes, as a now citizen of the province.

Mr Harris was elected in 1995. Within 10 days of being elected, intervener funding was cancelled in this province, which meant that organizations such as ours had no ability to hire experts, or we had to do enormous fundraising to hire experts to support our positions or to give us their professional opinions at hearings. Dramatic changes followed in the EA act shortly thereafter, which allowed for scoped hearings, severely restrictive deadlines and essentially ministerial discretion in all aspects of the hearings.

The Halton landfill proceeded; it took about 180 days. As Ms Lloyd said, we had 15 days of hearings, a severely restrictive deadline. Hearings were held in March and April of 1998. The decision was rendered on June 19, 1998, and we were, again, only allowed to discuss hydraulic containment.

Interestingly, although the Adams mine had been a significant candidate for Toronto waste for a number of years, the proponents did not file their EA documentation with the MOE until December 1996, a few weeks after the act was amended and these restrictions were put on it. It's also interesting that MOE, at the hearings, supported the application despite the fact that their minister dictated the terms of reference and their director of approvals branch had the final right of approval, as it turns out, in this process. So there was some discussion by Mr McGuinty about there being no political interference and

voicing his support for how MOE proceeded. I'm sure he did feel that they were very close on this one.

Hydraulic containment basically suggests that the pit you see in front of them will have all water in the surrounding rock structures go into the site. Nothing goes away from the site. Nothing goes out the bottom. Nothing goes out the sides. Everything is incoming, and that's the principle that they relied on at this particular site.

Miners described a huge inflow in that pit, particularly at the bottom. There are in the minds of many, including the fellow who was the government geologist, Dr Larry Jensen, two water tables that are being dealt with. The one that the proponents like to talk about is in the upper 300 feet or so of the site. Others have spoken of the continental water table, which is what seemed to be infiltrating at the bottom of the site.

If you accept, as the minister did, that there is only one issue, it is that the hydraulic containment can be maintained over the contaminating lifespan of the project—1,000 years. That's 1,000 years of contaminating lifespan for 20 years' worth of Toronto garbage. The panel consisted of three individuals and, as Brennain said, one of them outright said, "This is not going to work," and that was the end of his involvement. Two gave qualified approval with 26 conditions.

In 1995 a deep, angled borehole had been drilled into the site beneath the pit, and it showed some anomalies. It basically showed that there were questions as to whether hydraulic containment was going to work, but it was not definitive. One of the conditions imposed by the panel was to drill two further boreholes to prove that hydraulic containment would work. They proved that it would fail. So some accommodation had to be found to allow this project to continue. Essentially the proponent's experts did some computer modelling and came to the conclusion, based on the computer modelling, that once leachate and garbage began to fill the pit, the water levels would rise in those boreholes and they would be able to accommodate the hydraulic containment. It seemed very flimsy to us, and certainly was controversial at the hearings. From the first borehole test, it was controversial.

The panel ordered the two further boreholes and stated that landfilling could not proceed until the director evaluated the results of the tests and determined without reservation that the recorded groundwater levels would sustain hydraulic containment. The boreholes showed exactly the opposite, as I said. The pressures were low, and there was a problem. However, MOE allowed the computer modelling. I'm trying to paraphrase this so I don't cover any of the stuff that Ms Lloyd has covered.

Last year, the Timiskaming Federation of Agriculture—and John Vanthof is here; I will not go deeply into the report that was commissioned, for which we contributed funds. Essentially, Dr Howard said head data from the two new boreholes must have sent shock waves through the proponents' camp. That's how critical the information was, and how bad it was for the proponents' position. It must have sent shock waves.

As you are all aware, some breakdown in the contract took place in the year 2000. There were lots of other things that took place that year: There were blockades; there was considerable disruption in Toronto council meetings. Mr Prue was there for that.

One of the things that really concerned us a great deal was what the basis was for the comfort of the director in granting approvals, considering the findings of those two boreholes. We were pursuing that material, and we weren't getting an answer out of the MOE. A number of people tried.

Then a publisher of a local magazine that comes out of Cobalt, Ontario—read it if you have an opportunity; it's called HighGrader—did receive a document from the ministry. I'll just read you a paragraph of this article. The headline is, "MOE Knew in 1998 It Couldn't Prove Safety of Adams Mine":

"The Ontario Ministry of Environment was aware in 1998 that the safety of the Adams mine couldn't be verified. According to documents obtained by HighGrader Magazine, the MOE chose to flag ahead the most controversial dump project in Canadian history based on models which could not be verified in the field.

"The 'Zaltsberg Memorandum,'" which was prepared by a government hydrogeologist, "was used by the MOE to justify providing a permit to the Adams mine proponents. But the memo by MOE hydrogeologist E. Zaltsberg admits that the entire premise was based on computer modelling which could not be verified.

"However"—and this is a quote from the report—"it is necessary to point out that this confirmation is derived exclusively from the modelling results. The model applied is based on several assumptions which cannot be verified in the field...."

As you've gathered, I'm speaking in favour of the act. Many of us would like to get on with our lives. We have contributed money and time away from our children and our families, and we believe that this bill is the best thing we can get.

We do not believe that the developer should be receiving a large amount of money for his effort. He invested in something; he had others invest in a project, and the project is not proceeding. As has been previously stated, that's the risk of doing of business. We would not support a large financial gain resulting.

Thank you very much.

The Chair: Thank you, Mr Graves. You've completely exhausted your time. I have no opportunity for questions from the committee, but thank you very much for your delegation.

I would stand this committee adjourned. The standing committee will be adjourning for lunch. We'll be resuming back at 1 o'clock.

The committee recessed from 1150 to 1307.

The Chair: I'm going to call the meeting to order.

Interjection.

The Chair: Just a minute, Mr Flynn. I want to make a quick comment. Earlier in the morning we had a couple of delegations—at least one for sure—speak about the

location of the hearing. I just wanted to reiterate what I said yesterday, at the beginning of the hearing. I think everybody on this committee did want to go to Kirkland Lake, or up north, to have the hearings. This was a decision of the three party House leaders. They came to the decision that here and Windsor were the locations for the hearings—just for the record.

Mr Flynn, you had a comment?

Mr Flynn: Yes, based on some of the comments I've heard this morning, I thought that it may be advantageous for all members of the committee to have the same information. I was going to ask if the research staff would provide us any agreements that exist between municipalities and the Ministry of the Environment or previous governments as to the allocation of landfill capacity from neighbouring municipalities or at the order of the Minister of the Environment. If there's something out there, I want to know about it. I think we should all know about it.

The Chair: OK.

Mr Prue: If I could, in that same vein, one of the people today—I think it was Joyce Savoline—said that there are at least three municipalities that forbid the burying of garbage or processing of garbage within their municipality. I would like to know how many municipalities of the 480 or so in Ontario have that, because that could create enormous problems.

The Chair: OK. Those requests have been noted. We'll begin with our schedule.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

The Chair: Our first delegate is Mr Lindgren. I believe you represent the Canadian Environmental Law Association. Is that right?

Mr Richard Lindgren: That's correct, Madam Chair.

The Chair: You have 20 minutes. If you wouldn't mind, at the beginning of your deputation, please give your name and the organization you represent.

Mr Lindgren: Certainly. My name is Richard Lindgren. I'm a staff lawyer at the Canadian Environmental Law Association, or CELA for short. I'd like to thank the committee for this opportunity to speak to Bill 49, and I'd like to be clear at the outset that we will be speaking in support of Bill 49.

Most of the committee members will know that CELA is a public interest law group. We've been around since 1970. We've been involved in many, many landfill cases, incineration cases, all kinds of waste disposal sites over the past 30 years.

I should also mention that I was the CELA lawyer who represented the Adams Mine Intervention Coalition at the environmental assessment hearing on the Adams mine landfill. I guess that means I sat through every day of evidence at that hearing. I cross-examined on that evidence. I presented my own evidence. I've toured the Adams mine site. I've been down the south pit, not to the

bottom but only to where the water's edge reaches, which is about 300 feet.

1310

In any event, based on our involvement in that hearing, it should come as no surprise that we are in support of Bill 49. In our view, Bill 49 makes sense from a policy perspective. We also believe that there are sound technical reasons to support Bill 49. We're also of the view that there are legal reasons to pass this legislation. Those reasons are what I want to speak to and explain in my presentation this afternoon.

Turning first to the policy reasons to support Bill 49, I would simply begin by observing that it's always open to the Legislature, as a matter of policy, to declare what locations or what sites are off limits to landfilling. That's not a new idea. It has been done before. I refer in my written submission to the 1994 amendment to the Environmental Protection Act, which basically prohibited new or expanded landfills within the Niagara Escarpment plan area. So this isn't the first time that the Legislature has stepped in and said, as a matter of policy, "These kinds of sites aren't approvable. Don't even go there."

That's beside the whole technical debate about whether a site is safe or whether it can be properly engineered. It doesn't matter. As a matter of public policy, if we wanted to declare certain areas off limits, then say so. Just say no. That's what Bill 49 does. It just says no to the Adams mine site and other types of water-filled locations because of the inherent risks to surface water and water quality.

That's why we say Bill 49 is justifiable on pure policy grounds. It's justifiable because, for example, it ends the debate over Adams mine once and for all, and it allows us to refocus our energy, our attention, our resources on a much more important question: How do we stop generating so much waste in the first place? Let's get serious about waste reduction. Let's set and achieve some aggressive waste reduction targets. That's what this bill allows us to refocus on.

As well, we take the view that mega-landfills, large-capacity landfills, are inconsistent with waste diversion. We've heard that a number of municipalities, including Toronto, are now embarking on some fairly ambitious waste diversion programs. The Ontario government itself has recently endorsed a waste diversion target of 60%. We can argue whether that's high enough or not high enough, but the fact is, you can't be serious about waste diversion and at the same time allow large-capacity landfills to continue. It's as simple as that.

Just finally, by way of policy justification for Bill 49, I would point out that the Ontario government has also endorsed the whole notion of drinking water source protection. You'll recall that Mr Justice O'Connor at the Walkerton inquiry said that we should try to identify and protect sources of drinking water and prevent contaminations from ever reaching those sources. That's why I say to you, Bill 49 is consistent with that overall policy objective as well.

But I would go on to say that our support of Bill 49 isn't just premised on policy; it's also based on technical concerns, technical issues that arise from the proposal to landfill at the Adams mine site.

Let me pause here for a moment. I would like to dispel the myth that the Adams mine site went through a full environmental assessment hearing. I was at that hearing. I can tell you, it was not a full hearing. It was restricted to one issue. I'll speak to that in a moment.

The bottom line is, some very significant environmental issues weren't even on the table. That's because of the scoped nature of the hearing referral from the minister to the board. That means that really important issues like surface water, landfill gas, waste transportation, the details of financial assurance—none of that was on the table. No evidence was called on that. The board had no jurisdiction to deal with it. So when people tell you or suggest to you that there was in fact a full environmental assessment hearing, that is not true.

What the environmental assessment board heard was one technical issue, and that was whether or not the proposed hydraulic trap design was going to work as predicted over the 1,000-year contaminating lifespan of the site. That's the only issue that was on the table.

I guess I'd be remiss if I didn't remark on the fact that that's a pretty big issue. We're talking about a landfill site with extremely long-term potential to cause contamination. In fact, 1,000 years was said to be the contaminating lifespan of that site. We spent a grand total of 15 days at hearings arguing about a site that could generate impacts for a millennium. My mind still boggles about that.

To make a long story short, the experts at the environmental assessment hearing couldn't agree among themselves whether this design was going to work over 1,000 years. That's not unusual—experts disagree all the time—but the board members themselves couldn't agree. If you've had the opportunity to read the Environmental Assessment Board decision, you'll know that there was a split decision; the board members themselves couldn't agree that the site design was going to work for 1,000 years. That is actually pretty rare for the board to do. The board generally does not issue dissenting opinions. I say to this committee, the fact that the experts and the board members themselves couldn't agree on the safety of the design is significant. That, to my mind, raises a serious and continuing red flag about the viability of this site.

In terms of the legal reasons to support Bill 49, I would simply say that we support the idea that the Environmental Protection Act itself should be amended so as to preclude or prohibit these kinds of sites at these kinds of locations. In our view, it makes no sense to allow a proponent to start an environmental assessment process or to go through the Environmental Protection Act process, go all the way down, and at the end of the day identify a flooded pit or flooded quarry as the preferred site. That just should be ruled off the table. "No means no; don't even go there. Look at other options or

alternatives. Don't come to us with a flooded pit as a solution to waste management issues."

In a nutshell, those are the policy reasons, the technical reasons, the legal reasons to support Bill 49. If you have occasion perhaps over the long weekend to look at my brief—I don't recommend that you do, but if you do—you'll see that we support the bill but we raise two technical or legal drafting issues that we think warrant some further consideration before the bill is passed.

The first technical issue has to do with the definition of "lake." It's pretty clear to us that the definition of "lake" captures man-made bodies of water greater than one hectare in size—and that's a good thing—but it's less clear to me that the definition actually protects natural lakes. The definition says "lake includes" and then it provides the technical definition of a man-made lake, but it doesn't include on its face whether it also captures natural lakes, rivers, streams, ponds and so forth. I'm not sure if that was an oversight or if it was deliberate, but I would suggest to you that if the intent of Bill 49 is to prohibit landfilling at lakes, both artificial and man-made, then the definition of "lake" needs to be reconsidered and broadened to make it abundantly clear that "lake" means a natural lake or an artificial lake or body of water.

The second drafting issue is the prohibition in Bill 49 against putting any part of a waste disposal site in a lake. Again, in theory and in conceptual terms that makes sense, but when we're talking about landfills there are many different parts of a landfill. There is the actual fill area, where the garbage gets disposed and presumably covered over a period of time, but then there are berms, access roads, leachate collection systems, gas collection systems, contaminate attenuation zones that extend beyond the landfill boundary, and it's not clear to me that those other parts are also caught by the prohibition in Bill 49. I think we would look for some greater drafting certainty to make it clear when Bill 49 prohibits parts of landfills in lakes, we're talking about all necessary components or parts of a landfill and not just the fill area. That's important.

Those are the only two technical drafting issues we have with Bill 49. We think, overall, Bill 49 is the right thing to do. We commend the government for moving forward with this legislation. It makes policy sense, there is a legal justification and technical justification for this bill, and that's why we urge the Legislature to enact the bill as soon as possible.

With that, I'll conclude my presentation. I thank the committee members for their attention and, if we have time, I would be happy to take questions.

1320

The Chair: Mr Barrett, did you have any questions of this delegation?

Mr Barrett: Just briefly, you propose now focusing on waste reduction. The province of Ontario has stepped into this issue, obviously, with Bill 49. Do you feel there's any need to look for additional landfill sites or expanded sites, or will recycling cover that?

Mr Lindgren: It depends on how quickly we can get to zero. I think most people, if they're realistic, will say, "We can't go to zero overnight or even tomorrow." So at least in the short term there'll be a need to make sure there is some landfill capacity, not at sites like this, but some landfill capacity to deal with the residual, the things that you just can't recycle, reduce or reuse. There is a consensus in the environmental community that in the short term there will be a need for some residual landfill capacity. But having said that, that's why we need to take mega-landfills off the table. If the objective is to reduce as much waste as possible and divert it from landfill, then the way we get at that isn't to approve more mega-landfills; it's to get serious about waste reduction.

Mr Barrett: There's one mega-landfill near Detroit that may be taken off the table. Will that influence the future direction you're recommending?

Mr Lindgren: Not at all. In fact, that might expedite long-overdue interest in recycling, reduction and reuse in this province. That would certainly be a catalyst to get serious about it and not just talk about it.

Mr Barrett: I guess a concern is, where do the million tonnes go in the ensuing year?

Mr Lindgren: That's why I said the bill is supportable for policy reasons. It gets us off that question of, "Where do we put it?"; it puts it more on to the question of, "How do we stop generating it?"

I would simply say to you that if the border closes—there's no indication that it will. I'm not an expert in American constitutional law, but I'm told there are certain limits on Michigan's ability to enact and enforce a complete prohibition at the border. But leaving that aside, if there is some sort of significant restriction at the border, for whatever reason, the Minister of the Environment has sufficient regulatory authority under the Environmental Protection Act to make sure that the waste that was going to Michigan goes somewhere else that's safe and sound. There are things like emergency approvals. There are minister's reports that can redirect or reallocate waste to other landfills. So there are tools available to deal with that issue. It doesn't mean we have to approve the Adams mine landfill.

The Chair: Are you done?

Mr Barrett: Just for the record, I might have said "a million"; it's 100 million tonnes per year.

The Chair: Mr Crozier?

Mr Crozier: Just a clarification of the word "lake": When you were speaking of the need to look at that definition, you said, "man-made or artificial." I would have thought those were the same and that it would be "man-made, artificial or natural."

Mr Lindgren: Yes, and that's what we're getting at. If you have an opportunity to look at our brief, we actually give a suggested definition for the word "lake." Maybe I misspoke myself. What I wanted to say was that it should capture both artificial and natural bodies of water.

Mr Crozier: Thank you.

Mr Prue: I think we all share your position that we should try to produce no garbage. In the end, everything

should be recycled or reused. But in the interim, we're going to have to put it somewhere, which has been asked. In your mind, is there any safe technology for getting rid of the garbage other than burying it? I have to tell you, I find that offensive, to bury the garbage.

Mr Lindgren: What you're asking people to do when you give them that choice is to pick their poison: "Do you want to burn it or do you want to bury it?" Neither one is acceptable. That's not the path to go down. That's just the wrong question. It's not garbage that needs to be gotten rid of; it's a collection of valuable resources that needs to be systematically collected, separated and re-covered in some fashion. So let's not get fixated on disposal techniques or new or innovative practices for getting rid of waste volumes; we need to get serious about not putting it into the waste stream in the first place.

Mr Prue: I can agree with that. We should be source-separating it by hand, if necessary. It would provide a lot of jobs. But in your mind, is there any safe technology to get rid of it, other than burying it?

Mr Lindgren: If by "safe" you mean one that has no attendant risks to public health or safety or to the environment, I would say no.

Mr Prue: Thank you.

The Chair: Mr Hardeman, did you have a question?

Mr Hardeman: Just very quickly: I was reading the brief. Regardless of the debate over whether the Adams mine site is safe, it is clearly open to the Legislature to do it as a matter of public policy. I would agree with that. But in your presentation you also said that we shouldn't be looking at putting it in a lake; we should immediately take that off the table so people don't spend all their resources and time and effort looking at that option and then finding out they can't do it in the end.

I think that's really the problem I see with this act. It's a good way to deal with public policy for the future but I see it as inappropriate to do that for the past, to say someone has gone through the process that all other landfills have gone through to be sited and then we're going to pass a law that stops you but doesn't stop everyone else. From a legal perspective, don't you have a problem with that?

Mr Lindgren: No, I don't, and I'll explain why. Law is not cast in stone; legislation is not cast in stone. It changes from time to time to reflect social values and social priorities, and that's what's happening in this case. We no longer believe, as an Ontario society, that it is acceptable to put waste in water-filled locations like the Adams mine. So to my mind, there's nothing wrong in law with the Legislature going ahead and amending the Environmental Protection Act in a way that prohibits this kind of stuff from happening. To the extent that someone may have received some prior approvals but not all the approvals necessary to go forward, I say to you that's the way it is. When the Legislature makes a decision as a matter of policy that these things no longer meet current standards, then unless it's already built and underway, you're going to have to meet the current standards. You shouldn't get out of them.

Mr Hardeman: I guess you kind of missed my question, or maybe I didn't express it properly. The minister also has the ability to ask and order a further hearing and more hearings because it no longer would meet the parameters of that. So if you passed a law that says you can't put it in a lake, and there's going to be a new hearing on the application that's before us now, it would automatically, I suppose, under those circumstances, no longer fit public policy. But doesn't it make more sense to have the rehearing, if the evidence is that, as you've presented it, from a technical point of view, this wasn't a good site? Why wouldn't we give the applicant the opportunity to have his say?

Mr Lindgren: Again if, as a matter of public policy, the Legislature decides it's not a good idea, period, to put sites in locations like this, why bother having a rehearing? Why go through another costly, controversial hearing on a site that doesn't come up to snuff, doesn't meet current standards? Why go down that road at all? That's why I say rehearing isn't an option in this case.

The Chair: We're out of time, Mr Lindgren. Thank you for your delegation. We appreciate your coming here today. We learned a lot from your delegation.

Mr Lindgren: Thank you.

The Chair: We had a spirited debate.

CITIZENS' NETWORK ON WASTE MANAGEMENT

The Chair: Our next delegation is Mr Jackson, Citizens' Network on Waste Management. Welcome. You have 20 minutes, and if you could introduce yourself and the name of your organization before you begin.

Mr John Jackson: I'm John Jackson. I'm the coordinator of the Citizens' Network on Waste Management. This is a coalition that has been in existence for about 25 years, working on waste issues with grassroots organizations around the province as they encounter problems with landfills, incineration, trying to get recycling programs going etc.

In terms of the bill in front of you, we support this bill and we're really pleased to see that it has come forward and is before the Legislature. The fact of the Adams mine on its own would be enough reason to say that the bill has to pass because, as you've heard from people this morning and will hear from people who speak after me, that was just a disastrous proposal.

But what I want to speak to is a few reasons, for people who were not involved in that issue directly, why it is also important to all the other people in the province beyond the people specifically on the Adams mine issue.

The first is that, as we just pointed out to you, it is not acceptable to be putting garbage into places that already have water that flows into them. We come up with all different kinds of engineering schemes—fancy liners, fancy pumping systems—to try to solve these problems and then go through lengthy, expensive hearings on those. But the reality is those sorts of engineering sys-

tems may work at a beginning stage but will inevitably eventually break down.

The United States Environmental Protection Agency has clearly said that, of all the testing they've done and efforts at pumping systems and liner systems, within a maximum of 15 years, the systems start to fall apart. With the weight of the garbage, the filling in of the system and everything else, it just collapses.

1330

Speaking of the long term, there's no point in wasting our time looking at these kinds of systems. We must keep garbage away from areas that water naturally flows into.

That provision in the bill is absolutely critical. I think you need to look again at the exact definition of "lake" and all those kinds of things, as has been pointed out to you already. But the principle must be there and must be carried through.

One reason why it's also critically important: We heard from the perspective of saving proponents from going through this. But even more critical is saving community after community in this province from going through the incredible sacrifices that citizens make, as they organize to fight proposals they know are bad for their community and bad for the environment, incredible sacrifices that people make to get through those proposals, proposals that are outrageous. We need to be spending our energy as citizens' groups on proposals that may have validity to them and not wasting our time on ones that are clearly bad from the beginning. That's one reason why this piece of legislation is critical, far beyond the Adams mine issue to the situation for the future for citizens' groups all across the province.

Another reason why it is critical to all of us is to push forward an agenda in Ontario to divert waste from disposal. Our definition in Ontario for disposal, a really important definition, is both landfill and incineration.

The province is putting higher targets on it. It's coming out with a discussion paper on how we can improve diversion. We're really pleased to see that happening and certainly will be fully engaged. We're confident that we'll find, when we go into that in detail, that a 60% target is only an interim, beginning target—composting would get us there—and that we can go well beyond the 60% when we look seriously at the options for how to proceed.

Let me give you an example from my personal experience of why the presence of the Adams mine works against our moving forward with diversion in a really serious way. I was on the rethinking garbage sub-panel of the Central Ontario Smart Growth Panel. That panel was mainly made up—I was the exception—of senior government people within the GTA. Some of them were regional chairs, some were heads of public works departments. The discussion there kept saying two things. First of all, "We don't want to keep exporting garbage to the United States." But the second thing they always then said was, "And Adams mine is there. There's an approval there," and you've heard today the limitations in that approval, but always looking at that as the out. We'd sit there at the

sub-panel. We'd say, "But diversion: Let's get something serious in there about diversion." They'd say, "Oh, that's long term. That's way off in the future. Of course we all support diversion." But what they were all focused on was, "Could we get that Adams mine thing rolling again to really take care of our garbage problem?"

So its presence there was something that kept people from talking seriously about how to get the diversion program going. Taking that off the table will create a major impetus to get every municipality in the province, as well as the provincial government itself, focused on maximizing diversion. So it's a second reason why it's critical for us.

The third reason is—and this isn't so directly staying on the bill, but to speak to a concern that I hear from municipalities all the time, which is that the border to the United States could close off or, just on principle, and I think it's a proper principle: "We don't support export." But let's look at what we mean by export. Isn't sending garbage to northern Ontario, shipping it away from the place where it was created, export too? We must apply that same principle to shipping garbage elsewhere. I was really pleased to hear the chair for Halton this morning saying, "We are going to take responsibility for our garbage. We expect others to take responsibility for their garbage." I think that's a proper principle that needs to be encouraged and that every municipality needs to be applying. Allowing Adams mine to be there, which clearly was not for local garbage—no way that was being built for local garbage—was accepting the principle that we don't have to take care of our own garbage.

The final thing I want to speak to is the compensation issue. I'm not going to go into compensation in terms of that particular aspect of the deal, but I must say for citizens' groups in Ontario, that whole principle of compensation there is particularly galling because we devote, as citizens, incredible amounts of volunteer time, time off work—losing pay—expenses in terms of doing research, hiring lawyers and getting consultants to help us to be able to seriously examine proposals. There's no discussion of compensation for the people who go through that. That's an incredible inequity in the system that the government really does need to look at addressing in the future as it looks at how we involve people in things like environmental assessment and how we involve people in decision-making.

It's always the unfortunate proponent, but even more unfortunate are the communities that are subjected to proposals that could disrupt and harm their community. Even if they win in terms of stopping the proposal, they still have lost a lot simply by what they had to put out to go through the proposal financially and in many other ways.

So again, we want to thank you for bringing forward the bill. We think it's absolutely critical, not just in terms of Adams mine, but in terms of the furthering of finding better ways to deal with municipal garbage in Ontario. We're pleased that there will be a discussion paper coming forward on diversion, and we certainly will be

reviewing that and helping make input into that and trying to make things proceed better.

Mr Mario G. Racco (Thornhill): Thank you for doing so much for us in getting involved, and that's volunteers all over the province in different areas too from what you're doing.

I was going to ask this question to the gentleman before you, but let me try it on you, if I can. I was born in an area where we didn't have garbage, on a small little farm where everything would be contained within. We never had garbage collection in the 17 years I was there, but in the big city we do have an issue. One of the things that I always admired in Europe is that they don't seem to have a garbage problem. They seem to deal with garbage without having the same problem that we're having in Canada. In Europe, there is a technology that could dispose of garbage instead of burying it—which I disagree with, in general—which is safe and within reason, economically speaking.

Mr Jackson: I think first of all, one of the things that's different in Europe, and we are beginning to explore here, but very preliminarily, is that in many ways they've taken the responsibility for dealing with garbage away from municipalities, not to a senior level of government, but to industry, to the people who make and sell the products. You'll find in many European countries that they've said the people who made and sold the products, not municipalities, are the ones responsible for taking them back. They're responsible for achieving certain reduction and recycling targets or composting targets and, therefore, it's up to them to find the solutions.

In terms of yes, there will always be some residual and, therefore, some need for disposal, we have to change and can change the nature of what is being disposed of. We have an example in Canada, in Halifax, where nothing goes directly to landfill. Even after they've done all the composting and recycling and so on, what's left over they actually put through what is like a composting process, except it won't give you quality compost, so you can't use it; so those materials that would break down and create the hazardous leachate have been taken off before it ever goes into the ground.

We need to be talking about changing the nature of what we dispose of so it doesn't create the threat to the environment, and therefore it can be a much more reasonably safe landfill. We are always looking for this magical black box, technical solution, when the real solution is to get the things out that will create the hazards when they get to the disposal stage, before we ever need to get to the technology.

Mr Racco: Where would you put it, though? You've got to put it somewhere. How do you dispose of it?

Mr Jackson: We'll have much smaller facilities if we get into that situation. The hazards of the facility would be much less, and then we'd have to do it in each of our own municipalities.

The Chair: Mr Prue, did you have any questions?

Mr Prue: No, I think not.

The Chair: OK. Any other speakers?

Mr Flynn: I did have a question, if there's some time. Just how achievable and realistic are the existing diversion targets for the city of Toronto, in your opinion?

Mr Jackson: I think they're very realistic. Working with their technical experts and with citizens' groups and so on, they have developed detailed plans for how to get to them. But to get there, the motivation has to be there to make sure that the budget money is put in to keep doing it. I think, again, the critical thing really needed from the provincial government is extended producer responsibility so the whole burden isn't placed on the municipality of the city of Toronto, as one example, to institute the programs they are recommending.

1340

Mr Flynn: We got a great chronology and some great information from a previous presenter, Ms Lloyd. I'm taking the information from there, so I'm sure it's accurate. Late last year they had a waste diversion target of 30% in 2003. It seemed that would be very low for a city in a state of crisis.

Mr Jackson: Yes, it definitely is, and it's really quite distressing. The focus on disposal options is one of the reasons they're so low. If some of those disposal options start disappearing, they will actually get more serious. Let me give you an example: Hamilton, not far from here—and they will admit it; they can't deny it; it's a fact—has had the lowest recycling rate in the province for years and years. Why? They had an incinerator. They had to close down the incinerator because of new provincial standards that came in a couple of years ago. They had to close it down because it was just getting too expensive to operate. Suddenly their recycling rate has almost tripled in two years. That's because that disposal option had disappeared on them. They had to get serious about diversion. It's a prime example.

Mr Hardeman: Thank you for the presentation. I wholeheartedly agree with you that the option is to reuse and recycle. My community in 1986 started the first mandatory recycling program in Ontario. In fact, in the first year of that program we were in excess of a 30% reduction. What was interesting about it, though, was that it was done by the people, not by the municipality.

On what we're talking about here today, we seem to be saying that if we just take away the municipalities' ability to dump their waste, somehow people at home will start recycling. If that's true—and I'm not suggesting it isn't—then should the garbage strike in Toronto not have gotten them to 100% recycling because the people had no way of getting rid of their waste? Shouldn't they immediately have turned to separating? It's a rhetorical question, because I know they need the education and the ability to get rid of it, but I want to point out that I think that just saying no to the Adams mine is not going to create the euphoria that you're talking about. I think we need to do much more than that. I'm not sure we need to pick on one individual's rights in order to facilitate what all of us need to be doing.

Mr Jackson: I'd say a couple of things. One is that individuals can't do it on their own and need to be given

options. They need to be given things. I can't return the bottles, for example, to the store when they're going to throw them back at me or throw them in the garbage the minute I turn my back because we don't have a deposit-return system. So the systems have to be there for people to use.

The thing about Adams mine, in terms of how it can motivate us to get serious about diversion programs, is that it is such a huge quantity of garbage that would have gone there. That's why it's so significant. You are totally right; this won't get us to the diversion. That's why I'm pleased that the province is talking about looking seriously at developing new diversion programs. That has to happen. This is only one important step in moving us there.

Mr Leal: I would like to thank Mr Jackson. You mentioned product stewardship in Europe as being vitally important. Do you know the cost that's built into that product for that stewardship, for European manufacturers?

Mr Jackson: It's interesting. I've seen very different studies on it. I've seen studies from some industries that say it's more expensive than large systems, but then I've seen other studies done by independent consultants that say it really isn't. I'm not convinced that the financial estimates we've been seeing, for example, from Corporations Supporting Recycling, CSR, are a fair reflection of the situation. One example is that we're told here that a deposit-return system would not be a good idea for the consumer because it ends up costing more and the cost always goes back to the consumer. But if you look at studies that have been done in Alberta, where they have a deposit-return system for all beverage containers except milk—I've seen studies done of the calculations—they find that it is actually costing less per unit to recover those materials than it is in Ontario. And they're getting an 80% to 90% recovery rate for things like glass bottles, aluminum cans etc. Here we're getting more like 50%, and maybe, in a really good situation, 60%.

The Chair: Thank you, Mr Jackson, for your delegation. We appreciate your coming out.

TIMISKAMING FEDERATION OF AGRICULTURE

The Chair: Our next delegation is John Vanthof, president of the Timiskaming Federation of Agriculture. Welcome. I understand you have a PowerPoint presentation. You have 20 minutes, and you could help Hansard by identifying yourself and your organization at the beginning, please.

Mr John Vanthof: My name is John Vanthof. I'm currently president of the Timiskaming Federation of Agriculture. I'd really like to thank the committee for allowing us to speak regarding this act today. While my colleague starts the computer, I would like to start by saying that I'm speaking today in favour of the act, but I'd like to qualify that by saying that we have some extreme reservations with the act itself.

We've been involved with this since 1995. How can I put this? We're proponents ourselves in another sector and it's crucial to us that all the ministry's decisions regarding approvals are based on scientific information. That's how we want to be treated. That's how all proponents should be treated. Based on our experience with this project, we think we can prove that that hasn't been done in this case, and Bill 49 ignores that. We find that's very crucial.

I believe earlier you heard that we'd commissioned a study by Dr Ken Howard. Because we had reservations about the way the ministry had approved the project, we went back to the site and actually measured the water, every second month for a year. The water isn't doing what the proponent predicted it should be doing and it isn't doing what the ministry had approved. That's when we contacted Dr Howard. The reason we picked Dr Howard is that we wanted to find the best guy we could, because we thought, face it, it might not be approved all the way, but the project is approved. So if just Joe Blow farmer, like me, comes and says, "Excuse me, there's a problem,"—and that's what we did and the ministry rebuffed us. So we went back to Dr Howard and asked him. We picked Dr Howard because he had the best qualifications we could find. Also, he was the first environmental witness at the Walkerton inquiry. He was also Justice O'Connor's personal adviser at the Walkerton inquiry. So we picked him and we were glad he wanted to do it, because we felt that at least they wouldn't say, "Well, they just hired a pro-agriculture guy who is going to say whatever agriculture wants." When he came back so scathing of the ministry, it scared us.

The Adams mine landfill project was first proposed in the late 1980s, as the former iron ore mine was being shut down. The original plan called for the use of three pits, with a combined capacity of 65 million tonnes of solid waste. The south pit in the foreground and the central pit just behind it were the main sites destined for the waste.

1350

The Timiskaming Federation of Agriculture represents 400 farmers in an area known as the little clay belt. The clay belt was actually an ancient glacial lake bottom. It's about 200,000 acres in size, and Lake Timiskaming is a remnant of that ancient lake. These photos represent some of the farm operations in the area. The agriculture sector in Timiskaming contributes over \$130 million annually to the area's economy in direct and indirect sales. Over 1,000 jobs are directly dependent on agriculture in the little clay belt.

The TFA first became involved in May 1995, when we lobbied for and were granted a seat on the public liaison committee struck by then-proponent Metro Toronto. Our mandate was to ensure that our farms would not be impacted by the controversial plan. Toronto pulled out in December 1995 and Notre Development revived the project in 1996. The company planned only to use the south pit. It continued with the EA process started by Toronto and the site was licensed by the Ministry of the Environ-

ment in 1998. It is currently licensed as a solid waste landfill. The licence is for 20 million tonnes of solid waste deposited over 20 years. It is about one kilometre long and 600 feet deep. The groundwater in the pit is currently about 300 feet deep. The main concern of the farmers of Timiskaming remains, "Could the proposed Adams mine landfill impact the groundwater on which we depend for our livelihoods?"

This map shows the geographic relationship between the Adams mine site and the little clay belt. At first glance, it would seem that the distance would be too great, but there are several possible important links. The Boston fault runs beside the pits and splits in two below the site. One branch runs into Round Lake, while the other disappears under the clay belt. Another geological feature: a diabase dike runs through the south pit and connects to the Boston fault.

Another potential link between the two sites is the Munroe esker. The esker, which is basically a huge sand and gravel formation left by the receding glacier, runs just east of the mine site and also disappears under the clay belt.

Adams mine is also the highest point in our region. As this shot shows, the terrain slopes rapidly away from the site. Water in our area flows from north to south; ie, from Adams to the clay belt.

The main surface drainage system for the area is the Blanche River system. A branch of the system runs along the mine site and the system eventually dumps into Lake Timiskaming. There is ample opportunity for leachate to travel to the little clay belt from the site. The real question is, will the site leak? This line shows the cracks in the sides of the south pit. These fractures are actually essential to the landfill design. Adams mine will rely on the hydraulic containment concept to contain leachate. Basically, groundwater flowing in will prevent leachate from flowing out. For hydraulic containment to work, the pressure of the water flowing in has to be higher than the pressure exerted by the leachate in the pit.

The approved plan has two phases. The pumping phase, where all the leachate will be pumped from the bottom of the pit to the treatment facility, will be used for the first 10% of the landfill's contaminated lifespan, estimated at 1,000 years. Gravity drainage will be used for the remaining 90% of the time. In this phase, leachate will be allowed to rise up to a perimeter drain circling the pit. The leachate will then flow by gravity down from the treatment facility. Gravity drainage is proposed because the Adams mine is situated on a ridge and it's obviously much more economical than pumping. The question is, why would leachate not flow in some of the cracks untreated before it reaches the perimeter drain?

To test for this possibility, the proponent drilled numerous wells around the site and one deep-angled borehole under the pit. The average pressure readings of the superhole were high enough to support the gravity drainage theory, although it was pointed out at the scoped EA hearing in March 1998 that one reading was too low and could indicate a leak. The EA board ruled that two

additional holes be drilled to investigate this low-pressure area. The two boreholes were drilled in the fall of 1998. Half the pressure measurements in drill hole 98-2 were too low, and all the measurements in drill hole 98-1 indicated that hydraulic containment could fail. Interestingly, borehole 98-1 intersected a rock formation called a diabase dike, which connects to the Boston fault.

The proponent countered that their computer modelling indicated the pressures in the cracks would rise with the water or, if the pit was turned into a landfill, as leachate in the pit rose. The project was approved based on these modelling predictions, although the actual measurements indicated that it might fail. The proponent's and MOE's contention is that the low-pressure areas are not connected to the regional groundwater system, but are closed-circuit systems that only flow in and out of the pit. Many others, including the TFA, remain doubtful.

The following scale model sequences will demonstrate our concerns.

This is a scale model of the regional groundwater system. The inner container represents the south pit; the water around it represents the saturated bedrock around the pit. There are holes drilled in the inner container to represent the cracks in the bedrock. These lines represent the angled boreholes and the pressure readings. The tube running out of the pit represents the Boston fault system. This system runs through the site, into Round Lake and branches out into the clay belt.

This is Round Lake. The two tubes represent the Blanche River system, which is the main surface drainage system in the area. It empties into Lake Timiskaming. The tank and pump on the far right are the weather system. Water is pumped back to the top of the model to maintain the groundwater level like rain does in nature. The model shows the topography of the area, especially that the Adams mine site is the highest point in the area. In real life, the bottom of the pit is about the same height as the level of Lake Timiskaming. With this model we can demonstrate hydraulic containment in both the pumping and gravity drainage phase of the landfill. The gravity drainage phase is the most problematic, because the leachate in the pit must rise far above the level of the regional groundwater table in order to reach the gravity drain. The plan calls for the leachate to run through this pipe and flow to the treatment system by gravity. This is the feature that makes the project feasible, since it is estimated that gravity drainage will be used for 90% of the contaminated lifespan of the site.

The farm represents the Little Claybelt. The farm is also built to scale. The silo is 60 feet higher in relation to the pit, which is 600 feet deep.

This sequence depicts the Adams mine in the gravity drainage phase. The pumps have been shut off and the pit is slowly filling with groundwater. If you look at the bottom of the pit, you can see the groundwater pushing through the pit floor. Water is also flowing through the cracks on the side. This is hydraulic containment. The water in the pit is rising close to the water level of Round Lake. Interestingly, the water level of Round Lake cor-

responds with the lowest pressure reading in borehole 98-1, which is displayed inside the model. As the leachate level in the pit continues to rise, everything looks fine. For gravity drainage to work, the leachate level in the pit has to rise far above the regional groundwater table.

If Adams Mine is connected to Round Lake or Little Claybelt through the Boston fault, leachate could run out of the pit before it gets to the gravity drain. Even if this happens, the groundwater right around the pit might not get contaminated, although Round Lake will be polluted. The higher the water level rises in the pit, the faster the water will flow out into the regional aquifer.

The proponents' claims that rising water levels in the pit prove the pit does not leak are false. The rising water levels might only indicate that water is flowing into the pit faster than it is flowing out. As the water continues to rise, it reaches the level of the gravity drain. Almost everything is working as planned. The leachate is flowing through the drain; the water around the pit is clean. The only problem is that Round Lake and the farmers' wells in the Little Claybelt are being destroyed.

The proponent had planned to pump the pit and start construction in 2000, but due to several factors, construction never started. The project began attracting attention again in 2002.

The TFA decided to begin a monitoring program of the pit water levels in order to be sure that the modelling on which the approval was based was accurate. Our modelling program consisted of bi-monthly checks over the period of one year of the water levels of the south pit. This was calculated with survey equipment and also recorded with photographs. Our monitoring program indicated the pit was static for long periods and that when it did rise, the rate of filling was much lower than predicted by the proponents' modelling. Our work also showed that the rate of rise was not impacted by varying amounts of rain flow.

1400

When we realized that the low pressure measurements in borehole 98-1 corresponded with the water level of Round Lake, and when the results of our monitoring program also indicated that Adams mine could be connected to the region of groundwater system and Round Lake, we contacted our respected hydrogeologist with previous experience with the project. He advised us to contact the Ministry of the Environment with our concerns.

We did contact the ministry, and their response left little doubt that our concerns would not be further investigated. In a letter to the TFA dated March 18, 2003, Mr James O'Mara, director of assessment and approvals branch of the MOE, replied: "On behalf of the community liaison committee established for this landfill project, the site owner's peer review consultant, Gartner Lee Ltd, agrees with the conclusion that hydraulic containment can be maintained during the pumping and gravity drainage phases of the landfill."

The MOE's response left us no alternative but to continue our own investigation. We contacted Dr Ken

Howard, a world-renowned groundwater consultant, and asked him if our concerns were valid. He agreed that they could be, and as a result, we commissioned him to conduct an independent review and critical analysis of the hydrogeological work done for the project.

We sent a letter to the Premier regarding our concerns. The last paragraph of the letter stated: "The TFA has commissioned a private-sector critical analysis of the proponent's work, and we will release the results once finalized. At that time, we will make a formal request to suspend the certificate of approval, based on the recommendations of this critical analysis."

When our letter to the Premier became public, the proponent, Adams Mine Rail Haul, launched legal action against the TFA. Adams Mine Rail Haul also launched an attack ad campaign against the TFA. These full-page ads appeared for five weeks in local newspapers.

In August 2003, Dr Howard completed his report. He was extremely critical of the ministry's actions regarding the project. The Environmental Assessment Board had ordered the director to approve the project only if he could do so without reservation. In Dr Howard's opinion, this ruling was, in effect, a stay of execution.

Dr Howard was especially critical of the ministry's review of the modelling. He stated, "Head data from the two new boreholes must have sent shock waves through the proponent's camp." The vast majority of heads were unexpectedly low and simply failed to confirm the strong inward gradients that had been implied previously by drill hole 95-12. Under the conditions of its agreement with the MOE, Golder had no choice but to invoke the use of numerical modelling tools in an attempt to show that the low groundwater heads deep in the aquifer would rise dramatically as the leachate level in the pit rose toward its final resting level of 325 metres above sea level.

I examined the Golder models in detail and found them all seriously deficient, notably with respect to calibration. In particular, the models developed to convince the director that heads in drill hole 98-1 and drill hole 98-2 would recover sufficiently to sustain hydraulic containment have virtually no scientific merit and are effectively worthless for predictive purposes. The outcome of these models was entirely predetermined by the models' unverified boundary conditions such that none of the data observed in any of the boreholes would have had the slightest bearing on the model result.

The director's decision was patently premature and scientifically unjustified. At the EA board hearing, Notre acknowledged that numerical models suffer from inherent uncertainties and indicated that no important decisions would be based on modelling predictions. The director, it appears, had no such qualms, making a crucial decision based on the findings of two seriously flawed models that his scientific advisers should have rejected without hesitation. I do not criticize Golder for presenting its client's data in the best possible light, but I do fault the Ministry of the Environment for failing to conduct a thorough scientific review of the modelling results.

Dr Howard made the following recommendations:

"On the basis of my work, I strongly believe that the certificate of approval for the Adams mine site should be suspended until such time as hydraulic containment can be demonstrated by field (not modelled) data. To provide the appropriate data, I recommend that:

"(1) One deep angled borehole be constructed on the south side of the pit where deep data are seriously lacking.

"(2) Westbay Multiport Systems (or similar) be installed in all four deep boreholes, thus allowing heads beneath the pit to be monitored at discrete intervals.

"(3) A pressure transducer (water level recorder) and data logger be installed in the pit lake.

"(4) A simple weather station be installed for the collection of meteorological data including daily precipitation and class 'A' pan evaporation.

"(5) A comprehensive monitoring program be established as follows: hourly measurements of lake water levels; daily measurements of precipitation and pan evaporation; monthly measurements of head in the Westbay Multiports, all for a minimum of three years or until such time as heads measured in the subsurface either consistently exceed 325 metres above sea level or demonstrate rates of recovery that show, with a high degree of statistical certainty, that a level of 325 metres above sea level would be exceeded by the time the lake recovers to 325 metres above sea level.

"If this program of work were implemented immediately, and the pit lake water level were allowed to recover naturally with no disturbance, the issue of hydraulic containment could be resolved with a high level of confidence within a matter of three to five years."

The proponent refuted these recommendations, especially since he had just reapplied for a take-water permit in order to drain the pit to start construction of the landfill. The conditions attached to the draft take-water permit issued by the ministry seem to reflect Dr Howard's concerns, but the proposed testing program was only five weeks instead of five years. Furthermore, Rob Campbell of the MOE stated that the pit could even be adequately tested after pumping.

Dr Howard's response to the MOE's position was unequivocal. In a letter to the TFA dated December 11, 2003, he replied, "The level of scientific ignorance demonstrated by the Ontario Ministry of the Environment with regard to this matter never ceases to amaze me."

Madam Chair, I feel I'm going over time. We're going to make this tape very public. We have no choice, because I'm still being sued for \$10 million by the proponent. Bill 49 saves the government harmless from lawsuits, but it doesn't save me. So some day we're going to end up in court, and maybe that's where the truth is going to come out. I support Bill 49, because it's probably going to stop the landfill. But the problem here is there were mistakes made. I'm not saying that; one of the most respected water experts in the country—in the world—is saying that. The ministry promised to meet with him before proceeding, and instead of that we got

Bill 49. The TFA is left with a \$100,000 bill for Dr Howard. I am left with a \$10-million lawsuit.

I know I'm over my 20 minutes, and there's another five or 10 minutes to this. But this is going to make a great movie some day, and that's a shame, because with Bill 49, we're not learning the lessons that should be learned. Something went wrong here, drastically wrong.

I've got a letter here from Mr McGuinty's lawyer. I've spent \$1,000 coming here, and quite frankly, you're not going to stop me now. This is from Mr McGuinty's lawyer: "The statements made by Mr Vanthof are the types of statements which have resulted in the introduction of the Adams Mine Lake Act to the Legislature." If that's true, then something is very, very wrong in the MOE, or somewhere. I'm just a dairy farmer—proud to be one—but I'm just a dairy farmer, and if something I say can stop the project after it's been reviewed by all these "experts"—what happened here is that I'm just a dairy farmer, and somehow, by the luck of the draw, I found Ken Howard and Ken Howard put the brakes on. But instead of finding out what went wrong, we're just hiding it.

I'm not saying we're hiding it, but as a proponent in another sector, how can I trust the MOE, and quite frankly the government, with nutrient management, to make qualified scientific decisions when they're avoiding problems in other areas? I'm personally very much against the Adams mine and I think if we tried to prove it, it would fail, and I personally think the people in the MOE know that. But it shouldn't be up to people like me to raise the bucks to find the best experts in the country. That's supposed to be up to the MOE. When I started in 1995 on the Adams mine public liaison committee, I thought, "The farmers put me in there. The MOE is involved. I don't really like the dump much but, hey, if it's safe—" I don't want 10 people to be able to stand at the end of my road and stop me from building my barn if I can prove it's safe.

I don't like Mr McGuinty much, but I think he has the same right, too. But there's a problem here, and we're avoiding the problem. I sure hope this doesn't stop Bill 49. Mr McGuinty might be friendly to you, but he plays hardball. This is the ad—five weeks. What are you supposed to say to your kid when she comes home—she's in grade 3—and says, "Dad, why are you a liar?" I say, "What do you mean?" "Well, it says so in the paper." And now we'll never find out because Bill 49—Dr Howard's recommendations, Dr Howard's scathing comments on the ministry, will probably never be discussed again.

Maybe we need Bill 49, but what we need here is a full public inquiry so that this doesn't happen again. The way we're doing it now, what's going to happen is we're going to talk about recycling, we're going to talk about all these things, and what we're really doing is looking for some other poor community that might not have a \$140-million agricultural industry and might not have that chance.

Thank you very much for allowing me to go overtime and to spout off.

The Chair: Well, you obviously have an important message to bring us.

Mr Leal: Can I get a copy of Dr Howard's report? Is that possible?

Mr Vanthof: Yes, you can have a copy of the CD and I've got three copies of the condensed version of the report. If you give me your name, I could—

Mr Leal: Could it be given to the Chair and circulated to the committee?

Mr Vanthof: Yes.

The Chair: Yes, I think everybody on the committee would likely want to have a copy. It's very compelling. It will make an interesting movie.

Mr Hardeman: I want to thank the presenter for a job well done in putting this forward. This is the first time I've seen this part of the report, but I've heard about the Adams mine a number of times since 1995, since the next generation of Hardemans started into this process.

Just for the information of the committee, John is my nephew. He's a very productive and industrious dairy farmer in the area. In fact, I believe I live in the house that John was born in. I do want to thank him personally for coming forward and putting up all that money to come here and present his case for the committee. Thank you, John.

Mr Vanthof: Thanks, Uncle Ernie.

The Chair: Thank you, Mr Vanthof. We really do appreciate your coming. We realize how distressing this has been for you and we appreciate your coming before the standing committee to give your thoughts. I assure you this committee and its representatives will look at your presentation and talk with staff about it.

Mr Vanthof: Thanks very much.

Mr Barrett: On a point of order, Chair: Given that a decision was made not to have a day in the north, I understand on certain other committees people have been able to submit expenses where they've had to travel down to the Toronto area to testify. I don't know whether this was explored in the subcommittee, but as I recall there is a precedent where people have been able to submit travel expenses to come down to Toronto to testify.

The Chair: In my limited experience as Chair of this committee, I believe I have seen requests come forward and they can go to the subcommittee. So there's nothing to prevent someone from submitting their expenses, and they will be reviewed by the subcommittee. There is nothing to prevent people from putting forward a request. The subcommittee would review it. That would be my answer.

Mr Barrett: I see. Could that be communicated to certain witnesses who have dropped \$1,000 to come here?

The Chair: I'll ask the clerk's department to do that.

Mr Hardeman: Madam Chair, it was either in this committee or another committee where I already filled out a questionnaire as to an individual who wanted to make a presentation in Windsor and asked for reimburse-

ment. We were asked, as committee members, to circle and sign as to our recommendations whether they should or shouldn't. I know at that point, I signed it. I thought they should be. It was not in this case, but this was for an individual coming from northern Ontario having to go to Windsor to be heard. So I would hope that would carry through into this case too.

The Chair: Your comments have been noted.

1410

TOWNSHIP OF ARMSTRONG

The Chair: Our next delegation is the township of Armstrong. Pierre Bélanger is the speaker, I believe. Welcome. Thank you for coming, and if you would help Hansard by indicating your name and the organization you speak for. You're speaking for the township, I believe?

Mr Pierre Bélanger: Yes, I am.

The Chair: You have 20 minutes.

Mr Bélanger: My name is Pierre Bélanger. I'm a long-time resident of the township of Armstrong, also known as Earlton. This is in the vicinity of the Adams mine and one of the communities that led the battle against this. We wish to commend the Ontario government for this bold and forceful legislation which puts an end to an unrelenting assault on the Timiskaming watershed, the source of the water we drink and use for agriculture, business and leisure.

We had come to a point where we despaired of ever finding common sense governance on this issue at Queen's Park. The massive, unprecedented and dogged opposition to this project always had more than the NIMBY syndrome as its wellspring. In particular, those of us connected to municipal governments were always pragmatic about the unavoidable reality of some landfill capacity somewhere for some quantity of municipal waste. We accept that landfills can be built with care and control and that their negative impacts can be reduced.

Let me be blunt, as John has been. It's just that this particular Adams mine proposal was fundamentally flawed at its very core. It proposed to dump 20 million tonnes of municipal waste over 20 years into a leaking, fractured rock receptacle. This man-made receptacle has a depth of 600 feet. I'm happy you've seen images of it now so that it's very real to you and you'll understand why we could marshal 2,000 people into civil disobedience to block the railroad cars going to the Adams mine. You could do this because you only had to see it; you did not need to be a hydrogeologist to understand that this was a crazy project.

Indeed, while operating as a mine, our friends and neighbours worked as pumpers. It required continuous round-the-clock pumping; two pumps with six-inch-diameter pipes running around the clock, year-round, when this mine was in operation. Today, with no pumping, the natural level sits at over 300 feet of depth. Water flows are of such quantities and quality that Arctic char is raised commercially in an adjoining pit on the same prop-

erty a quarter of a mile away. If my plan had worked right—I was on a business trip in Halifax and interrupted it to join you here and I couldn't have the fish with me for five or six days on this trip, and I wouldn't have cheated you with halibut from the Maritimes—I would have brought you Arctic char that is now sold in restaurants in northern Ontario produced by Cold Water Fisheries from Manitoulin Island. They've had an experimental plot going there, aquaculture, for a year and a half: the commercial production of Arctic char.

I know you've all read reports and I believe many of you have municipal experience, so you must be like me and have had consultant and expert opinions up the wazoo. To say that there is no water flow in and out of that pit when, next to it on the same property with the same ownership, you can raise fish, that somehow tells you that there is a regular, steady flow. I'm sorry you don't have the fish or the packaging. It'll be for another day.

The proposed landfill would have been located just south of the height of land—this is the area where water splits and flows either to the Arctic, to Hudson Bay or south into the Ottawa River watershed. The location guaranteed maximum damage to maximum area, had leakage occurred. This area's lakes and rivers feed the Ottawa River. It's not just a northeastern Ontario issue. People at the town councils in Pembroke, Renfrew and Arnprior passed resolutions against this because they draw their water from the Ottawa River, and so does Ottawa. Over 60 Ontario municipalities passed resolutions against this as far-flung as Kenora, Hearst, Renfrew and Pembroke.

The proposal included no clay or plastic liners to either contain leachate or exclude contact with natural inflows of groundwater. Instead, it relied on a highly engineered system to control volume and flow, touted as a state-of-the-art system. State of the art: I'm sure going to hear a lot of that as you wrestle with the nuclear plant issues in the coming months. This is always a favourite of proponents. It consisted primarily of a granular drainage, which is a crushed rock—gravel—lining against the wall of the pit so that water would not flow into the garbage as it flowed in; a perforated pipe collection network at the very bottom of the pit—this is a tile bed, folks; this is to collect at the very bottom leachate as it flowed down and water that flowed in from the sides—and the massive pumping station feeding a water-treatment plant on the surface.

Here's the kicker, for those of you who've worked on municipal bodies or had anything to do with sewage and water systems, pipes buried underground: The first two components, the gravel lining around the pit and the collection pipes at the bottom are non-serviceable. They are buried under 20 million tonnes of waste, 600 feet deep. Only the pumping station is serviceable.

In this faith-based engineering we were to believe that this plumbing would work for 120 years in the active phase and 900 years in the passive phase. We were to believe computer modelling that gravel filtration mediums would not clog up, that perforated collection pipes would

not fail in an environment of decaying organic and chemical waste. Contrary to all of our practical, everyday experience with buried water and waste services, we were asked to sign on to an absurd, 10-century mechanical guarantee, one where failure could not be remediated.

As stated at the opening, we applaud the Ontario government's forceful legislation. However, we wish to propose the following matters for the committee's consideration. While we agree with some limited compensation to the developers for reasonable expenses incurred for direct project development, we want the examination of these expenses to be stringent and meticulous. We request that this committee specifically exclude lobbying costs in particular and, in general, that it exclude marketing and promotion costs. The committee should consider that marketing and promotion are standard business and free enterprise risks and should not be rewarded by reimbursement.

Indeed, the key proponent you met this morning, Gordon McGuinty, launched the Adams mine bid with full knowledge of the business risks involved, having just been rebuffed by the Quebec government in a failed six-year attempt to develop a similar project in Bristol, Quebec. This is just across the river from Pembroke. The project involved municipal waste hauled to an abandoned open pit mine. Guess what? No reimbursement was considered or granted. So this was a fully aware businessman who launched into a second attempt to develop an open pit mine into a garbage—the one in Quebec was intended for Montreal. Lavalin was a partner in the bid, and some other partners who were also part of this one. This we can document for you. It is a public record. Surprise, surprise, John, it was accompanied with legal prosecution and legal proceedings against citizens in the Bristol area.

In reference to the lobbying costs, it has been suggested that the proponents expended major efforts in Michigan to thwart Toronto's legitimate disposal contracts there. These should certainly not be rewarded by reimbursement. I think you'll agree.

We cannot leave unsaid the fact that individual citizens, municipalities and various formal associations or institutions in our area have incurred huge direct expenses in this matter. Beyond the expenditures of time, personal expertise and sundry expenses which are the duty and pleasure of conscientious citizens, there is a case we wish to make. Many carried the ball for the provincial government. Indeed, the detailed scientific examinations paid for by the Ontario Federation of Agriculture, the Timiskaming Federation of Agriculture, the Timiskaming environmental alliance, Public Concern Timiskaming, the Timiskaming First Nation, Northwatch and other amounts to hundreds of thousands of dollars. I was the treasurer on some of the campaigns. We have collected, I'm sure, well over a quarter of a million dollars to beat this project, which should never have seen the light of day. It should have been laughed off the table by the MOE. In effect, these groups provided due diligence for the citizens of Ontario. They should be reimbursed. We ask that you consider full reimbursement for legiti-

mate analysis and scientific reviews of this project, as commissioned by third parties.

Thank you for your attention.

1420

The Chair: Thank you, Mr Bélanger. Mr Prue, did you have any questions?

Mr Prue: The only question I would have is, do you have any dollar amount or limit that you would want to put on the reimbursement? Can you give us a ballpark figure? If you spent a quarter of a million dollars and you're trying to limit it to scientific matters, what would that be, \$100,000?

Mr Bélanger: I believe the federation of agriculture, the TFA, in and of itself, has spent over \$100,000. Am I right, John?

Interjection.

Mr Bélanger: Over \$100,000. Timiskaming First Nation, which is the Algonquin First Nation, also hired expertise. I don't have the numbers for them.

When I say a quarter of a million dollars, these are campaign figures. We maintain full-time offices, and for those I don't expect those to be reimbursed. Those are citizens' duties. My own time, my phone bills, John's time and phone bills, I assure you, we do not want reimbursement for. However, the legal costs, the legal challenges we've had to mount to stall this and try to stop it, I think the amount will be close to a quarter of a million dollars that can be documented, legal work and scientific critiques and analysis—all raised by citizens, all well-accounted for, I'm sure, and all in defence.

You can understand, on a human basis, that while we applaud the courage of the government for finally killing this thing, there is a bitter feeling in knowing the proponents will actually now get their expenses reimbursed, and those will include the expenses for lobbyists in Toronto, who I'm sure you were well aware of when you were in Toronto. Some of these self-same lobbyists are now prominently in the papers—

Mr Prue: I know them all.

Mr Bélanger: —with the computer leasing programs. These same fellows worked the Adams mine. These same people worked the Michigan governor. These people worked in Washington. This should not be reimbursed.

We also know there are some inherent conflicts in reimbursing them, and we want you to be very careful with this. Some of the shareholders in these firms are lawyers who benefited from great legal contracts in pursuing this. In effect, they will both be reimbursing themselves for their legal fees and benefiting as shareholders.

The Chair: Mr Leal.

Mr Leal: Thank you very much, Madam Chair. Mr Bélanger, on page 3, second paragraph, you talk about the lobbyists. A ballpark figure? And would you have a couple of names off the top of your head?

Mr Bélanger: I think there's a fellow named Jeffrey Lyons that I saw hovering around city hall. I think he had a permanent office there. I believe there were some other lobbyists who I can't name at the moment.

Mr Leal: Any sort of ballpark figure?

Mr Bélanger: I think there were also PR firms—Hill and Knowlton—involved.

Mr Leal: Any ballpark figure?

Mr Bélanger: I don't know. Knowing these fellows—

Mr Leal: Are we talking half a million dollars?

Mr Bélanger: I'm sure.

Mr Leal: OK. Thank you.

Mr Flynn: Just so I'm clear, I don't want you to leave any impression that we don't all understand. What you're saying in that paragraph is that you believe that people who were in the employ of the proponent of the Adams mine went to Michigan to attempt to convince the government of Michigan to cancel its contract with Toronto?

Mr Bélanger: Yes. You'll understand that from where we sit, 600 kilometres north of here, we got this information. We saw the activity, we can try to document it for you, but some of it was revealed in direct contacts between the Premier's office and the governor's office in drafting letters of protest, which were drafted, in effect, at Queen's Park for the governor. There have also been documented news stories about congressmen in the US and legislators in Michigan being approached, so we can provide those for you. I think if you see any claim for those expenditures, you should just ask for details.

If I may say so, it's a double whammy if you ask us to do the investigative work for you and pay for it. We've already done the rest.

But that is the case. I have no hesitation here in saying that that has been part of their business plan. I have to tell you, I happen to be an owner-operator-businessman of a few businesses. I have some extensive business experience. I think that's legitimate hardball in business, but I wouldn't have the gall to expect to be reimbursed for having lobbied against my own province. I'd just say, "Well, I tried to make a buck and I lost."

Mr Flynn: Just so I'm clear, as I say, I don't want you to cast aspersions that can't be backed up, so I'll tell you what I'm getting out of your comments: The outcome of that, had they been successful, would have been the closing of the Michigan border to Toronto garbage, thereby throwing the city of Toronto and its citizens into a crisis and making the Adams mine look like a place that should be used.

Mr Bélanger: Yes.

Mr Flynn: So it was a deliberate attempt to put the city of Toronto into a garbage crisis?

Mr Bélanger: That's right.

Mr Flynn: Thank you.

The Chair: Thank you, Mr Bélanger. We appreciate your coming out to the Legislative Assembly committee and for taking the time.

TOM ADAMS

The Chair: Our last delegation is Mr Tom Adams. He's a councillor in ward 6, town of Oakville. Welcome. Could you introduce yourself? I gather you're speaking as an individual.

Mr Tom Adams: Yes, I am.

The Chair: You have 10 minutes.

Mr Adams: Thank you for the opportunity to address this honourable committee of the members of the Legislature regarding the Adams Mine Lake Act. I am Councillor Tom Adams. I'm here today to give you my opinion of Bill 49.

I have the distinct honour of representing ward 6 in Oakville, which is the northeast part of Oakville. Ward 6 is a very fast-growing community within Oakville. It's a community very much concerned with the devastating shock of urban sprawl, the rampant expansion of urban boundaries and the associated negative environmental impacts on Oakville's air, land and water quality.

The Adams Mine Lake Act shows that the Liberal government is making good on its promise to deliver real, positive change to ensure that Ontario can rely on cleaner air, water and land. All Ontario residents deserve a cleaner environment in which to live, work and play. Of this I'm sure no member of the Legislature would disagree.

Recently the provincial government also announced a new strategy to help manage waste throughout the province by setting a new target to divert 60% of waste from landfills by 2008. This again shows the commitment to finding innovative strategies to solving long-standing issues that have plagued our province.

While Halton has not been a leader in curbing urban sprawl—a problem with which we could use some help—Halton has been a leader in improving its waste diversion rate. For this, we have been able to dramatically increase the lifespan of our local landfill. It is this commitment that we believe needs to be followed by other municipalities throughout the province, but most particularly by Toronto. Municipalities need to find local solutions to their own waste management problems. Exporting garbage to distant landfills is not a sustainable long-term solution. Exporting garbage to other countries, provinces or regions is only a Band-Aid solution that should be addressed through made-at-home solutions such as banning organics and recyclables in landfills, expanding composting facilities and providing funding for new technologies to divert greater levels of waste from landfills.

The Adams Mine Lake Act will close the door on a controversial proposal, a proposal that worried thousands of residents throughout Ontario for its disrespect of the environment. Many people in Ontario were not convinced that the site was safe for use as a landfill. They were concerned that water contamination could result from the use of the site as a landfill site. One needs only to mention Walkerton to recall the damage that can result when governments fail to act to protect water quality for the people of Ontario.

Bill 49 is intended to prohibit the use of lakes as landfill sites, to prevent the use of the Adams mine site as a landfill and to deal with matters related to the government taking this action. The proposed definition of a lake is to include surface water that results from human

activities and that is directly influenced by, or influences, groundwater. These are actions that I support. The use of any lake site for landfill purposes in Ontario is unacceptable. It's unacceptable for local residents and it's unacceptable for future generations.

The provisions within Bill 49 for compensation to be paid to the owner of the Adams mine are fair provisions. This provision shows the government continues to support the rights of property owners and is in no way intended to be an expropriation of the Adams mine property. The compensation is fair in that it provides for reimbursement for the costs incurred in bringing forward the proposal.

Bill 49 is a good piece of legislation. In combination with the strategies to support a higher diversion rate from landfills, I believe the Liberal government is moving in the right direction. I know members of my community will support increasing the local diversion rate. I look forward to working with the provincial government to help find innovative ways to reduce, reuse and recycle within my community, and I encourage every other community throughout Ontario to do the same. Encouraging the 3Rs makes sense because it's a made-at-home solution to a made-at-home problem, and we should all be responsible for solving our own problems.

I would like to encourage the provincial government to continue its efforts at finding long-term, sustainable solutions to our collective and local waste management problems. In my opinion, the best solutions are those that are generated in the local community. They are the best solutions because local residents are forced to deal with the results. When residents know that their personal efforts to recycle are helping to improve the local environment, they're more likely to act. Thinking globally and acting locally are not just nice words; they contain

real lessons in how to manage environmental issues like waste management. Communities that deal with their own waste—communities like Halton—are communities that are successful. This success is generated in part from the ability to engage local citizens in a local matter that is close to home.

I believe Toronto was ready to begin creating their own solution when they turned down the Adams mine site, and I congratulate them on that decision. I encourage my colleagues in Toronto to adopt strong waste diversion targets, such as the 60% target included in the McGuinty government strategy, as I believe this is the first step in solving their local problem.

Thank you for your time this afternoon. In conclusion, I would like to state again my support for Bill 49 and the waste management strategy being proposed by the Liberal government. These are steps that I think will act to safeguard the natural environment for future generations. I'd be pleased to take any questions.

The Chair: Mr Chudleigh, did you have any questions?

Mr Chudleigh: No.

The Chair: Anybody else? You did such a good job, there are no questions. Thank you for your delegation. We appreciate your coming out.

Mr Adams: Great. Enjoy your long weekend.

The Chair: This concludes the hearings on 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. I'd like to conclude by thanking the support staff we had. They were great. Their assistance was very helpful.

We are adjourned to June 3 for clause-by-clause consideration. That's at 10 o'clock in room 228.

The committee adjourned at 1432.

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Mr Ted Chudleigh (Halton)

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Mr Douglas Arnott

Staff / Personnel

Mr Andrew McNaught, research officer,
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CONTENTS

Friday 21 May 2004

Adams Mine Lake Act, 2004, Bill 49, Mrs Dombrowsky / Loi de 2004 sur le lac de la mine Adams, projet de loi 49, M^{me} Dombrowsky	M-31
Joshua Creek Ratepayers Inc..... Mr Rob Burton	M-31
Notre Development Corp	M-34
Mr Gordon McGuinty	
Clear the Air Coalition	M-39
Dr Boyd Upper	
Ms Renee Sandelowsky.....	M-41
Regional municipality of Halton	M-43
Ms Joyce Savoline	
Mr Mike Lansdown.....	M-45
Northwatch	M-47
Ms Brennain Lloyd	
Public Concern Timiskaming	M-50
Mr Terry Graves	
Canadian Environmental Law Association	M-53
Mr Richard Lindgren	
Citizens' Network on Waste Management	M-56
Mr John Jackson	
Timiskaming Federation of Agriculture.....	M-59
Mr John Vanthof	
Township of Armstrong.....	M-63
Mr Pierre Bélanger	
Mr Tom Adams	M-65