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Tuesday 22 August 2006

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Mardi 22 août 2006

**Standing committee on
social policy**

Clean Water Act, 2006

**Comité permanent de
la politique sociale**

Loi de 2006 sur l'eau saine

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 22 August 2006

Mardi 22 août 2006

The committee met at 1011 at the Victoria Jubilee Hall in Walkerton.

CLEAN WATER ACT, 2006

LOI DE 2006 SUR L'EAU SAINE

Consideration of Bill 43, An Act to protect existing and future sources of drinking water and to make complementary and other amendments to other Acts / Projet de loi 43, Loi visant à protéger les sources existantes et futures d'eau potable et à apporter des modifications complémentaires et autres à d'autres lois.

The Vice-Chair (Mr. Khalil Ramal): Good morning, ladies and gentlemen. Welcome to Walkerton. Before we start, we thought we'd give His Worship the mayor of Walkerton a chance to welcome the committee and to welcome everyone in Walkerton. Go ahead, sir.

Mr. Charlie Bagnato: I just wanted to extend a warm Walkerton welcome and Brockton welcome—we are actually the municipality of Brockton—to ministry officials, assistants, this all-party contingent and all the good people who are taking the time to present today and who have drafted their submissions related to Bill 43, the Clean Water Act.

Water has become a very sensitive issue since May 2000. I am really thankful for the collective efforts of all presenters who come here with good intentions and the common goal of achieving safe, clean, affordable water in Ontario, and I just wanted to thank you all for choosing Walkerton as one of the five sites. We're very honoured to host you today.

The Vice-Chair: Thank you, Your Worship.

We have a very busy schedule today. We have about 26 presenters. Every presenter has 10 minutes to speak and five minutes for questions from the committee. We don't have the 10 to 10:15 presenter. If the presenter for 10:15 is ready now, they can come forward to the stage and give their presentation to the committee.

ONTARIO FARM ANIMAL COUNCIL

The Vice-Chair: Good morning, sir. I don't know if you know the procedure. You have 10 minutes for your presentation and five minutes for the committee to ask you questions. Also, if you don't mind, please state your name for the committee and Hansard. Welcome. You can start when you're ready.

Mr. John Maaskant: Thank you. My name is John Maaskant. I am a farmer from the Clinton area. I represent the Ontario Farm Animal Council, which is an agricultural education organization representing approximately 35,000 Ontario farmers engaged in livestock and poultry. We are a founding member of the Ontario Farm Environmental Coalition and have been involved in the development of a framework for watershed-based source protection planning since it was first proposed by this government in November 2002. I have had the privilege of participating on both the advisory committee on watershed-based planning, which submitted a final report to the Ministry of the Environment in 2003, and the implementation committee on source water protection, which submitted a report to the ministry in November 2004. We appreciate the opportunity to have input into the development of the Clean Water Act, but of course there are still a number of issues that we believe need to be addressed for the legislation to meet its objectives from the perspective of the agricultural community in general and livestock and poultry producers in particular.

I'll make some comments, but I just want to mention that yesterday Ron Bonnett from the OFA introduced the nine points that the environmental coalition has concerns about, but he touched on them briefly. There's not time to deal with them all in depth, but I will deal with several of them in more depth. Other partners in the Ontario Farm Environmental Coalition will expand on these later this week at some of your other hearings.

The other thing I wanted to mention is that we understood that yesterday some participants brought up the precautionary principle. If there's time at the end, I would like to ask staff member Dave Armitage from the environmental coalition to make a few comments on that.

The first of our concerns is with the purpose statement. OFAC believes that the purpose statement in section 1 is too broad. As currently stated, it may be interpreted to mean all water everywhere, instead of focusing on the protection of municipal drinking water supplies. This concern can be effectively addressed by adopting a purpose statement that indicates the objectives of the Clean Water Act. These would include:

- providing for the protection of those water sources that are drawn on to provide drinking water to municipalities currently and in the future;

- secondly, complementing other provincial statutes that, when taken together, provide a multi-barrier approach to protecting the drinking water of Ontario;

—thirdly, establishing a planning mechanism that enables the required level of protection to individual municipal drinking water sources while considering the social, cultural and economic implications of that protection;

—providing a scientifically based framework for decision-making around the use and protection of Ontario's municipal drinking water sources;

—in addition, providing a source of funding for research, education and awareness, and for the installation of beneficial management practices relating to the protection of municipal drinking water sources;

—also, establishing the need for conservation and the efficient use of water to reduce the volumes of water drawn into a municipal water system currently and in the future. We have in our presentation a section on that later. I won't be reaching that one, but you have it in front of you;

—ensuring that new municipal wells or surface water intakes are appropriately sited and maintained to minimize land use restrictions associated with their operation.

A listing of these objectives provides an opportunity to put the Clean Water Act into the context of the multi-barrier approach to safe drinking water as proposed by Justice O'Connor. It also provides an opportunity to show the magnitude of the issue by indicating the need for research, education and awareness, water conservation and efficiency, and the proper siting and maintenance of wells.

The second issue is definitions. Section 2 of Bill 43 contains several definitions that are intended to clarify the meaning of several words found within the text of the bill. The Ontario Farm Animal Council has several concerns with this section. Specifically, we believe that the words "threat," "hazard," "pathway," "exposure," and "risk" need to be defined. These words were used very effectively by the technical expert committee to describe the process to be used to determine whether or not a land use that poses a threat actually constitutes a risk. The technical expert committee described "risk" as a mathematical function using the following equation: risk equals hazard plus pathway plus exposure, where each is expressed as a probability.

Currently, the Clean Water Act defines "risk assessment" and "risk management plan" but not the word "risk" itself. The term "drinking water threat" is defined, but in the definition of that term, reference is made to "adverse effect" without defining what constitutes an adverse effect. We believe that the basic premise behind Bill 43 is to prevent adverse effects on a municipal drinking water source, but it's absolutely essential to clearly indicate at what point an effect on drinking water becomes adverse. These terms are defined in the science-based framework submitted by the technical expert committee in November 2004.

Ideally the Clean Water Act will establish, through definitions, that a threat can be managed to reduce the hazard, and therefore the risk. For example, fuel stored on a farm poses a threat in that fuel has the potential to contaminate a source if direct contact is made at suffi-

cient volumes. However, fuel stored in a double-walled tank with protective posts and secondary containment presents a very low hazard and virtually eliminates the pathways. Consequently, the actual risk of stored fuel contaminating a water source is low, despite the fact that fuel will be considered a threat. There's no point in adopting a risk management approach without acknowledging that risk can be managed.

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Compensation is our the third concern. Subsection 88(6) suggests that the provincial government is unwilling to provide compensation for the imposition of land use restrictions that could adversely impact the profitability of a farm operation by stating that "nothing done or not done in accordance with this act ... constitutes an expropriation or injurious affection." This section conflicts with section 83, which provides for an appropriate means of compensating a landowner for relinquishing control of their land through purchase, lease or otherwise for public use. We recommend that subsection 88(6) be removed from Bill 43.

The dilemma of compensating farmers for opportunity costs associated with land use restrictions imposed by the Clean Water Act is best addressed by requiring municipalities to gain control of the wellhead protection areas and the intake protection zones associated with their wells and surface water systems. Acquiring control of the property can be either through purchase or lease arrangements.

If a lease arrangement is entered into between the municipality and the farmer, the cost of the lease to the municipality could be negotiated. Clearly the cost of the lease to a municipality would be directly related to the restrictions placed on the land. This approach ensures that farmers are appropriately compensated for land use restrictions imposed on their farms and ensures that municipalities have control of the land required to protect the well.

OFAC also has concerns that Bill 43 is silent on the subject of providing funding assistance to farmers for the adoption of beneficial management systems. This contradicts advice provided by Justice O'Connor. More generally, there should also be public funding for research, education and awareness initiatives relating to the objectives of the Clean Water Act.

An excellent model is the stewardship fund that is embedded in Manitoba's Water Protection Act. Interestingly, Manitoba's stewardship fund is in the form of a trust. The establishment of such a mechanism will demonstrate a commitment by the government of Ontario to the level of funding necessary to ensure that the Clean Water Act meets its objective of producing a more secure source of drinking water to its various municipalities. We recommend that a section be added to Bill 43 that outlines the mechanism whereby a province can provide funding to support the objectives of the Clean Water Act.

Am I finished?

The Vice-Chair: You have 30 seconds.

Mr. Maaskant: I have 30 seconds. Okay. I wanted to mention biosecurity and acknowledge that we understood

the minister did say yesterday that this will be dealt with, and we have a section here to deal with that, which I don't have time to go through. But it is a big concern for us, and we wanted to draw your attention to it.

In conclusion, we recognize the importance of safe drinking water. We would like to see some changes. We think it's the right objective. We want to make sure that we can do our part to help provide safe drinking water, but we don't want to have to pay the whole bill.

Thank you very much for your time and attention. I'll try to answer your questions, and if time permits, I'll ask Dave to comment on the precautionary principle.

The Vice-Chair: Thank you very much for your presentation. Now we'll open the floor for questions. We'll start with Mr. Murdoch.

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): Thank you, and I welcome the committee to the great riding of Bruce-Grey-Owen Sound. We're certainly pleased to have you here, and you also to present. I noted with interest your comments on cost. No one here would not want clean water. The objective is good, but who's going to pay for it? Maybe you can elaborate again. We can't expect the farming community to pay the whole cost for the clean water system for everybody else in the cities. We have a concern about that in this riding—it's one of my big concerns—and the biosecurity. You didn't get a chance to talk about that, but maybe I'll give you a chance in my few minutes to say some more about that.

Mr. Maaskant: Okay. On the funding, of course, very simply, above and beyond normal, responsible activity, any further activities that are necessary to protect drinking water really, we feel, should be borne by the public, and there should be a trust that helps not only to fund the implementation but also the maintenance. Also, to help the source protection committee and working groups to do their job, there needs to be some funding for that. That could all be out of this trust.

The Vice-Chair: Mr. Tabuns.

Mr. Peter Tabuns (Toronto-Danforth): Thanks for the presentation today. Have you had a chance to talk to farmers in Manitoba to get a sense of how that water stewardship fund has worked for them? Has it actually addressed the problems that you're concerned about here in Ontario?

Mr. Maaskant: Some of our staff have, but I personally haven't, so it's very difficult for me to comment. But I could ask Dave if he could comment.

Mr. David Armitage: The legislation in Manitoba is also very new, so it hasn't been fully implemented. To be honest, the provincial contribution to that fund at this point is very small. I think it's in the neighbourhood of \$300,000. So it wouldn't do a great deal. But I think it's more the principle that the provincial government in Manitoba elected to put that mechanism in place that sends a strong message. But it hasn't been particularly operational to this point.

The Vice-Chair: Do you mind, sir, stating your name for Hansard?

Mr. Armitage: I'm sorry. My name is David Armitage.

The Vice-Chair: Thank you. The parliamentary assistant, Mr. Wilkinson.

Mr. John Wilkinson (Perth-Middlesex): To John and Dave, and just for the record, OFAC and OFEC have done a wonderful job of helping our ministry over the last few years, and we appreciate that.

To my friend Mr. Murdoch's point, yesterday the minister stated in her opening remarks that there will be changes to make sure that biosecurity is part of the protocol for anyone who would end up having to go on-farm, and that they're aware of that.

My question on this one about care and control—I see the point. What would prevent, under that scenario, a farmer deciding that, because a municipality really needed to get control of that land or they might have to spend a substantial amount of money to change the location of the well, they could end up another way, saying, "I want millions and millions of dollars for these two acres." So what control would have to be put on to make sure that you would get what you've said, which is that you just want to have like compensation for loss of economic production from that land? Could you just give me some insight into that as we look at this?

Mr. Maaskant: I guess my assumption is, and I should ask Dave to make sure that I'm accurate, that it's like expropriation. I believe there are safeguards built in to that process too, so it would be the same type of process.

Mr. Wilkinson: So, in your opinion, there would have to be a balance between the two interests of the farm and the municipality representing the people who are drinking the water. So it would be some type of a balance there.

Mr. Maaskant: Exactly.

Mr. Wilkinson: Recommendation 16 by the justice was specific that it should be OMAFRA to take the lead on compensation, supported by the Ministry of the Environment. When I asked Ron Bonnett about that yesterday, he said no, it should be the MOE. That's not what Justice O'Connor was saying. So I just wonder if you have any kind of clarity about that. MOE is not really a funding ministry, it's a regulatory ministry, where OMAFRA is typically what farmers deal with. OMAFRA knows who a farmer is. We don't get into that, who's covered. I just want your comment on that.

Mr. Maaskant: Of course, I guess right off the bat, my comment would be that OMAFRA couldn't possibly fund this without a huge increase in its budget. So that would be the first issue to deal with. But whoever administers the funding of all the different aspects of it, especially the implementation on farms, really, we feel it needs to be a type of trust so that, because it's a provincial and a Ministry of the Environment initiative, there's some type of stewardship trust that deals with it specifically for this purpose.

The Vice-Chair: Thank you, sir, for your presentation.

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ASSOCIATION OF SUPERVISORS
OF PUBLIC HEALTH
INSPECTORS OF ONTARIO

The Vice-Chair: Now we have with us the Association of Supervisors of Public Health Inspectors of Ontario. Sir, you can start whenever you're ready. You have 10 minutes to speak and five minutes for questions.

Mr. Klaus Seeger: Thank you, Mr. Chairman. Good morning, ladies and gentlemen. Thank you for the opportunity to provide input on the Clean Water Act. My name is Klaus Seeger, and accompanying me is Lou D'Alessandro. We will share the time allowed for this deputation. We are here on behalf of the Association of Supervisors of Public Health Inspectors of Ontario, also referred to as ASPHIO. We will be using the acronym ASPHIO when referring to this association. I also work for Oxford County Public Health and Emergency Services, and Lou is with the Grey-Bruce Health Unit. Lou also sits on the board of directors of the Walkerton Clean Water Centre. We are both members of the ASPHIO safe water working group.

ASPHIO has members in public health unit management teams in all areas of Ontario. Our comments are supported by the Association of Local Public Health Agencies, which also made a deputation to this committee yesterday in Toronto, and by the Ontario Public Health Association.

It is very timely for this committee to hold one of the hearing meetings in Walkerton. We certainly support and encourage the Legislature to pass Bill 43. Even though there is a tremendous amount of work ahead to implement the contents of this act, it will help in protecting existing and future sources of drinking water in Ontario. We wish to emphasize the importance of the implementation of this type of legislation. Despite the fact that Justice O'Connor recommended it, this legislation will show that when implemented, future generations will thank the governments of the day for putting a process in place that helps to minimize the risk to public health and the environment from human activities that can cause potential contamination events.

ASPHIO offers the following comments for the committee's consideration that illustrate potential implications for public health units and need to be addressed before Bill 43 receives royal assent. Lou and I will alternate on the following points and refer to the numbered sections. I guess I have the first one.

Need for reporting to the medical officer of health:

(1) If the person who has authority to enter a property becomes aware of an imminent drinking water health hazard, the Clean Water Act will require that the MOE be notified. However, there is no requirement to notify the local medical officer of health. It seems only logical that action to warn and protect public health should be initiated as soon as possible, and notifying the local medical officer of health would hasten this process. The

requirement to notify the MOH should be in the legislation. In fact, lines of communication and reporting need to be entrenched within the act and accompanying regulations. This oversight needs to be corrected in the act.

Mr. Lou D'Alessandro: Another major area of concern is the financial support.

(2) A high priority of the province should be to provide the necessary funding prior to any implementation of the programs and requirements of any regulations developed under the Clean Water Act, 2006. In addition, the cost of this act should not be on the backs of rural residents. All citizens of Ontario enjoy clean drinking water and need to contribute to the cost of protecting and maintaining their supply. Those who produce potential contaminants may need to pay a surcharge, a permit fee, but this can be reduced when a plan is developed for that property and it is maintained to prevent contamination.

Mr. Seeger: Roles and responsibilities:

(3) The whole question of clarification of mandates and specific roles is of the utmost importance in a source water protection framework and implies the need for additional consultation. One example is that most public health units wish to be represented on source protection committees. However, in situations where the region covers more than one public health unit, a mutual process will be needed to determine which public health unit takes the lead and how information on various issues will be communicated. In addition, some public health units will have the resources to actively participate, while others simply do not have any such resources. Options for degrees of participation need to be developed.

Mr. D'Alessandro: Another area of concern is information sharing, under section 13.

(4) Information that is shared on details of source protection plans and risk assessment reports will be useful to the local public health unit, but protocols on getting timely access to information still need to be developed. A prime example is public health unit access to the Ministry of the Environment's private water well record database. We need to have timely sharing of this without cost. In addition, the daily information public health units receive on private well water results may be useful in the preparation of a risk assessment report, but a process, a protocol on allowing this information to be shared has to be developed. Legislation or other legal instruments will be needed to ensure that the information is readily accessible but without discouraging private well owners from taking future water samples for analysis via the health unit.

Mr. Seeger: Respecting part IV enforcement sections:

(5) Part IV of the act deals with the regulation of significant drinking water threats that have been designated in the plan to be subject to the provision of this part of the act. The responsibility for enforcing part IV is given to the municipality, which, in turn, has authority to make bylaws under the Municipal Act for the production, treatment and storage of water. This

enforcement role may be delegated by the municipality to other specific public bodies by agreement, such as boards of health and conservation authorities.

There is no need to create a whole new bureaucracy to administer this legislation. Existing organizations should be utilized, albeit with enhanced funding. The body responsible for enforcing part IV must appoint the permit official, also known as a risk management official, to administer the provisions of this part of the act. While public health units could complete the requirements of the enforcement sections, there are inherent funding and human resources implications that would need to be addressed should they be delegated. If the public health unit does not have a relationship with the upper-tier municipality in its jurisdiction, a separate delegation and subsequent agreement would need to be made with each lower-tier municipality that is interested. This may become difficult where a watershed has numerous municipalities and not all wish to delegate authority to the public health unit. It cannot be emphasized enough that without sufficient funding, public health units would not be able to enter into an agreement should the municipality wish to delegate the authority of enforcement to public health.

Mr. D'Alessandro: (6) It is our understanding that the skill set and criteria for the requirements of the risk management official or the permit official would be more clearly defined by the Ministry of the Environment and may become part of the regulations that are developed. Whatever the qualifications are, it is extremely important to provide in-depth training opportunities to ensure that all RMOs start with a level playing field regardless of whether they are based with a conservation authority, a municipality or a public health unit. Public health inspectors, conservation officers and others may have the foundation qualifications to be eligible for RMO training. Public health inspectors have the basic skill set to meet the requirements of an RMO.

Mr. Seeger: Regarding private services in septic system re-inspection:

(7) We believe that the proper disposal of sewage is in the interest of public health and goes hand in hand with the protection of water supplies, private or otherwise. Therefore, some public health units still commit considerable resources to administering this program under the Ontario Building Code Act. Amendments are proposed to authorize the establishment by regulation of maintenance inspection programs for septic systems. This will have additional funding and human resources implications for those public health units currently enforcing part VIII under the Building Code Act. It needs a lot more discussion.

Some public health units and other principal authorities that administer the sewage system programs in their area will have an extreme challenge in finding adequate human and financial resources to provide the re-inspection of septic systems. This cannot be emphasized enough. Even though ASPHIO may support the concept of the maintenance proposal, the costs in providing the

service may force some public health units out of the current Ontario Building Code part VIII program. In addition, if agreements to do so are not in place with each municipality in a source protection area, problems with consistency from municipality to municipality and source protection area to source protection area may become a problem.

With respect to funding of the re-inspection program, a user-pay type system, that is, for those property owners on septic systems, could be established via property taxes. A small surcharge for each property would likely fund the entire program in any municipality. The funding created should also provide grants for upgrades identified in a risk assessment plan for any property, such as a farm, an industry, commercial entity or a private residence. This would prevent chasing fees for those who try to avoid payment.

Mr. D'Alessandro: (8) It's also recommended that when there is a transfer of property involving private services such as wells and septic systems, the Clean Water Act should require the disclosure of well water potability and a properly operating septic system. This would allow for a septic re-inspection process to occur and a review of the history of water sampling of the well. Often new purchasers do not know where the existing well and septic system are located or the age of either service. Many owners do not sample their well supply during different seasons in any given year, even though public health units strongly recommend and market this type of practice. If proof of seasonal water analysis is needed for the transaction, more sampling would occur and a purchaser should then have access to this information from the owner. Various amendments to applicable legislation would be needed to complement the Clean Water Act. Such disclosure will provide valuable information on the risk that may be inherent to the aquifer and allow for a plan to be implemented to prevent contamination while at the same time upgrading existing systems.

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Mr. Seeger: Number nine—

The Vice-Chair: Sorry. I guess your time expired.

Mr. D'Alessandro: Oh, really?

The Vice-Chair: Now we have five minutes for questions. We'll start with Mr. Tabuns.

Mr. Tabuns: Thank you very much for coming in and making this presentation. One of the issues that has come up from a number of environmental and health groups is incorporating the precautionary principle right into the stated terms of reference for this act. What would be the position of your organization on that, and what do you think its importance would be in this act?

Mr. Seeger: I would certainly agree with that. I think in public health that's kind of a foundation of how we operate. We believe in prevention, and I think the intent is to allow development activities to occur, but with an understanding of what the potential implications are and what steps are being made to prevent any negative things happening.

Mr. D'Alessandro: Further to that, the precautionary principle should have a common definition amongst different ministries, because we all may take a different approach to what that precautionary principle may mean. So to sit down and work out the actual definition of "precautionary principle" under the Clean Water Act, I think, is where it should all head. We all have a different look at what one definition may be.

The Vice-Chair: Mr. Wilkinson.

Mr. Wilkinson: Thanks for coming in. It's a detailed presentation. Be assured that the ministry and the minister will be reviewing this.

We had a question yesterday about the appropriate role of the medical officers of health, whether they should be on the source water planning committee by legislation or whether they should be ex officio, because we do have areas where we have, like, five headwaters in the same county. I'm thinking of my own county of Perth. But there are a lot of different medical officers of health along that watershed, let alone through the aquifer, so the question is whether or not we should go with the ex officio way. That makes sure that the public, the medical officer of health and, obviously, his or her inspectors are at that table providing that expert advice and that they're entitled to be there, but they're not taking up a space for another stakeholder, because obviously a lot of stakeholders in a watershed are going to want to be represented. Do you have an opinion as to what's the best way to get public health into the committee process?

Mr. D'Alessandro: The way I would look at it is, we're here representing ASPHIO. ASPHIO is broken up into six different regions across the province, so we have very strong communication amongst the health units. We meet monthly. So I think that when you look at the process of public health being represented in a certain area, leave it up to us. We can have representation there that will satisfy all health units that are involved.

I understand what you're saying about a stakeholder being at the table if we put the medical officer of health as ex officio, but the same time, we don't want to lose anything on the power base at and voting at the table.

The Vice-Chair: Ms. Scott.

Ms. Laurie Scott (Haliburton-Victoria-Brock): Thank you very much for your presentation. I ask you to put forward amendments to the committee, if you could, before we do clause-by-clause. And you're absolutely right: You do play a key role and should be involved in whichever way is recommended. Maybe when you do amendments, you could consult and make the recommendations.

You talked about financing, and I know the minister, yesterday, thought that the implementation costs would be reasonable for municipalities to pay for this bill that's being brought forward. Do you have a comment on that? You touched briefly on the cost to municipalities, but do you think that it's going to be a large undertaking by municipalities, there's going to be a lot of costs involved? Should they bear the burden?

Mr. D'Alessandro: The best way I can answer that is, the Grey-Bruce Health Unit actually runs a very model

program on septic re-inspection currently. There is a fee attached to the property owner, and it's working very well in that regard. But I think it has to be a combination of a number of things once the total plan is looked at, and that could be part of it.

Ms. Scott: So provincial funding.

Mr. D'Alessandro: Yes.

The Vice-Chair: Thank you for your presentation. Thank you very much.

CONSERVATION ONTARIO

The Vice-Chair: The next presentation will be by Conservation Ontario, if they could come forward to the stage, please.

Good morning. Welcome. You can start whenever you are ready. Before you start, please state your name for Hansard.

Mr. Richard Hibma: Good morning. My name is Richard Hibma. I'm the chair of Conservation Ontario.

Our organization represents Ontario's 36 conservation authorities across the province, who share a mandate to protect Ontario's water. Conservation Ontario strongly supports the proposed Clean Water Act. We believe firmly that there are very strong economic, public health and environmental benefits to ensuring clean and plentiful supplies of drinking water. I might add, the last time that I stood in this place was at the inquiry, which was part of the aftermath of failing to do that very thing.

The comments in our written submission are supported by proposed amendments to the legislation that we believe will strengthen the act and ensure that it is able to do what is intended. The one-page handout in front of you highlights Conservation Ontario's four key issues.

The first one is an integrated approach to water management in Ontario. We feel very strongly that that is the first key; that is, the need for that integrated approach.

Water management in Ontario today is highly fragmented and administratively complex. The Ministries of the Environment and Natural Resources are the key government decision-makers involved in water quality and quantity. A large number of other ministries and agencies are also currently responsible for various aspects of water management. The absence of an integrated policy framework and the fragmentation of responsibilities have led to uncertainty about roles and responsibilities and, what is most troublesome, inconsistent planning and implementation.

Integrated water resource management is best achieved through development of a comprehensive provincial water management strategy, and certainly Justice O'Connor, as well as the technical experts committee and the source protection implementation committee, all recognized and recommended the need for such an integrated approach. Other provinces have also recognized this need and have developed, or are working towards, integrated water policies.

In the absence of such strategy, it's essential that the Clean Water Act and regulations clarify the relationship

between source protection planning and the broader watershed management.

Conservation Ontario is recommending that a principles section be added to the Clean Water Act to address the need for an integrated approach, as well as to recognize the linkages between source water protection and other water management programs. We also recommend amendments to section 13 and section 19 of the act to ensure the assessment report and source protection plan recognize other water management issues and programs within the watershed.

The second key issue is addressing the non-municipal drinking water supplies. Another significant issue is the need to ensure adequate protection of all water supplies across the province, including non-municipal.

There are nearly three million Ontario residents who rely on non-municipal drinking water supplies, wells and surface water intakes. They are not currently covered adequately in this act as it's presented. Sections within the act do give municipalities the ability to require the inclusion of any existing or planned drinking water systems, but again, this will only protect a small minority of non-municipal drinking water users.

We are not recommending additional regulatory measures. However, there are a number of other tools that can effectively protect non-municipal water sources. Specific reference for inclusion of non-municipal water supplies in the terms of reference in the assessment reports and the source protection plans section of the act is essential. Source protection plans should also include specific references to ensure optimum management of non-municipal wells and surface water intakes.

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The third issue is the need for a complete spectrum of implementation tools. We know from experience that regulatory instruments are not suited to all situations. They should be seen as a last resort only, when compliance is absolutely critical and other options have been unsuccessful. If source water protection is to be a consensus-based process, a full range of implementation tools is required, with particular emphasis on voluntary and incentive-based options.

The instruments prescribed under the proposed Clean Water Act should be seen as only one available implementation tool. Non-regulatory tools include such activities as education programs, stewardship incentives and research. In fact, we have lots of history of implementing that very type of thing with partner organizations.

To address this issue, Conservation Ontario recommends that a principles section be added to the Clean Water Act, recognizing the spectrum of tools available to bodies subject to the act in developing source protection plans. In addition, source protection plans should be required to address both the regulatory instruments and the non-regulatory tools that may be used to protect drinking water supplies.

Our final key issue: Long-term, sustainable funding is critical to the success of this act. There is a need for long-term, sustainable funding for source water protection to

support the watershed stakeholders in the implementation of the plans that are developed. This is particularly important with respect to funding for municipalities and rural landowners in undertaking their responsibilities for source protection plan implementation. You've heard these comments before from other quarters.

While the Sustainable Water and Sewage Systems Act and the proposed Clean Water Act provide some tools for source water protection cost recovery for municipalities, mechanisms are not currently in place for implementation using the non-regulatory tools, such as education and incentive-based programs. In many regions of the province, municipalities, local agencies and landowners all have limited capacity to take on additional responsibility without access to additional resources. You'll hear that refrain from AMO, as well as the farm organizations and ourselves.

A stewardship fund administered by the appropriate provincial agency is recommended for implementation of non-regulatory tools, including research, public education, and outreach and incentive-based programs. Similar models have been used in Manitoba and Quebec in the implementation of watershed-based programs, and such a model is consistent with recommendations of the source protection implementation committee.

My closing remarks would be that Conservation Ontario wishes to thank the standing committee for the opportunity to submit comments on the proposed Clean Water Act. As conservation authorities across the province, we look forward to continued progress towards drinking water source protection in Ontario and our role in its development and implementation. Conservation Authorities are committed to ensuring successful implementation of source water protection to achieve this goal. We look forward to continued partnerships toward this end with the provincial government and with all of the partner agencies that we historically have worked with, and we'll continue to expand that partnership base. Thank you.

The Vice-Chair: Thank you, Mr. Chairman. Parliamentary assistant?

Mr. Wilkinson: On behalf of all of us, thanks to Conservation Ontario and all of your authorities for the work that you've been doing. I don't think any of this could be contemplated if we didn't have the wonderful resource that your membership represents to this province. We know that conservation authorities have taken the unique role that's been given to them by Justice O'Connor very seriously.

I just wonder, because of the funding that is being flowed from the province to conservation authorities, how are we doing, overall, about getting the science? This is all going to be based on people agreeing on the science. Since you're here, could you just give an update of how we're doing across the province with that provincial money in preparation for this bill?

Mr. Hibma: I can take a stab at that, and if I go too far astray, Charley will slap me.

We have been using that money. We're not at the point right now of having source water protection com-

mittees, so the money that has been flowed to the conservation authorities has been used to develop the science, doing groundwater studies, doing the mapping, watershed budgets and all of the information gathering to enable us to base the decisions that will become part of the source water protection plan on sound science. To this point, there have been enormous gaps in our knowledge base. You can't make solid decisions on limited information. So there has been an awful lot of work done with that funding to gather the required information.

Mr. Wilkinson: Do you feel that you'll be ready to go when the source planning committees are struck?

Mr. Hibma: Certainly. In some areas of the province, we are well down the road; in other areas, we may lag behind, but we're working very effectively at closing those gaps. By the time this legislation is prepared for us to have the source protection committees in place, we will be ready.

The Vice-Chair: Mr. Barrett.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): Thank you for the presentation on behalf of the conservation authorities. It's interesting: Conservation authorities are probably the only jurisdictions in North America based on watersheds. I know that in the Tennessee Valley there's a bit of a structure there. You point out that there are three million water users ignored by this legislation: those of us who use our own wells.

Going back to the funding issue—I know that the parliamentary assistant raised this—the question I have is: The way the legislation is structured, and we know there's no mention of funding in the legislation, is it fair? Is there an equitable process for all players, all people in Ontario, to contribute to source water protection? Yesterday the city of Toronto testified. It's fairly simple for the municipalities. I think maybe 80% of the people in Ontario get their water just by putting a pipe into the Great Lakes. Many of these cities—Windsor, Toronto—don't have concerns with source water protection within their own jurisdiction. They don't have cattle in streams, for example. They don't have to deal with this.

The question is, how do we set up an equitable system where all people foot the bill? I know that yesterday the parliamentary assistant raised this issue of a \$7-billion cost. I'm not sure where that's coming from. But I guess the question is, how do we make this fair, no matter what the cost is, no matter what we hear from the parliamentary assistant? How do we make sure this is fair and equitable, because those municipalities or homeowners that just put a pipe into one of the Great Lakes don't have to deal with the broader source water protection, even though this legislation ignores it and the Great Lakes are affected by where the source water comes from?

Mr. Hibma: It is a valid question that we struggle with, and not just on source water protection and the implementation therefor. As conservation authorities, we represent a wide range, from those that are largely urban-based to those that are very limited populations and essentially rural, and that same issue presents itself. But clearly from my perspective, and I believe from that of

all of Conservation Ontario and all authorities, the larger the pot that the income distribution comes from, the more equitable that source of funding may be. If you have a small rural area with limited assessment, limited population, there is no way that any of this is affordable. It has to be a higher-level government funding source or it's never going to be equitable and achievable.

The Vice-Chair: Mr. Tabuns.

Mr. Tabuns: Thanks for the presentation today. I note in your presentation here you say that in order to undertake your responsibilities under the act, you will need funding. So am I to understand that without funding you will not fully be able to carry out your responsibilities as set out here?

Mr. Hibma: That particular question speaks to the implementation.

Mr. Tabuns: Yes, that's correct.

Mr. Hibma: The funding that is provided at this point in time enables us to carry out our role. Going beyond the current role, in the development of the plans, the implementation and monitoring and all of that, is not currently achievable within conservation authority funding envelopes without significant impact on whoever is going to pay, whether it's the individual taxpayer through municipal levies, through a fee recovery mechanism or a provincial pot of money. It's not achievable without some additional source of revenue.

The Vice-Chair: Thank you for your presentation.

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The Vice-Chair: The next presentation will be by the Saugeen Valley Conservation Authority. They may come forward if they are here.

Interjection.

The Vice-Chair: Is it a point of order?

Mr. Wilkinson: No, just a research question while we're waiting for our next deputant. I'd just say to our researcher, if you look at second reading debate on May 3, I think, page 3552, you'll see our colleague Mr. Yakabuski mentioning that he felt he had information from farm groups, though he didn't state which ones, that the cost of this would be \$7 billion. That's what I'm referencing: your colleague's statement. I would ask research if they could contact Mr. Yakabuski and if he could provide for the committee, as an honourable member, the background information upon which he made that statement in the House. That would really help inform the committee about where Mr. Yakabuski's \$7-billion number came from. If he could get back to our committee, we'd appreciate that.

Mr. Murdoch: I can straighten that out right now. He doesn't need to get it. That was mine. That's when we were in government.

Mr. Wilkinson: But you're not the farm group, Bill.

The Vice-Chair: Just a second, sir.

Mr. Wilkinson: It's a farm group; I'm just quoting from Hansard.

Mr. Murdoch: Well, I'm a farm group; I farm.

Interjection: He is a farm group.

Mr. Murdoch: Yes. There you are.

Mr. Wilkinson: Oh, you're going to table it for us.

Mr. Murdoch: Sure.

The Vice-Chair: Sir, when you get a chance to speak, you may state your opinion and whatever you want.

SAUGEEN VALLEY CONSERVATION AUTHORITY

The Vice-Chair: Right now we have with us the Saugeen Valley Conservation Authority. You may start when you're ready. The members are ready now.

Mr. Doug Freiburger: Welcome to Walkerton and the Saugeen River watershed. My name is Doug Freiburger and I am chair of the Saugeen Valley Conservation Authority. I am pleased to present the following comments to aid in the review of Bill 43, the proposed Clean Water Act. You have just heard from my colleague Dick Hibma at Conservation Ontario. I strongly endorse the constructive comments of Conservation Ontario and would like to provide a local perspective on source water protection. The key areas that I will be addressing are plan development, implementation tools, funding and non-municipal drinking water supplies.

Saugeen Conservation has partnered over the last two years with the Grey Sauble Conservation Authority and the municipality of Northern Bruce Peninsula to gather technical information about our watersheds. In our consultations, people wanted to know who would be putting together source protection plans. Overwhelmingly, municipal politicians, stakeholders and the public want to have as much opportunity for input as possible. They want decisions to be made locally and are keen to be part of this process. The multi-stakeholder committee described by the proposed Clean Water Act is a good step. It would be advantageous to have these committees in place as soon as possible to generate community interest and open dialogue between groups.

Conservation authorities are well suited to their role in facilitating development of the plan. Saugeen Conservation is a local watershed management agency that has worked for more than half a century to protect and manage water and other renewable natural resources. Conservation authorities have, since the 1970s, been implementing fill regulations, which recently became development, interference with wetlands and alterations to shorelines and watercourses regulations. One thing we have learned is that non-regulatory methods play a significant role in achieving good outcomes when used in conjunction with regulations. Through education and discussion with staff, many property owners willingly revise their development proposals to the less sensitive parts of their property and opt for lower-impact designs.

In the proposed Bill 43, a great deal of emphasis is placed upon a permit process to deal with risks. Source protection plans should contain a range of implementation tools that include education, research, stewardship and incentive programs, in addition to prohibitions and permits. Knowing that these options exist will create a

more favourable attitude in the community around the planning and implementation of source protection.

Extension services improve water quality while increasing yields for landowners and conserving habitat. Best management practices should be promoted. The fencing of cattle from watercourses, improved chemical storage and manure handling procedures are excellent examples that were offered through previous programs such as CURB and Healthy Futures. More than 1,200 water quality improvement projects were undertaken in this region through CURB and Healthy Futures. These types of extension services have been offered in this jurisdiction as well as others on a cost sharing basis that recognizes that there is benefit to the landowner as well as to society in general. Additional clauses should be placed in the act to encourage actions and results beyond the permit process. Conservation authorities have great success in co-operating with landowners with soft solutions as opposed to hard regulatory tools.

At every municipal council and CA board meeting attended by our source water protection staff in this region, the question has always been asked, "Who will pay for source water protection?" To date, funding has been received to initiate technical work, and staff are working with municipal partners on assessment of more than 40 drinking water systems. The proposed act does not, however, contain a provision for fully funding the completion of the source protection plans.

In the same regard, there are serious concerns about the costs to implement the source protection plans. Section 40 calls for monitoring programs and section 41 requires annual progress reports to be done by source protection authorities, and yet there is no indication of how these will be funded.

Aside from recouping the costs of the permit process through fees, there is a lack of funding mechanisms for implementing source water protection initiatives. Our present partnership arrangement for source protection work covers over 8,000 square kilometres but has a population of only 160,000. The financial burden of planning and implementation would be too great for these small communities. Conservation authorities and municipalities are looking for assurances that no development or implementation costs will be downloaded to the local community. We must know how we are going to pay for implementation before we get to that stage. The role of the provincial government as a financial participant must be clearly defined.

The province can look to other legislation for examples of clauses that refer to funding of required activities. The Conservation Authorities Act allows the minister to provide grants. Under the Crown Forest Sustainability Act, resource users may be directed to pay into a fund for management of forest resources. As well, the Aggregate Resources Act requires contribution to a fund for rehabilitation. A similar type of fund for source water protection would offer one option for funding implementation.

The act places emphasis on municipal drinking water systems which serve the majority of Ontarians. On these

systems, technical studies, infrastructure upgrades, regulations and source water protection will combine to form the multi-barrier approach identified by Justice O'Connor.

Conservation Ontario in their submission expressed concern for the nearly three million Ontarians who depend on non-municipal supplies for their drinking water. Overall, in the Saugeen, Grey-Sauble, Northern Bruce Peninsula area, about 40% of the population relies on non-municipal water systems. In Northern Bruce Peninsula, there is only the one water plant in Lion's Head. The other 75% of the population, as well as hundreds of seasonal cottagers, use non-municipal water systems. There are rural schools, for example, in Chepstow, Formosa, Tobermory and Kilsyth, which rely on their own drinking water systems.

It should also be noted that there are nursing homes, seniors' residences, institutions, medical facilities and commercial establishments in our area and throughout rural Ontario where the public uses non-municipal drinking water sources. How will source protection benefit these areas? A rural landowner adjacent to a municipal wellhead may need to make adjustments to help protect the municipal source of water, but the proposed Clean Water Act does not afford the same protection to that rural landowner's source of drinking water.

The Clean Water Act should be about protecting and managing the water for all Ontarians and not just those who have municipal treatment and distribution systems. Within the proposed act, subsection 8(3) appears to make provision for a municipality, by resolution, to require specific water systems to be included in the terms of reference for the assessment report.

What if this section was applied to a community such as Keady, located at crossroads 40 kilometres northeast of Walkerton? The municipality boundary runs along the hamlet's main road, and an arena and 15 homes are on the south side in the township of Chatsworth. On the north side in the municipality of Georgian Bluffs are five houses, a church, a couple of businesses, a trailer park with 45 residents, and the Keady market and livestock auction, which attracts up to several thousand people to its Tuesday market. Dozens of wells have been drilled to provide for individual water systems, creating what would be termed as a well field. A cursory examination would suggest that this situation needs further study to determine if there are any water quality and quantity issues or threats.

It is quite conceivable, under the proposed subsection 8(3) that one municipality would call for its part of the hamlet to be studied and the other would not. It's not reasonable for just a portion of the community to benefit from source protection.

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Furthermore, subsection 8(4) requires a municipal resolution to list every well intake. This stipulation could be very problematic to achieve, given incomplete or inaccurate well records and the absence of records in the case of dug wells, sand points, surface pipes and shore

wells. A more feasible approach would be to define a boundary around the parcel, hamlet, village or geographic area that should be studied and investigate all drinking water supplies found within that area.

A more comprehensive method, and one that would extend source water protection to all our watershed residents, would be to include the entire source protection area under the terms of reference. Through scientific study, those parts of the region where threats to drinking water sources exist could be identified and appropriate solutions could be included in the source protection plan.

In conclusion, water is vital to our health, society and the economy. We all share in the benefits when good water quality and quantity are available. It is reasonable, therefore, to believe that everyone in the province must share the responsibility for protecting drinking water sources. Likewise, it is reasonable, therefore, to believe that if there is not equal protection for everyone's water in the province, there is an inequity in the act.

Let it also be noted that the protection of this province's water should be the financial responsibility of the province and not become a burden to the residents of this fine province at the municipal level.

We thank the committee for taking the time to come out to communities to hear from groups and individuals, and in particular for visiting Walkerton. As well, we look forward to the important work ahead for source protection planning.

The Vice-Chair: Thank you for your presentation. You had exact timing.

Now we have a question from Mr. Murdoch.

Mr. Murdoch: Thanks for coming. We certainly appreciate your comments today. I like to hear you say, "Who's going to pay for this?" because this seems to be a big problem. No one's against clean water and, then, of course, every time you get a little negative on this, the government says, "Oh, you don't like clean water." Everybody wants clean water, but who's going to pay for it? That's what you said. As you know, a lot of your money comes from municipalities, and they don't have a lot of money now. After we've had three years of mismanagement by the present-day government, they're pretty well broke. I know that as conservation authorities you have trouble coming up with or getting money from the municipalities—they don't have it—and a lot of the time, that's a problem.

The government over there wanted to know where the \$7-billion figure—that's probably low; that's a low figure. They want to push this through without any concern about who's going to pay for it. This is a problem, and I'm glad to see that you've come up very loud and clear that you need to know who's going to pay for this. If they would go back and look in some of their books and things that are in the Ministry of the Environment, they may be able to find that \$7-billion figure. That came from the bureaucrats about three years ago, so it could be a lot more now.

So I thank you for bringing that in and pointing out that somebody's got to pay for this. Sooner or later the

government's got to come up and tell us whether it's going to do this when it wants to push a bill like this through.

The Vice-Chair: Mr. Tabuns.

Mr. Tabuns: My goodness. Thank you for the presentation. Could you give us some sense of the range of cost of carrying out implementation? You note that you couldn't do it, and the prior speaker said, "We can't deliver if we don't have the funding support." Are we talking about a 10% increase in your operating to implement the monitoring? Are we talking 20%, 30%? I don't have a sense of the scale.

Mr. Freiburger: I don't believe that any of us has a sense of the scale, and I think that's what scares us. What scares us the most is noted in my presentation: We have got one of the largest conservation authorities within Ontario, and we only have a population of 160,000 people. With that whole aspect in mind, we have to come up with a funding source that is at a provincial level, where you would have everybody sharing the costs and not make it a burden on a municipality.

The municipalities are already starting to revolt because there are times when they feel they are not getting proper funding for the programs that we as conservation authorities already have to carry out. It scares us to think that we're going to have to go forward and try to implement this program when we do not know where the source of funding is coming from. As a municipal councillor, I cringe at the fact that, once again, this could be on the backs of the municipal tax roll. Let me say that our municipality and all of the municipalities within our watershed want to make it perfectly clear that that is totally unacceptable.

Mr. Tabuns: To you, Mr. Chair: Mr. Murdoch has raised this figure of \$7 billion; he says that the bureaucracy has it. Can you, as the Chair, direct research staff to find that number?

The Vice-Chair: Actually, Mr. Wilkinson asked the same question earlier.

Mr. Wilkinson: Further to that, since it's Mr. Murdoch who said he got it from the bureaucrats, if he could just name those bureaucrats at the ministry, I'll look them up and we'll see where we got that number from.

Mr. Murdoch: I'd have to go and look—as I said, three years ago. As you know from O'Connor's report, we had to look at it because at that point the province did consider paying for it, because you can't implement something unless you're going to decide who's going to pay for it. Then, as you know, an election came along and it never happened.

So I don't have any names at this point. We can maybe look, but I would assume you'd just go and the same guys are still there.

The Vice-Chair: The parliamentary assistant, you have a question?

Mr. Wilkinson: I just need something other than "those guys," Bill. I'm sure you can be more specific, but thanks for coming in.

Mr. Murdoch: Well, they work for you now.

Mr. Barrett: They work for you.

The Vice-Chair: It's Mr. Wilkinson's turn, please.

Mr. Wilkinson: I know the honourable member will help me be more specific. There are a lot of people who work at the Ministry of the Environment.

I just want to get back to your question about equity. Of course, you said it's technically difficult and expensive to put it right across the province, but specifically about the fact that you're feeling that perhaps the municipality would not decide to extend the terms of reference to nursing homes and schools and that type of thing. Do you think that we should put it in the act that the minister, not just the municipality, would have some leeway to ensure that places where we have populations at risk would have to be included in the terms of reference?

Mr. Freiburger: I think that would be very wise, but what I'm referring to is, we have a number of these particular areas as nursing homes and so on that are not on municipal well protection.

Mr. Wilkinson: They're on private wells.

Mr. Freiburger: They're on private wells, and there's really nothing there that—

Mr. Wilkinson: Unless the municipality agrees to put them on.

Mr. Freiburger: Exactly.

Mr. Wilkinson: So do you think the minister, then, should have the power to put them on?

Mr. Freiburger: Are you meaning to put them on municipal water supply?

Mr. Wilkinson: No, to put them into the terms of reference so that the source water planning committee has to deal with them as well, just like a municipality could say, "Because that's a planned source of municipal drinking water in the future, we want that to be included under that section."

Mr. Freiburger: That, again, would be wise to do. I would agree with that, but once again, funding implementation is the key. Once again, who pays? It's a burden you're willing to put on the back of the municipality, by the sound of things, and that's something that we're not willing to agree to.

Mr. Wilkinson: Should the user pay, the person drinking the water, as opposed to the municipality?

Mr. Freiburger: I think who should pay is all of Ontario. If you take, as an example, the people in the GTA, hundreds of thousands vacation in our area, up in our watershed. They bring all of their fecal deposits, if nothing else, and deposit them in our watershed, and they will put no funding towards the paying for it under the current system. They bring all of that with them. I think that this has to be paid for equitably across all of Ontario, and I do believe that the only way this act will be flawless is if all people's water is protected, all of your rural landowners' water.

The Vice-Chair: Thank you, sir, for your presentation. Before you take off, I've been asked by the committee members if you have a written presentation that you can give to the members or to the clerk.

Mr. Tabuns: Your speaking notes, if we could have them, would be very useful to us.

Mr. Freiburger: Yes.

The Vice-Chair: Thank you very much.

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CHRISTIAN FARMERS
FEDERATION OF ONTARIO

The Vice-Chair: The second presentation will be by the Christian Farmers Federation of Ontario. They can come forward if they're ready.

You can start when you're ready, sir.

Mr. John Kikkert: My name is John Kikkert, president of Christian Farmers Federation of Ontario, and to my left is Glen Duff, who will be presenting and going through our presentation. We have copies. I believe they're being passed out at this time.

First of all, I'd like to say thank you for the opportunity to present the Christian Farmers Federation of Ontario's views on the Clean Water Act. The CFFO represents 4,200 farming families across the province of Ontario. Our members produce a wide variety of agricultural commodities on a wide diversity of farm types.

I'll let Glen do the details.

Mr. Glen Duff: Thank you, John. Again, thank you for allowing us to be heard. We had quite a lot of feedback from our membership and a great deal of concern when the Clean Water Act was first announced. I would like to just give you a brief background on CFFO as a means of explaining why this is so important to us.

Our biblical principles are—I would also say that this is probably true of all the major religions of the world—that we are stewards. Our membership does not believe that they truly own their farms. They don't own the air, they don't own the water, they don't own the ground, they don't own the animals or the crops. They simply are stewards, which means you're doing it for someone else. The reason I mention that to you is, as a basic principle, I find it difficult to imagine any group in the province of Ontario that's more committed to clean water and to the environment than our farmers in the CFFO.

I would also like to mention one other thing about the CFFO. Contrary to what is probably thought by you and others in the province, we do not march; we do not do demonstrations. We were not part of the recent demonstrations at Queen's Park or in Ottawa. We believe that dialogue of this nature, as well as informal dialogue with the Ministry of the Environment, the Ministry of Agriculture etc., is far more important to achieving community results that we feel will in fact protect the environment much more than a regulatory approach.

We want to talk about four major points that we feel are important to raise. First of all, the obvious must be said. I hope it has been said by everyone who has appeared before you: To attack the goals and objectives of the Clean Water Act is attacking motherhood and apple pie. We fully support it in every way. But as you are all well aware, politics often deals much more with the

“who” and the “how” rather than the “what.” This is why we're here: to talk about the “how” in a way we feel is supportive but at the same time critical in some areas.

One of our major concerns is the fact that the proposed act calls for the development of a plan without ensuring farmer participation or, for that matter, participation of other landowners. Surely we must recognize that the landowners and specifically the farmers are key stakeholders in source water protection. We believe it is necessary to include the farmers of the province of Ontario to participate as part of the multi-stakeholder group and the conservation authorities as they put their plans together. So we would urge you to consider this. These include traditional farm practices, some of which could be improved, some of which have been improved a lot in recent years. For example, in the case of irrigation, do we want our golf courses and our lawns in urban Ontario to be watered regularly when the farmer who is producing food in the province is stopped from irrigating? It's a question of priorities. We understand the importance of adequate quantities of safe water, but I think there could be a list of priorities in terms of how we conserve that water. We would urge you to consider that.

Secondly, the act empowers municipalities to regulate the plan by hiring inspectors. We believe that there's perhaps a cultural gap between urban Ontario and rural Ontario. Rural Ontario has a rich tradition of co-operation, of working with conservation authorities, of working in a community, of assisting and helping one another. We believe that regulating with inspectors, in fact, is not the best way to move forward. We understand the need to protect our source water, but we also believe that with normal farming practices there could be loss of opportunity and, of course, tremendous costs incurred by the landowner. So we believe that in fact this should be supported by looking at such things as the cost assessment, our third point.

We're concerned that when the plan for source water protection is drafted by the conservation authorities, there are no cost assessments included in that plan. We are concerned that the identification of the funding sources is not there, just as the other speakers have said to you. We believe that needs to be done in order to identify priorities.

We believe there is a better way than the regulatory approach. I'd like to simply give you a quick lesson on history, if I may. The Christian Farmers Federation of Ontario was very involved with the development of the environmental farm coalition back in the 1980s. The proposal that was made to the government of the day was to put together an environmental farm plan. The environmental farm plan continues to exist. The government of Ontario continues to provide funding to the environmental farm plan. This is somewhat voluntary; however, we would strongly encourage that you look at the environmental farm plan with the level of funding that is there—perhaps increased—and that you focus that plan towards source water protection. This can be done through education, peer review and working with the

conservation authorities and their expertise to implement those areas where you're concerned about source water protection. We think that's the best way to go.

Finally, our fourth point is one that we believe to be important. I believe it's recommendation 16 of the Walkerton inquiry. Before I talk about that, let me just simply indicate to you that the notice of proposal on Bill 43 indicated the following: "As part of the government's commitment to implement all of the recommendations of the Walkerton inquiry, the government has developed comprehensive source protection legislation."

That document talks about three and four years of consultation with many groups. I'm not aware of any farm groups that were part of that consultation; certainly, the CFFO was not. We believe that there should have been consultation, but in particular in the report from Justice O'Connor is as follows: "The provincial government, through the Ministry of Agriculture and Food in collaboration with the Ministry of the Environment, should establish a system of cost-share incentives for water protection projects on farms." That's recommendation 16 of the Walkerton inquiry. So your commitment to implement all of Justice O'Connor's recommendations is falling short on that one in particular.

With all due respect, when I see a plan that you ask to be put together that does not do anything on costs or any sources of those costs, I get the awkward feeling that in fact the government doesn't intend to participate in the sharing of those costs.

Thank you for hearing us. We certainly welcome your questions and comments.

The Vice-Chair: Thank you for your presentation. We're going to start with Mr. Tabuns.

Mr. Tabuns: First of all, thank you very much for the presentation. I'm not a farmer; my father was. But I don't know what he knew. What are the normal practices that you outline here that may be a threat to water quality that you are concerned this act may curtail, change or curb? Could you give me a sense of that?

Mr. Duff: It's difficult to give you specifics, simply because we haven't seen the plans. As I mentioned, we feel that farmers should participate in those plans. It's at that point, before a plan is put together—inspectors are hired, regulations are put in place, fines and postings are required, and now, suddenly, farmers become involved, and we don't think that's correct. At the very least, a very good way to start, by identifying exactly the concerns that you raise, is to involve farmers from the very beginning. We're not experts and scientists on the environment; we're experts in other areas. It's that kind of collaboration and co-operation that can move forward the safety and the availability of plenty of water in the province of Ontario.

Of course, there's the issue between the actual and the perception. Obviously, there are some within our province who believe that no chemicals should be used. I happen to be along those lines, but many of our CFFO members do use chemicals. Clearly, if those chemicals

are available through federal licensing, the question then becomes, are they used properly and are they used judiciously? I would like to believe that that's the case today and that they're not spraying by wetlands and some of those practices that clearly none of us would want to see.

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Mr. Tabuns: Thank you for that. I appreciate it.

The Vice-Chair: The parliamentary assistant.

Mr. Wilkinson: Thanks so much for the CFFO coming in today. We appreciate that, and all the input that you've had, really going back two years, from the notes that I have from the ministry. I know you'll be happy with the minister's speech yesterday, where she talked about the need to move to risk management officials as opposed to permit officials. I think that is in large part because of the input that we've received from OFEC, which you're a member of. Also the need to make sure we have biosecurity protocols—the minister mentioned that yesterday in her speech as well.

In regard to the question of representation, of course it's all kind of locally driven, but in some parts of Ontario, like my own in Perth county, agriculture is the biggest industry. I know that we're looking at the question of whether the minister should be a bit more prescriptive per source planning committee to ensure that there's no way, for example, that a major industry like agriculture couldn't be represented. I think there will be 16 on the committee, and we've been looking at that. But I know that the minister has taken that feedback as well, to make sure that you have those assurances.

In these meetings that we've had through OFEC—I have a list of them here going back over the last year—do you feel that maybe the CFFO's position has not been adequately represented, that there wasn't enough consultation with your farm organization, that the OFEC umbrella maybe didn't allow us to be nuanced enough in the consultation? I know we've met directly with CFFO, so I'm just concerned about that consultation part of it.

Mr. Kikkert: Basically, our part of the coalition has no problems with that. The comments that are expressed here today in our presentation are basically our members' viewpoints. That emphasis and that background has brought forth these points that we're bringing forth. Yes, we appreciate OFEC's position. We're working with that group and are very pleased with the eight points, I believe, that they've mentioned. We've put a little different—our grassroots members are emphasizing the funding and the involvement. This is where we've basically made our points today.

Mr. Wilkinson: Thanks, John. That clears it up.

The Vice-Chair: Ms. Scott.

Ms. Scott: Thank you very much for appearing before us today and for your solid presentation. We agree that farmers are good stewards of the land and have always been. You're right on. The government is not following O'Connor's recommendations, which we have been saying. It has not been inclusive enough of farm groups, because you are the front-line stewards of the land. There

should have been more of a consultation process. I know they did nutrient management with at least 18 meetings out there for consultation.

Your organization has stated in the past that the proposed legislation, Bill 43, should “be changed so that the Ministry of the Environment is prohibited from approving any source water protection plans that do not include an assessment of the costs of implementation and a defined budget, with sources, for the implementation.” We talked a lot about the cost, because there’s no way we’re all going to get source water protection if the provincial government does not help with the funding. They’ve used precautionary principle terminology. If you define “precautionary principle”—I mean, \$7 billion may not even touch it. But I just want to ask you, are you convinced that the government is on the wrong track in Bill 43? In relation to costs; I can specify that.

Mr. Duff: I have addressed that, Ms. Scott. One of our concerns as an organization, of course, is the fact that two things have to be done: (a) you have to identify the cost involved. Certainly, if minimal gain is to be had, and it costs billions of dollars, that’s a no-brainer; you probably aren’t going to do that. But if smaller costs are involved and you can gain a lot, then you would spend that money.

My background in business tells me that you include those assessments and priorities when you put together a plan, so you need to first of all identify the cost of this improvement. Secondly, you then need to identify the source of those costs. If you look to the reality of what’s happening to the family farm—that’s our main stakeholder: We’re concerned about family farms in Ontario. As far as we’re concerned, I think this is an opportunity for the government to take some action on this specifically: that it look at requiring that the plan include the assessment of costs involved on initiatives and that it look at the funding of those costs, the source of those costs, because somebody has to pay for it. The question is, who benefits and who pays? If society is going to sort of raise the bar on environmental protection and source water protection—it appears that’s what society is demanding, and this is the right direction to go in—you definitely have to look at how you allocate costs.

The Vice-Chair: Thank you very much for your presentation, sir.

Mr. Duff: Thank you. We have handouts.

The Vice-Chair: Sure. We received it all.

The next presentation—I’m sorry?

Mr. Tabuns: While they’re coming up, Mr. Chair, I just have a request to you. Can you have our researcher tell us what the costs were for the Walkerton water disaster: the direct health care costs, the costs to affected residents in lost time and mortality, the cost of remediation—digging up all the water system—and the larger economic impacts of lost tourism and investment? There are two sides: prevention and dealing with after the fact.

The Vice-Chair: Can you give that request to the research department? Thank you very much, Mr. Tabuns.

CANADIAN FEDERATION OF UNIVERSITY WOMEN ONTARIO COUNCIL

The Vice-Chair: The next group will be the Saugeen Ojibway Nation. Are they here?

If they are not here, we’re going to move to the second one. It would be the Canadian Federation of University Women Ontario Council. They can come forward if they are here and they are ready.

Good morning.

Ms. Carolyn Day: Good morning.

The Vice-Chair: You probably know the procedure. You have 10 minutes to speak and five minutes for questions from the members. You can start any time you are ready.

Ms. Day: Thank you very much. The Ontario Council of the Canadian Federation of University Women welcomes the opportunity to comment on Bill 43, the Clean Water Act. My name is Carolyn Day, and I am a member of the CFUW Southport club in nearby Port Elgin/Southampton, one of 58 CFUW clubs in towns and cities across Ontario, with a total membership of over 5,700 women. The cover letter explains our mandate. You will find club locations listed in appendix 2, including one in Walkerton. I am a past president of CFUW Ontario Council. I also represent Ontario Council on the MNR advisory panel for the Great Lakes Charter Annex agreements.

This morning I would like to share highlights of our submission with you. Since 1988, CFUW has had policy asking that the government “enact legislation to set rigorous quality standards for ground and drinking water, which would be updated frequently to reflect current research and increased technology.” You will find copies of some CFUW policies that are relevant to this legislation in appendix 1.

CFUW Ontario Council applauds the continuing commitment of the present government of Ontario to meet the recommendations of the O’Connor inquiry with the introduction of the Clean Water Act. We commend the clear, all-encompassing vision that puts public interest and public safety first, and in which prevention and protection are the overarching principles. The scope of Bill 43 defines this vision and translates it into practical implementation strategies.

We are very pleased that during the crafting of this legislation you established expert technical and implementation committees to assess and advise, gave many opportunities for public input and, in particular, listened and responded to the many concerns and recommendations you received.

CFUW Ontario Council is very supportive of Bill 43.

In our February submission on this bill, we outlined some of the specific provisions of this revised bill that are especially significant to your vision and that need to be supported in this review and retained in the final draft of the bill. They are all important, but I would highlight section 13, with the detailed outline of assessment reports and the establishment of the water budget—a great im-

provement. I would also bring to your attention our recommendation for section 13 that, for the duration of the assessment process, the minister impose a provincial moratorium on significant new projects or permits until approved source protection plans are in place.

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Sections 35 and 96 are important, which establish precedence for the Clean Water Act when it is in conflict with municipal official plans or bylaws or with other legislation, especially the Nutrient Management Act. This is a major improvement to the act which clearly underscores the government's priority. CFUW strongly endorses these sections and it's vital that they be retained in the final copy of the act.

Subsections 53(1) and (5), on the authority to change, limit and revoke water-taking permits: These provisions translate the establishment of the area water budget into a reality. A water budget doesn't work unless there is a means of staying within the limits it imposes, especially in cases where current permits and practices already overextend that budget. This important section of the bill provides the means to correct unsustainable past practices.

There are, however, three areas of the act where we have concerns and offer related recommendations.

Our first concern is the need for more explicit linkage of this act with the provisions of the Great Lakes Charter Annex agreement. This alignment is vital to successful implementation and to the successful realization of a coherent government policy. It is especially important since nearly all of the source protection areas defined under the Clean Water Act abut one of the Great Lakes.

We recommend that section 12(1)2 be amended to include the words "including the Great Lakes Charter Annex agreement signed December 13, 2005, and any other amendments made...."

We recommend that the provisions of sections 74, 75 and 76 be made mandatory and that the word "may" be changed to "shall" in each of these sections.

We recommend that the Ministry of the Environment and the Ministry of Natural Resources work together as an interministerial team to help to avoid wasteful duplication and to help coordinate and facilitate information flow, data, research and standards between these two vital initiatives, so we would add to section 74, "One of these shall be an interministerial advisory committee with members drawn from the Ministry of Natural Resources and the Ministry of the Environment."

We recommend that the Great Lakes targets not only be mandatory but that they align with the requirements of the annex agreement within limits set by the area's water budget, so in section 75 we have added the phrase, "The minister shall direct ... in accordance with the direction, and in compliance with the provisions of the Great Lakes Charter Annex agreement, a report...."

In section 76, on targets, we recommend an amendment to read, "The minister shall establish targets ... which are aligned with the provisions of the Great Lakes Charter Annex agreement, for source protection areas

that contribute water to the Great Lakes or draw drinking water from it."

Our second concern is the need for consistency in the protection of the sources of drinking water offered to all citizens of Ontario in all geographic areas of the province—and you've heard a lot about that this morning. CFUW Ontario Council is disappointed that despite the recommendation of Justice O'Connor, the source protection of water in watershed areas that are not covered by conservation authorities is still not mandated in this legislation, nor is the source protection of water and watersheds on First Nations reserves, nor are private wells. It is important that the level of protection for all these areas of the province be consistent.

The Ministry of Natural Resources has a presence in the areas of the province that are not covered by conservation authorities and they have the expertise and the organization to help manage the source protection initiatives, so the Ontario Council recommends that section 5 be amended to read, "The minister shall make a regulation.... The regulation shall designate a person or body...."

We further recommend that the Ministry of Natural Resources be designated by the minister as the body responsible for developing and supporting source protection.

Our third concern is the need to ensure the provision of adequate, sustainable funding to support the development, implementation and enforcement of this bill. CFUW Ontario Council is concerned that the funding provided by the government of Ontario be sustainable over the long term and not subject to the yearly negotiations of conflicting budget priorities. Funding must be sufficient to ensure both compliance with and enforcement of this act. In particular, owners of private wells, owners of small and medium farms, and small municipalities, despite their best wishes to comply, may not have the financial resources to do so. CFUW Ontario Council recommends that an explicit commitment to provide adequate, sustainable, long-term funding be included in the act and that a detailed plan outlining how that funding will be generated also be included.

You will note we recommend that part of the funding required for implementation of and compliance with the act be generated by various fees, charges and surtaxes, which would also promote conservation by water consumers.

We recommend that funding be considered a priority in the next provincial budget, that a comprehensive public education program and targeted incentive programs be undertaken, and that dedicated funds be set aside which can be accessed by small landowners, farmers or municipalities.

We would draw your attention again to the excellent recommendations on funding contained in the 2004 report of the implementation committee and remind you of the suggested wording submitted by CELA in 2004 to this purpose.

On behalf of CFUW Ontario Council, I thank you for your time this morning and for your determination to

support, strengthen and implement this landmark bill. We'll continue to monitor the progress of Bill 43 and other water issues in the province.

The Vice-Chair: Thank you very much for your presentation. Now we'll open the floor for questions. We can start with Ms. Scott.

Ms. Scott: Thank you very much for your thorough presentation. You've done a lot of work and suggested a great many amendments to strengthen the bill. I'm proud to say I do have a chapter of the Canadian Federation of University Women in Haliburton Highlands that I've met with.

Ms. Day: You have. I think there is one in the riding of each one of you. I checked.

Ms. Scott: Is that right? Isn't that wonderful. Good research skills.

We have limited time, so I was just going to focus on one area. I will mention, though, that you're correct on the MNR. They have a great GIS system that is not utilized enough. So there need to be more integrated communications systems.

Ms. Day: I understand there already is a start-up committee that's working together, but that really, really needs—we were talking about where the money will come from. If MNR is doing one thing with the charter annex agreements and the Ministry of the Environment is doing other things, most of them—especially because the Great Lakes about every one of those areas.

Ms. Scott: There's no question that there's not enough communication done, and we can improve on that.

You mention costs, and that's been a huge factor through all the presentations because nothing is going to be implemented without higher levels of government being a partner in this. Do you think it's appropriate, the way the bill is and the funding scheme? How would you like to see a funding model develop for Bill 43?

Ms. Day: I would like to see it, and I'm not a lawyer, so I don't have the language. That's why I referred you to the implementation committee report, as well as CELA, which has crafted wording that could be inserted into the bill. With great respect—I know this is a multi-party committee—it needs to be proof against a change in government where the priorities change. I was really disappointed, reading Hansard, to watch the debate, with the exception of Mr. Tabuns—and I thank you for that—break down on party lines. That's really disappointing when this is such an important issue. Everyone needs to be working together. You can't be doing potshots and playing games. We need to have this bill proof against—regulations can be changed easily, but if it's in the bill that the funding will be provided, that's harder to change.

Ms. Scott: That's what we're trying to highlight here, that changes to the bill need to be made.

The Vice-Chair: Mr. Tabuns?

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Mr. Tabuns: Thank you for the presentation. I appreciate it. Can you say whether or not this bill will, in fact, be effective if the funding is not provided?

Ms. Day: I obviously have been listening this morning, and I think, especially in the smaller areas, they

don't have the funding. They don't have the base to gather funding. They also don't have the expertise. So that has to be imported. Sometimes, they don't have the will; we've got to admit it. Some small communities say, "The water has been fine forever. Don't bother me. Don't give me all these regulations and new rules." So we really need a very firm foundation, and funding will be a big part of that. Most of the pushback you've gotten so far has been on funding, and I think if you can show how the funding will happen, then everyone will support this bill.

The Vice-Chair: Ms. Wynne?

Ms. Kathleen O. Wynne (Don Valley West): Carolyn, thank you very much for being here.

I want to just say off the top that it's not surprising to me that you've come forward with a really thorough and helpful submission, because my connection with your organization in my riding is always one that is very helpful to me on policy issues. So thank you very much for doing that.

Your role on this issue has obviously been visionary. You've been at this for many years in terms of protecting water. I wanted to ask you specifically about the Great Lakes issue. You've brought forward an amendment, or a couple of amendments. A number of groups have said to us that they're looking for integration of what we're doing here with the work that's been done on the Great Lakes. Is what you brought forward, to your mind, sufficient to mean that there would be integration among the different plans?

Ms. Day: I think that if the members of the Ministry of the Environment and the Ministry of Natural Resources are working together, there is so much expertise that has been generated over the past two years during the negotiations to get the annex agreement together.

Next year, of course, Ontario will chair that international committee for the implementation of the Great Lakes Charter Annex agreement. So what better time for Ontario to work together, as the two ministries—you all work with the silos. You know what happens, that it's so hard to break down funding and ministerial mandates to coordinate.

But this is such an important bill. It's such a landmark. So often, governments are bringing up legislation, looking at the next election, and it's so short-term. This is different, and I think it's so important that we work on it.

Ms. Wynne: That's right. This really has nothing to do with an election platform. This has to do with doing the right thing in the province. Thank you.

The Vice-Chair: Thank you for your presentation, Ms. Day.

I want to repeat the call on the Saugeen Ojibway Nation. They are here? They are not.

ONTARIO AGRI BUSINESS ASSOCIATION

The Vice-Chair: We're going to move to the Ontario Agri Business Association.

Good morning. Welcome.

Mr. Dale Cowan: Good morning, Chair.

The Vice-Chair: You have 15 minutes: 10 minutes' speaking time and five minutes for questions. You can start when you're ready.

Mr. Cowan: Thank you, Mr. Chair and honourable members. My name is Dale Cowan. I own a business in Guelph called Agri-Food Laboratories. I'm also currently vice-chair of the provincial nutrient management advisory committee, but today I'm wearing a different hat. I'm here as a director on the board of the Ontario Agri Business Association. So thank you for the opportunity to speak to that.

The Ontario Agri Business Association serves as representatives to organizations that operate approximately 375 country grain elevators, feed manufacturing facilities and crop input protection supply companies. We serve as a major source of employment in rural Ontario, with payroll approximately \$250 million to our members—that's about 8,000 Ontario residents—and oftentimes in small rural towns we are the major source for employment. We operate within a very competitive and highly capitalized environment. We are an essential supplier of products and services to Ontario agriculture and we contribute greatly to the economic and social viability of many rural communities.

The membership of the Ontario Agri Business Association provides products and services to primary producers involved in livestock and poultry, cash crop, horticulture and specialty crop production. While recognizing and supporting the concept of source water protection, it is essential that the proposed Clean Water Act allow our agri business members to operate competitively in both the North American and global food marketplace.

We are pleased to submit some of our comments. We won't cover everything that's on the handout; we'll just highlight a few things.

We are in support of the concept of source water protection. However, we think it's imperative that Bill 43 be very clearly limited to the protection of municipal water supplies—we need to define just what kind of water we are protecting—and to adopt a risk management versus a risk elimination approach. The current language in the bill around the permitting process causes us some concern.

The basic premise of the legislation must be founded on good, science-based principles. When that science-based standard is not available or is lacking, then credible research must be conducted in advance of enactment of the legislation. There must a process of monitoring current, evolving and future technologies to verify that the standards that are currently in place are effective and appropriate. We would like, as much as possible, to see a precautionary principle used at an absolute minimum. Good science greatly reduces the number of unintended outcomes. When you don't have the science, you start making assumptions which may or may not be valid, and the precautionary principle in and of itself may become less effective and not do what we think it's going to do.

At this point, I'll turn it over to my partner here, Ron.

Mr. Ron Campbell: Thank you. My name's Ron Campbell. I'm a staff member with the association.

Continuing on with some of our comments, one of the key elements of this act is the emphasis on local control of the plans in the various conservation authorities across the province. There is some concern; we want to make sure that standards are put in place that create transparent and consistent decision-making that is interpreted and implemented consistently throughout the province. Many of our members conduct business in a wide area, and if one business were to be in an area that had stricter requirements than another area with similar issues, it could create a competitive disadvantage. We want to make sure, therefore, that clear direction is provided to both the source protection committee and the authority to ensure that this consistency takes place.

Another area of concern is the powers of entry that are allowed for inspectors. We understand some of the reasons why this was put in place. However, most of our members have health and safety policies and procedures, have biosecurity policies and procedures to prevent the transmission of disease, especially in the feed industry. So there must be some caution undertaken by the inspectors, either through the authority or MOE or whatever it is to ensure that they're following these protocols. We're not putting them up there to be a roadblock to inspection or investigation, but there are some good reasons behind that, and that has to be taken into consideration.

Mr. Cowan: Thank you. That concludes our points.

The Vice-Chair: Thank you very much for your presentation. Now we have a lot of time for questions. We are going to open the floor. We're going to start with the parliamentary assistant for the Minister of the Environment, Mr. Wilkinson.

Mr. Wilkinson: Welcome, to the Ontario Agri Business Association. Of course, Ron Coghlin is one of my constituents, so I'm very familiar with your organization, particularly in my riding and in this part of Ontario.

You'll be glad to know, if you didn't realize it yet, that when the minister spoke to the committee yesterday, she specifically told the committee that there will be amendments to the act to ensure that biosecurity concerns are addressed. She particularly wanted me to say thank you to farm organizations and in particular to OABA. The work that you're doing with HACCP is amazing.

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What I want to get into is, we've had, obviously, a difference of opinion here. We've had people come here just today, saying, "You've got to change this act so it's everybody, right across the province; that's the only equitable thing to do, and there should be the precautionary principle everywhere in the bill." You've said the opposite of that, which is that we should scope down the municipal sources of drinking water, and that the precautionary principle, in a sense, is in conflict with science.

Could you just elaborate on that for us on the committee why you think your position makes more sense than what we've been hearing from others today?

Mr. Cowan: From the standpoint of the precautionary principle, I see that when you don't have all the answers, then you invoke the precautionary principle. All we're saying is that you should pursue the science, because what it can do is stifle any initiative or new ideas. And your science, if it's in place and no one wants to challenge it—if you don't understand why you have a problem and you don't want to apply the science to it, putting the precautionary principle in place because you don't want something to occur may not stop that thing from occurring. So you have to understand what it is that you're protecting, and I think that goes hand in hand with understanding what water sources you're protecting. I don't think, from a cost standpoint, that we should be, on a provincial basis, trying to protect absolutely every drop of water in this province. I think there are some sources that are definitely suitable for drinking purposes, and irrigation and recreation and everything else goes along with it. So I don't think they should be subject to the same standard as drinking water.

The Vice-Chair: Thank you, Mr. Wilkinson. Mr. Barrett?

Mr. Barrett: Thanks to the Agri Business Association for presenting. You indicate that economic studies are necessary and should be undertaken. In one section you propose "that a section be added to Bill 43 that indicates a mechanism whereby the province"—this is at the top of the second page—"can provide funding to support the objectives of" source water protection.

In your business, with the feed mills and co-ops, the groups and individual farmers you deal with, I wonder, given that there's no mechanism in the legislation that says who pays for it, the assumption is that municipalities are going to pay and agribusiness, farmers, landowners will pay. Could you give us an indication of what the economic climate is out there in Ontario right now? If you could just give us a thumbnail sketch from the perspective of your members and what they see with the customers who come to the feed mill and what have you.

Mr. Cowan: Certainly. Well, it's dismal. We have very high energy costs. We have very low commodity prices. The return to the farmers is negative. Since farmers are our customers, we are challenged within our marketplace to maintain a critical mass of business. We have tremendous attrition and restructuring going on within our industry. We are technically over capacity in some regards. So we have extremely thin margins, highly competitive businesses, and any extra burden that comes into that equation is going to be just that: a financial burden. That's why I made the comment about the permitting process. We kind of see that that potentially could just be another form of taxation without representation: buying a licence to operate because you sit on the bank of a river as opposed to allowing us time to put a mitigation strategy in place funded out of business operations. You can give us time or you can give us money; that's one way to look at it. But it's a highly competitive and a very low-margin business right now. Farm communities, I'm sure you've heard, are under pretty big duress right now.

The Vice-Chair: Mr. Tabuns?

Mr. Tabuns: Thanks for the presentation and thank you for coming today. It has been very good for us to hear this input. You note in one of your points that we should do the necessary economic studies, essentially to balance out legislation and regulation related to the source waters as opposed to the cost of improving municipal treatment and water delivery systems. In concrete terms, are you saying that we could actually leave source waters unprotected if we had a really good chlorination system? Can you clarify to me precisely how you see that working?

Mr. Cowan: I don't see the day when we will not chlorinate. I understand what you're saying, that, yes, there are certain threats and risks that need to be identified, some contaminants that have potentially long-term health effects. So yes, we need to protect the sources. I'm not so concerned that we need to protect absolutely every source of water; that's not going to be useful. But I think the delivery of clean, safe water to communities is the last barrier to a multi-barrier approach, and that certainly needs a lot of scrutiny.

I look at infrastructure in some of these large cities being rather old and needing a lot of repair. If there are limited funds available, as there always seem to be, where are we going to spend them? Yes, I see protecting source water as being one, but also the delivery of good, clean water is kind of the last defence, and I think that's where there needs to be a lot of effort put in.

The Vice-Chair: Thank you very much for your presentation.

GEORGE SPENCE

The Vice-Chair: The next presentation will be by George Spence. Is George Spence around? If he's here, he can come forward.

Welcome, Mr. Spence. The floor is yours. When you're ready, you can start. You have 10 minutes for a presentation and five minutes for questions.

Mr. George Spence: Thanks to the committee for coming to Walkerton, and thanks for allowing me time to make this brief presentation. My name is George Spence. I live near the village of Mildmay, Ontario, and I come to the committee as an individual. I've never done this sort of thing before, so bear with me. But I just couldn't let this pass, because I've read the bill several times.

In May 2000, I worked in Walkerton and was very sick because of the water. I'm still suffering with related problems. Clean water is very important to me, but also, I'm a farmer, a rural landowner and an appraiser. I've worked with farmers for over 35 years, with Farm Credit Canada, so I know the strife in agriculture today. I also worked on the Healthy Futures program. This was a water quality improvement program through Saugeen Valley. That's enough for background. I also do financial consulting for Agriculture Canada.

My concerns: I have outlined eight. Just from listening to a few of the presentations earlier, I think they're more

down to a little bit of my own interests and close to home, but anyway, here goes.

I'll start off with my main concern with Bill 43. My main concern is what it takes away. To me, it takes away significant property rights and personal rights. A permit official can impose any conditions limiting a landowner's use of land, can designate my land, enter my land, inspect my land, fine me, I guess, if I'm not following protocol, and I could possibly even go to jail. Also of main concern is that it can expropriate my land without compensation. This is the way I read the act, as an appraiser. It can take away any claim for injurious affection. It can devalue my property because of the restrictions imposed. I'm a little bit concerned about democracy. I'm just thinking this bill goes a little bit too far in this area.

My second concern is what it does not give in return. To me, it gives absolutely no support or protection to the rural landowner. If I follow all the rules of my environmental farm plan, my nutrient management plan, Bill 43 permitted uses for designated areas, and if I log and document all my actions on my farms, and let's say the village next door has a water problem and people are sick, this bill gives no relief or support to me as a rural landowner. There is no mention of anything like that. If I'm named in a large lawsuit, I just stick it out myself, I guess. To me, this just does not seem fair.

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A third concern is that there is no help or assistance for me to meet the requirements of being in a designated protected area. There's no help for manure storage, fencing cattle out of creeks, water runoff protection, capping wells etc. I know from many different ways that the agriculture industry cannot afford these extra costs at this time.

My fourth concern is the lack of restrictions on the local villages and municipalities. I see that there really aren't any protections against the poor practices of the local water takers. They can put a shallow well in a low area next to my farm. They can place a well next to a creek. They can operate a well right next to a creek. There might be water filtration before chlorination, there might not be, and sometimes the water is not even chlorinated. Are these wells checked and maintained? I'm very concerned.

My fifth concern is how to designate a threat or protected area. I've just prepared a few little diagrams. I'll hand them out, if that's permitted, both ways on the table.

I said that my concerns are close to home. I thought an example of just how I can see the bill applying to me or some of my concerns might be of interest. Just a sample farm; it happens to be my farm, 150 acres in the middle of the page. At the front of my farm is a low, wet area, and it extends to the west up to four of my neighbours' farms. This low area has on its edges about five larger barns, with probably a 1,000-head capacity for beef cattle. There's a municipal drain that runs through the centre of this low area and goes across the road into the village of Mildmay. I might add one little thing: Before it gets too far, the drain empties into a duck pond, where it

then goes into a small creek. Eventually, if you follow on to the east, it empties into Otter Creek.

You might see the number 3 with an X there. That is the village of Mildmay's well, where they draw their water. It's an artesian well. I understand that there's no filtration for turbidity before it's chlorinated. The well is 50 feet from the creek, at the most. I've seen when flooding occurs that it's right up to the edge of the well.

Then if you could go further to the west, across Highway 9, there's a public drinking water system there. It's an artesian well again, which is common in this area. The public come there to fill up their water containers and take them to Walkerton, to their cottage or whatever. I estimate that there are at least 100 cars a day that go there to take water. There is no treatment or any chlorination of this water.

These are the concerns to the north of my farm, but my main concern is to the south. If you look at the bottom of my farm, Concession 6 and across the road, here is a creek with about a 1,000-gallon-per-minute capacity that goes directly underground. Before the creek gets to go underground, it bypasses within feet of three barns, and cattle are pastured in the creek at most times of the year—and I say, "in the creek." Then this water goes directly underground. I can guess that it might go directly under our landfill site, which is across the road. And does it go directly down to the village of Mildmay?

Again, back to how to designate where the water comes from, or protected areas.

The next page, if I could just take a minute, is sort of a local map of the area. From what I'm told, the whole area of Teeswater, Formosa and Mildmay is over a large underground aquifer. They're all flowing wells in these villages for municipal water and a lot of private water-takings. What I wonder is, where does this water come from, say, for Mildmay? How many streams go underground in this area? How many uncapped wells?

My other concerns with the bill, and I'll be brief, are subsections 42(6) and 53(5), the authority of a permit official. To me it is just far, far too broad. Where do these officials come from? I read in the paper our local Saugeen Valley Conservation Authority has difficulty hiring people now. I would not want this job. To me, this would be a job that would be very difficult to fill.

Another concern in the act is the definition of "drinking water threat" and "significant drinking water threat." These definitions are far too broad to ever administer.

The last concern that I've mentioned here is the cost to administer Bill 43. To me, it's got to be huge. Is this just going to be another gun control situation? I think so. Costs, I would think, would quickly get out of hand. Also, I feel the stress on farmers and rural landowners would be very extensive—far more than damage, maybe, from unsafe water.

The Vice-Chair: Thank you, Mr. Spence. We now have five minutes for questions. Mr. Barrett?

Mr. Barrett: Thank you, Mr. Spence. You covered a lot of areas. I'll just focus on the issue around expropriating land without compensation. There are concerns out there around property rights. I'm hearing concerns

somewhat akin to what we've been hearing about gun registration over the last 11 or 12 years. Under the Expropriations Act, compensation is required, and under section 83 of this act, it does allow land to be expropriated. However, that next subsection, 88(6), indicates that nothing done in compliance with the Clean Water Act can be considered an expropriation. So you've got a green light. You can go ahead and do it and it's not counted as expropriation, so you don't have to compensate. It's a kind of back door—

Mr. Spence: That's my understanding, the way I read it.

Mr. Barrett: This is my understanding as well and I just wonder—I don't know—is this the country we live in? I'm surprised to see this kind of stuff in here. Often-times we do see overreactions. Any further comments on that? It's something that people are worried about.

Mr. Spence: Actually, on another one of my properties I'm undergoing expropriation right now. I'm in the middle of it. Three years later, and my lawyer's bill is \$30,000. But to me, when I read this, because I have been learning about expropriation a fair bit and I am an appraiser, it is just expropriation without compensation. I just don't think that's democratic and I don't think it's fair.

If my property is devalued because of the designations and so on, I end up with the same thing. My value is lower. My loan-to-mortgage ratio is different. I would have difficulty borrowing if a lot of my land is designated this way.

The Vice-Chair: Mr. Tabuns?

Mr. Tabuns: Mr. Spence, thank you for coming today. It's pretty powerful testimony. You were affected by the water contamination.

Mr. Spence: Yes.

Mr. Tabuns: So you know the consequences of things going wrong. You're concerned about this bill. What would you recommend that we do?

Mr. Spence: I guess it's great to come here and voice my concerns and condemn, but I think there are solutions and probably some of us sitting around here know what they are. There has to be a sort of program where we can educate people and help them meet the requirements of protecting water. There can be programs and funding to do this. When I worked with Saugeen Valley on the Healthy Futures program, I couldn't believe the desire of farm people and rural landowners to spend their own money to really improve safe water. I certainly have found that farmers are very environmentally concerned. If you can give them a means—maybe of having their farms designated as a sample and then having them get advice and help in being able to meet the requirements of a designated area, on a voluntary basis, for a few years and having them work with this program. Then, if more restrictive requirements are needed, go ahead with a bill like this, maybe without the teeth that are involved.

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Mr. Wilkinson: Thank you so much for coming in today, George. We appreciate it. Just to update you on where we are with some of the things that the minister

has said, this is a work in progress. That's the whole idea of having public consultations.

We definitely heard feedback about this whole idea of permit officials and about how we need to go to risk management first, which kind of fits in with what you're talking about. In my own similar experience with the environmental farm plan, which is a voluntary plan—it's wonderful—even though sometimes there was the CURB program that helps that, the farmers are the first ones to jump in to try to be the best steward. It's their land and it's their water that they're sharing with everybody else, and they are stewards.

So my question has to do with your central premise that if we did risk management first, and at the end of the day we do have a person, whether it's a farmer or not, who is allowing a significant threat to drinking water, do you think it's okay for the state, in that sense, to be able to take action? Or should they just stand back and say, "Well, there's nothing we can do"? There must be a point where the common good has to come into play. Maybe you could give us examples of where you think that line should be.

Mr. Spence: I could agree with that, if there is the education and help and support first, whether it be two years or five years. At that point, if there are still significant concerns and threats to our water—drinking water specifically—then I would think there has to be authority and some action taken on those individuals. But I don't think we're at that stage yet. I know our local municipalities have really improved their act because of Walkerton. I think generally individuals everywhere are concerned and farmers are doing their best to improve water quality.

Mr. Wilkinson: We agree with your concerns about the science. Unless people on the ground believe the science that's being done right now that the government is paying for—some \$120 million over five years. We can't get people to buy in if they don't agree that what we're saying marries up with their own experience on their own wells. Farmers all have their wells, so they all have a very good idea of where they think their water comes from and where it's going to. That is the work. There are great patches of information across Ontario. We just don't have the information. That's why that's getting done first. If that's not there at the bottom, you're right that we'd have real trouble with people buying into it. Just like your question about the aquifer—

The Vice-Chair: Thank you for your presentation. I've been asked by the committee if you'd like to submit your speaking notes to all members.

Mr. Spence: I would be glad to do that. I really do appreciate the time. Thank you very much.

ONTARIO SEWER AND WATERMAIN CONSTRUCTION ASSOCIATION

The Vice-Chair: The next presentation will be from the Ontario Sewer and Watermain Construction Association. You can start when you're ready, sir.

Mr. Frank Zechner: Good afternoon, distinguished members of this committee. My name is Frank Zechner. I'm the executive director of the Ontario Sewer and Watermain Construction Association.

The Ontario Sewer and Watermain Construction Association greatly appreciates the very rare and valuable opportunity to make constructive comments to you here in Walkerton today. We recognize that this committee plays a vital role regarding Bill 43 and that many, many stakeholders would like to provide their views, comments and recommendations. The Ontario Sewer and Watermain Construction Association, therefore, will restrict itself to a very few and limited number of comments and leave it to the others with expertise in their respective areas to deal with matters of development, construction and commercial activities.

To give you a bit of background about our association, our association is about 35 years old. We represent over 700 member companies that are engaged in the construction, repair and rehabilitation of sewer and water mains throughout the province of Ontario. We have as one of our core values the protection of the water infrastructure that we've come to rely upon for the delivery of clean drinking water from our lakes, rivers and groundwater sources through treatment plants through to the homes, businesses and institutions of this province.

The Ontario Sewer and Watermain Construction Association recognizes that the provincial government, and the Ministry of the Environment in particular, have genuinely good intentions with respect to the protection and enhancement of the safety, quality and reliability of clean drinking water sources for the province, its institutions and its businesses. We are, however, concerned about moving forward with the bill as currently proposed. One of the concerns we have has to do with the costs and benefits of the legislation. To the best of our knowledge, our association recognizes that through the Watertight report, which was released by the Ontario water strategy expert panel last year, there is an \$18-billion water deficit in the province at this time, and it is growing.

The infrastructure deficit that I'm referring to is essentially the difference between what is needed in terms of actual investments in terms of labour and materials in order to restore our aging water systems up to a reliable and pragmatic condition and what is being invested in it today. That \$18-billion deficit is going to be beyond the scope of any one stakeholder in this equation. It is beyond the scope of any one ministry of the provincial government to restore this infrastructure deficit. It's beyond the financial means of municipalities. It's going to require the combined efforts of all stakeholders in order to bring this forward.

We also have other infrastructure deficits in the province, not just a water infrastructure deficit. Again, Minister Caplan, through public infrastructure renewal, has reminded listeners in various speeches that there are other deficits, such as road and transit system deficits. When you look at water, when you look at roads, when you look at transit, when you look at other core

infrastructure needs, the estimates easily exceed \$100 billion in terms of hard dollars that must be invested into our aging and crumbling infrastructure in order to restore it to the operational levels that were originally intended.

In reviewing the costs of Bill 43 as proposed, then, one does not look only at provincial revenues and provincial finances. We have to look to the resources of all stakeholders within the province of Ontario. Simply because Bill 43 may or may not require expenditures by the province does not mean it's costing the province. There could be the possibility of significant costs of consultants, reports and studies being undertaken by order of Bill 43 by the various conservation authorities, municipalities and other stakeholders. Every dollar that is spent on studies and reports is one less dollar that's available to address the infrastructure deficit that we now have.

There are means and there are genuine concerns about protecting water sources throughout the province of Ontario. We recognize that. We recognize that there are valuable lessons to be learned and that should not be forgotten in terms of the Walkerton tragedy six years ago. We must comply with not only the laws of the land and the recommendations of Mr. Justice O'Connor, but we must move forward in a pragmatic fashion and with a balanced approach.

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It is the first recommendation of our association, then, that we have a cost-benefit analysis for all of the measures that would be required by all stakeholders in terms of costs to comply with Bill 43 if it's passed in its current form.

To the extent that there are requirements for the formation of committees, to the extent that there are requirements for the establishment of studies, to the extent that there are requirements to amend or reconfigure bylaws and official plans, these are all hard costs that must be borne by somebody at the end of the day—people such as myself, a homeowner; such as the people who have already made presentations here, who are farmers, community interests, the people sitting in the audience behind me. They end up paying through their own taxes, through their own user fees, through their own property taxes for whatever is needed in order to provide a clean and reliable source of drinking water for all of us. Simply because it doesn't come out of provincial taxes, it's not a matter that we can take any relief from. We have to look at the total cost of all of the measures that we're basically placing on all of the stakeholders. I believe there are significant administrative costs associated with Bill 43 that might otherwise be reduced or eliminated if we were to rework some of the existing legislation and some of the existing tools we already have.

In terms of specific comments, again, I just wish to remind this committee that simply because the province is not spending dollars directly for the compilation of studies, simply because they're not doing the amendment to the zoning plans, simply because they're not doing the

amendment of official plans, simply because they're not hiring the consultants who are looking at and developing these source water protection plans does not mean that there aren't dollars disappearing from the system. Each and every dollar that is spent on studies and reports is that many fewer dollars that are available for infrastructure improvement.

There are other possibilities of impacts on our activities, and I'll give you just one narrow example in terms of our industry activity going on. From time to time, our contractors are required to either install, repair or replace existing water and sewer mains beneath the roadways, and quite often they're fairly deep and those depths are below the existing groundwater levels. To the extent of what work is required, then, if you open up a trench in a roadway and the elevation of that trench is below the groundwater, the groundwater will then flow into the trench and create a working hazard. In order to reduce the working hazard and allow safe and efficient work on the piping systems, dewatering of the trench must take place. Quite often, if it's a large project and extensive dewatering, contractors will then have to apply through the Ministry of the Environment for a permit to take water. We are concerned that with Bill 43 and its possible impact on groundwater sources, on water budgets, on activities, there would be extensive delays and complications to the water-taking permit system.

We think there should be simpler and more modest concerns addressed by Bill 43, and these can be achieved through existing mechanisms such as boards of health, the Ministry of the Environment, planning committees etc.

Those are my comments, and I'd be happy to respond to any questions you may have.

The Vice-Chair: Thank you, Mr. Zechner, for your presentation. Now we open the floor for questions. We'll start with Mr. Tabuns.

Mr. Tabuns: Mr. Zechner, maybe I'm misunderstanding you, but are you saying essentially that we should do a cost-benefit analysis and decide whether or not the money to carry this forward should in fact be invested in sewer and water mains, as opposed to putting it into prevention of contamination of source water?

Mr. Zechner: To the best of my knowledge, no cost-benefit analysis has been done. The cost of doing all these studies may in fact be \$1 billion over five years, I don't know, or maybe \$200 million. I don't know what the cost is for everyone to comply with the new requirements in Bill 43, but there is a cost there. If the people of the province of Ontario agree we should spend an extra \$1 billion of our scarce resources on source water protection, fine; that's a priority and there's going to be less money available for treatment plants, less money available for inspectors, less money available for the piping systems. I think you have to move with a balanced approach. You have to look at all of these needs, and if you only have \$1 billion available over five years, don't put it all into one. Have it measured out. If there are fewer reports, maybe the cost of complying

with Bill 43 could be reduced to \$200 million instead of \$1 billion. I don't know what the dollars are, I haven't seen anything, and certainly I'm concerned about, when you're establishing basically an entirely new bureaucracy, what the cost of that might be.

Mr. Wilkinson: Thank you so much for coming in and sharing with us. Just getting back to what Justice O'Connor was telling us, and told all of us before the last election, before we all made a commitment to actually implement the O'Connor recommendations: He's saying that it makes more sense, and maybe it's just innately more cost-effective, to try to keep the sources of your water clean to begin with. That's the first of a multi-barrier approach to ensure the one thing that people absolutely demand in this province and have a right to, which is that if they turn on the tap, the water is safe.

We were talking earlier about the cost of not doing it; that's the other thing. From a financial modelling point of view, we have to look at the cost of not doing this. We've had a very strong recommendation, from the justice who went over this extensively, about the need for us to do that. But I take your point about the need for us to find that balance, because there are limited resources.

In Oxford county, which is the most expensive one we've been able to find so far, it's about \$1.65 per household per month over 10 years to make sure that they actually got some of their water rates going to make sure that the sources of their drinking water are clean. That, I think, gives them assurance but also reduces costs later on. So is O'Connor wrong on this, in your opinion?

Mr. Zechner: Absolutely not.

Mr. Wilkinson: No? How do we balance that?

Mr. Zechner: We agree entirely with source water protection. It's just whether or not you need an extensive separate legislation, together with a new bureaucracy, in terms of new bodies, new committees and a series of reports.

There are other jurisdictions all across this continent that have source water protection without something equivalent to Bill 43. They achieve it through fine-tuning of their legislation equivalent to our Ontario Water Resources Act. They deal with it through perhaps additional regulations under their environmental protection act. They might deal with it under their public utilities act or public water act.

There are other situations where you don't have to have an extensive budget, annual reporting and new committees being established. Basically, it's almost like a new level of government in terms of the controls, permits and reporting requirements that Bill 43 might be interpreted to require.

The Vice-Chair: Ms. Scott.

Ms. Scott: Thank you very much for being here today and for your presentation. You made very valid points, one being that we do not need this legislation. O'Connor recommended that it be done under the Ontario Water Resources Act and through the EPA. This level of bureaucracy is wasting money. Public Infrastructure Renewal has quoted \$18 billion for water infrastructure;

\$7 billion looks really low, then, when you're throwing that figure back.

Mr. Wilkinson: That's for infrastructure.

Ms. Scott: But it all leads to clean water, right?

So we don't need new bureaucracy. We should have used the existing tools. We've got a price tag from the present Liberal government of \$18 billion for infrastructure, which all leads to source water protection. But in your opinion, Frank, is source water protection of higher importance and good use of tax dollars with all the other infrastructure needs that have been assessed out there?

Mr. Zechner: Again, our message is that we have to look at this on a balanced basis. I've heard this around the table already this afternoon, and that is encouraging. We can't look to one issue only, to the exclusion of the others. We have to move forward on a balanced approach. Certainly the government has moved forward in terms of fine-tuning and enhancing treatment facilities, adding inspectors and fine-tuning those regulations, adding additional powers to the public boards of health in terms of reporting on these things, but again, the pipes are just as vital. If you have all this source water cleaned and you process it through state-of-the-art treatment plants, then put it through leaking and corroding pipes, where are you?

The Vice-Chair: Thank you, Mr. Zechner, for your presentation.

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DAIRY FARMERS OF ONTARIO

The Vice-Chair: The next presentation will be by the Dairy Farmers of Ontario. If they are here, they can come forward.

Mr. David Murray: Good afternoon, ladies and gentlemen. On behalf of Dairy Farmers of Ontario, I would like to thank the committee for inviting us to present our views on this very important piece of legislation. Dairy Farmers of Ontario markets all milk produced in the province, approximately 2.5 billion litres annually, from the 4,800 dairy farms in Ontario under the authority of the Milk Act. This generates a farm gate value of about \$1.6 billion annually, representing about 20% of the province's returns to agriculture. This makes dairy farming the largest single sector of Ontario agriculture.

My name is David Murray and I am a dairy farmer in Perth county. On our family farm, my wife and I milk about 40 cows. I also sit on the board of directors of Dairy Farmers of Ontario, representing the producers from Huron and Perth counties, and I am presenting on behalf of DFO today.

Dairy farmers understand the importance of the legislation and why they must be vigilant in exercising best practices in environmental stewardship. We are proud of the way that dairy farmers stepped up to the plate since the passage of the Nutrient Management Act, and we are certain that, with the right clean water legislation in place

and with the economic incentives that they need, they will step up again.

My presentation today has three sections. Firstly, we want to clearly express the support for the objectives of the Clean Water Act, while raising three fundamental concerns with the proposed legislation. Secondly, we want to make some specific recommendations. And finally, I will make some brief summary remarks.

Our first fundamental concern is that while we support the objectives of Bill 43, we view the current legislation as being overly punitive and not a positive improvement over existing legislation to improve Ontario's drinking water quality or risks. All impacted business and landowner groups agree that it is vital to have a safe and reliable source of water in this province. At the same time, it is important to bear in mind that high standards for drinking water are already in place in Ontario. Further, there are laws in place to regulate and punish polluters. In this context, it is difficult to understand the business case and administrative need for additional rules, regulations and enforcement protocols.

Ontario's dairy farmers do not take exception to properly framed and enforced legislation to deal with proven polluters. Provincial Ministry of the Environment enforcement with trained staff following proper pollution abatement procedures under the existing Environmental Protection Act or nutrient management legislation has proven to be a workable approach.

Our concern is that the proposed bill appears to shift the burden of proof to the agricultural landowner. Under Bill 43, the process puts the onus on the agricultural landowner to satisfy the municipal permit official that the normal legal farm practice will not cause harm. Rather than creating a predictable, uniform and scientifically sound framework for effectively managing legitimate risks, the proposed Clean Water Act establishes a regulatory process that could result in overly risk-averse municipal permit officials applying the precautionary principle to place an unfair and unnecessary burden on the landowner.

In contrast, there is a need for targeted education, incentive and implementation procedures and protocols based on risk and linked to local source water protection plan objectives. It is disappointing that Bill 43 is entirely punitive and does not focus on the development of a practical and workable framework for making positive water quality improvement progress.

Our second fundamental concern is that Bill 43 is vague on key definitions and scope which, because of farming's large land base, places a disproportionate burden on farmers, and this burden could well grow over time. Agricultural groups are confused by the inconsistency between the broad purpose statement found in the Clean Water Act, which reads, "The purpose of this act is to protect existing and future sources of drinking water," and the assurances that the focus of the proposed legislation is municipal residential drinking sources. Further, our concern is that surface water intake zones could impact a much larger land area than the municipal wellhead protection zones.

The definitions of terms such as “significant drinking water threats” in Bill 43 are unduly broad and subjective. Our interpretation is that virtually all activities in a source protection area will be designated, at first instance, a drinking water threat. This definition fails to recognize existing approvals, guidelines or standards that govern normal agricultural land use. The resulting uncertainty and its consequent investment of resources to deal with any and all such threats is unreasonable. Agricultural producers within designated wellhead and surface water protection zones may be subject to permit official conditions that go well beyond the normal agricultural due diligence standards.

Our third fundamental concern is that there remains a lack of commitment for fair funding principles. The implementation cost and the environmental human health benefits of Bill 43 are unknown and would appear to fall disproportionately on rural businesses and landowners. The bill appears to be structured so that all of the implementation cost is picked up by either the impacted municipalities or the impacted landowner. It is essentially a case of expropriation without compensation.

It is our position that Bill 43, as it stands, could have serious financial consequences for landowners, operating to effectively expropriate lands without any apparent compensation. There should be clearly defined protocols that source protection authorities and municipalities can use to negotiate fair solutions with impacted agricultural landowners. The concept of a provincially supported agricultural stewardship fund to assist impacted landowners and municipalities should be specified in the act.

The recommendations:

Our first recommendation to the committee is to reconsider the permit official approach in favour of a more proactive and positive approach that focuses on achieving the bill’s objectives. More rules, regulations and bureaucracy will not help to achieve source water protection goals. This approach appears destined for conflict. Rather, the focus should be on planning, education and financial incentives.

Dairy Farmers of Ontario agrees that it is vital to have a safe and reliable source of water in this province and commends the government’s intention to protect our water supply through Bill 43. At the same time, it is important to bear in mind that high standards for drinking water are already in place in Ontario. Further, there are laws in place to regulate and punish polluters. We feel there is a need for targeted education, incentive and implementation procedures and protocols based on risk and linked to local source water protection plan objectives. It is disappointing that Bill 43 does not focus on the development of a practical and workable framework for making positive water quality improvement progress. Regulatory enforcement tools may be needed in some circumstances, but this should be as a last resort.

Our second recommendation is that funding issues need to be addressed in an equitable way as an integral part of Bill 43, as recommended by the advisory committee on watershed-based source protection planning from 2003. The advisory committee recognized that one

of the guiding principles for successful source water protection is cost-effectiveness and fairness. I read from page 4 of the advisory committee report: “Cost-effectiveness and fairness: The costs and impacts on individuals, landowners, businesses, industries and governments must be clear, fair and economically sustainable.” Dairy Farmers of Ontario believes that the issue of who pays must be dealt with up front and in a clear and transparent manner.

We believe that acting on these two recommendations would address some of the important concerns that stakeholders have about Bill 43 and greatly enhance the achievement of the shared societal goals that are the objectives of the bill.

In summary, Dairy Farmers supports the goal of clean water for everyone but has concerns about the approach being proposed with Bill 43. We think the approach is destined for conflict with orders and permits, permit officers, inspectors and enforcement officers, new municipal authorities, limited appeal processes and no financial assistance.

Our other concerns relate to a lot of uncertainty and vagueness around the bill, including how much land and where, what activities will be regulated, and who pays for implementation. We feel the government needs to present a more balanced approach that includes co-operation and team work with those who are likely to be most affected and addresses the need for financial assistance.

Thank you for taking the time to listen to our presentation. I am by no means an expert on Bill 43. I am a Dairy Farmers of Ontario board member plus a concerned businessman, farmer and father who has some concerns with the approach taken by Bill 43.

Dairy farmers have been, and always will be, good stewards of our land. We live on our land and our families drink the water from our own wells on our farms. The issues we have lie not with the concept, but with the approach of the legislation.

Thank you again, and I welcome any questions.

The Vice-Chair: Thank you, Mr. Murray, for your presentation. We’re going to questions now, starting with Mr. Wilkinson, the parliamentary assistant to the Minister of the Environment.

Mr. Wilkinson: Thank you, Mr. Chair, and welcome to my constituent Dave to Mr. Murdoch’s riding. Dave is a local dairy farmer in my riding of Perth–Middlesex, which happens to be number one in dairy production in this great country of ours.

Mr. Murray: Thank you for that recognition.

Mr. Wilkinson: We thought we’d throw that in there. All politics are local.

Dave, you will be glad to know that the minister was here at the beginning of the hearings yesterday. The need for us to move to the idea of risk management first and then orders as a last resort, for someone with a significant drinking water threat who feels that they should do nothing, really comes from a lot of great information that we’ve gotten from OFEC, OFAC and the DFO—all have been part of the consultations. So we appreciate that and we look forward to looking at amendments on the bill.

The whole bill is based on science because that is the underpinning of it. That's the work that's being done right now by the province of Ontario and we're picking up the total cost. But you go to the question—and this is the one we're talking about—of who pays. There are different models: It should be the person drinking the water; it should be the municipality; it should be the province. Ultimately, if we're going to ensure a safe supply of drinking water, with a multi-barrier approach, which is what Justice O'Connor told all of us to do, who do you think should pay?

Mr. Murray: When the benefits of clean drinking water accrue to society as a whole, then I believe that society should be paying, which is the government through our taxes.

Mr. Wilkinson: Right. And we've had some farmers who have come in and said, "Well, I'm willing to do my part." So do you see it as a—I know in Oxford they said the cost is quite minimal on the work they've done so far, which is quite progressive. Do you think there is a role for everybody to come together and just make sure that, as the costs become more than the ability of the person—that that's where it should kick in, or should it be a blanket program? Presumably, we have to deal with that. People, for example, on their other infrastructure have to pay. So where is the point where the province needs to come in, in your opinion?

Mr. Murray: I think the province has to be there right from the start.

Mr. Wilkinson: And there shouldn't be any cost-sharing with anybody else?

Mr. Murray: Everyone should be doing their share, but we do that through paying our taxes too. I think in the past, dairy farmers have shown that we are willing to go to the plate with the Nutrient Management Act and with the environmental farm plan. We do pick up our share of the cost as well, but it should be right up front so that we know where we all stand. If we had that \$120 million right up front, which would go to infrastructure, I think you would have uptake immediately. Otherwise, there may be some sort of confrontational approach.

Mr. Wilkinson: So after we get the science done, that should be—your opinion would be to just continue that on that part of it?

Mr. Murray: I would think so.

The Vice-Chair: Ms. Scott?

Ms. Scott: Thank you very much for your presentation today. You're right: There are the environmental farm plans, the nutrient management plans, and you've come to the table and you've met those plans, you've done your due diligence. So I compliment you on doing that, and all dairy farmers and all the farmers who have complied when they needed to.

We're concerned because if cows are deemed by this government as a significant drinking water threat, what impact is that assertion going to have on your good image, your marketing strategies with milk and dairy products?

Interjection.

Ms. Scott: Well, you're calling them. Cows and—

Mr. Murray: Considering that we produce nature's most perfect food, I would be quite astounded if that would even happen. I think we have always been good stewards of the land. We drink the water from our wells, we eat the food that we grow on our properties. I can't quite imagine that that would ever be the case.

Ms. Scott: But they're just saying that it is a threat. Cattle, farming, agriculture are threats to our drinking water. So there are two sides to the story. I just wanted to—

Mr. Murray: I hope they would know better than that.

Ms. Scott: So do I, but I just wanted to highlight that.

The Vice-Chair: Thank you, Ms. Scott.

Mr. Tabuns, are you ready for the question?

Mr. Tabuns: Thanks for your presentation today. Do you have a sense of the scope of costs that you talk about when you say there will be a financial burden placed on farmers? Has there been an analysis?

Mr. Murray: We haven't done an analysis. I can only imagine what might happen on my farm. We have a creek running through our property, we have a drilled well 150 feet deep which is still zero-zero, but that creek could be the turning point where it would cost me money inasmuch as I might not be able to use land within so many feet of that; therefore, I would need to go out and rent land. That's not significant, but it's not insignificant either, considering in our area land rent is over \$200 an acre. So it depends how wide that is. We don't know what the land area is. I think in some other instances the costs could be great just because of manure containment and where and when you can spread the nutrients. We always do a good job of returning the nutrients to the soil and doing it over again. So to restrict us in that, there's also a cost.

The Vice-Chair: Thank you, Mr. Murray, for your answer. Thank you for your presentation.

I want to thank everyone who attended with us in the morning session. Our session is over. We are going to recess from 1 to 2 o'clock. Thank you very much.

The committee recessed from 1254 to 1404.

The Vice-Chair: Good afternoon, ladies and gentlemen. Welcome back again to the standing committee on social policy. We are in our second day and second session of the day here in Walkerton.

COUNTY OF OXFORD

The Vice-Chair: The first presentation for this afternoon will be by the county of Oxford. If they are here, they can come forward to the mike. I believe you know the procedure. You have 10 minutes' speaking time and five minutes for questions, if you wish. You can start whenever you want.

Mr. Bill Semeniuk: Thanks very much. Good afternoon, ladies and gentlemen. My name is Bill Semeniuk. I am a councillor for the county of Oxford and also mayor of the township of Zorra, in the county of Oxford, in

southwestern Ontario. I am accompanied by Margaret Misek-Evans, senior planner for the county of Oxford.

The county's experience in source water protection spans the past decade, both locally and provincially, and includes representation on the technical experts committee. Since 1997, the county has done many ground-water studies, pilot projects and stakeholder consultations to advance a science-based approach to source water protection in Oxford. We find that the existing tools available to municipalities are inadequate to protect source water. Many of these tools would unduly affect the local economy. There need to be better tools available to municipalities to address threats. Provincial instruments also need to be available for source water protection. The two levels of government need to co-operate to achieve adequate risk management. There needs to be adequate funding for implementation and enforcement as well as protection from liability.

We believe that Bill 43 provides for better tools and also embraces a co-operative approach. Overall, the county supports Bill 43. Our comments today are intended to address remaining concerns. We have identified six key areas that require further attention in the bill.

Regarding municipal roles and responsibilities, the act proposes that municipalities are to make up one third of the source protection committee. Five of the 16 are to be municipal. In our opinion, this is not enough. It is our position that the source protection committee should be larger, or that out of the five municipal members, there should be at least one upper-tier representative for each upper tier in the source protection region. Upper-tier councillors can transfer information to their lower-tier counterparts.

The act also makes the source protection committee responsible for preparing the terms of reference, the assessment reports and the source protection plans, and prescribes that municipalities shall be consulted on these documents. It is very important to have the act provide willing municipalities with the responsibility for undertaking assessment reports and source protection plans for municipal water supply areas. The regulations should also ensure that technical assessments and source protection plans prepared by municipalities and council-approved are incorporated into the watershed source protection plan.

Interim permits and orders: Section 48 provides for a municipal permit official to issue an order for a risk management plan for high-risk activities in municipal supply areas in order to immediately reduce risks to drinking water. In doing so, municipalities are protected from liability. These measures are interim, because the source protection plan is not yet completed. The act needs to include criteria for defining what triggers early action under section 48.

Regulations and rules are needed to identify adequate interim risk management measures to reduce the risk to below "significant." Also, rather than having municipalities operate by order and permit, the act should allow the

voluntary development of a risk management plan on an expedited schedule. The resulting plan should be made binding by an agreement. The act should obligate interim action only for existing or historical significant drinking water threats, not future activities. The county agrees with the protection of municipalities from liability for interim measures and believes this should be extended to implementation and enforcement activities associated with the source protection plan.

Future activities: The reference to "future activities" is seen in many sections of the act. The term "future activities" needs to be clearly defined. It should not be used to imply a significant risk where one does not exist. It is unreasonable to expect municipalities and source protection committees to anticipate the range of chemicals that might be used in future at commercial and industrial establishments. The risk management should be based on hazards present at the facility at the time of assessment. The act incorporates a mandatory review at regular intervals. This provides for changes in activities or land use to be picked up in a future review.

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Implementation and enforcement: Section 19 of the act addresses the contents and objectives of a source protection plan, requiring that every significant drinking water threat must cease to be significant and that none of the possible future activities ever become significant drinking water threats. The primary tool for addressing these significant threats will be the risk management plan, implemented through a permit and order process. Municipalities are given responsibility for implementation and enforcement by permit officials.

We have already touched on our concerns about future activities. Other concerns that we have with implementation and enforcement include standardization, liability, cost and rigidity of enforcement.

A standard approach to risk management and enforcement is required to determine what actions are required to reduce the risk below "significant." This is important to ensure that similar actions are taken throughout the province for risk reduction and that all available tools are accessible, including provincial instruments where appropriate.

Further, regulations providing qualifications and training requirements for permit officials are needed. At a minimum, the province should commit to developing and funding a training program for municipal permit officials.

Considering the onus on the permit official to sign off on risk management plans, we suggest that permit officials be employees of the province rather than of the municipalities. This arrangement is similar to other legislation, such as the Nutrient Management Act and the Safe Drinking Water Act. Provisions could be made to delegate this authority to willing municipalities, with acceptable training and liability protection.

The use of a permit can address several areas where the planning process falls short, such as existing uses, ongoing management practices and monitoring, to name a few. However, a permit approach may be overly rigid and expensive to implement.

The permit system proposed by the act should be replaced with a negotiated risk management approach. Property owners assessed as “significant” should negotiate a risk management plan with the municipality and permit official. This plan would be bound by agreement, rather than a permit. The order powers should only be used as a last resort, if the owner failed to comply with developing a risk management plan or failed to enter into an agreement.

The act should also provide for a risk management plan to be revoked if a business isn’t following it. Once revoked, another plan could be renegotiated. This softer approach to enforcement should be available instead of immediately going to prosecution. There may be good reasons for the plan’s failure, such as a change in business, a new owner or financial hardship.

Financial support: It is Oxford’s position that the province should ensure that financial support is available to assist with costs associated with implementation and enforcement and to assist with the costs to property owners, farmers and small to mid-sized businesses for risk management.

Source protection may accelerate the need to address brownfields. Provincial funding for brownfield remediation required as a result of source protection is necessary, as is protection from liability for municipalities.

The county is a proactive supporter of source water protection, and we encourage the province in that regard. However, the province should proceed cautiously and ensure significant resources are allocated to the whole process to avoid undue hardship.

Private services: There is no provision in the Clean Water Act for wells and septic tanks to be disclosed upon transfer of property. The Clean Water Act should make a complementary amendment to other provincial legislation to enable disclosure, including the location of services on the plan of survey.

To summarize, the county is supportive of the Clean Water Act. The changes that we propose will assist in achieving a practical law that governments and conservation authorities can implement.

On behalf of Oxford, thanks to the committee.

The Vice-Chair: Thank you for your presentation. We’ll open the floor now for questions. We’ll start with Ms. Scott.

Ms. Scott: Thank you very much for appearing before us here today. You’ve made a lot of good points. I hope that you will bring forward amendments so that we can deal with them in clause-by-clause on September 11 and 12. We can help facilitate, if you need that.

Yesterday, in her opening remarks, the minister suggested that your county and the region of Waterloo can implement all the requirements of Bill 43 for the residential tax base charge of 75 cents or \$1.50 a month per household. Is she correct when she says that it’s fair to expect municipalities to pick up the implementation costs? Are those costs accurate? Can you clarify that a bit?

Mr. Semeniuk: Yes, and I appreciate your asking that question, because it has been brought to our attention. I’ll

hand that over to Marge. She has assessed some of the costs that we’ve entailed so far.

Ms. Margaret Misek-Evans: The costs that have been quoted are based on some information that we provided the ministry in 2004. I brought the summary table that I provided to them back in those times when that was requested. A lot of the costs are steady costs. Some of them are implementation costs, but of course we haven’t proceeded very far into the implementation venues, so it’s a very preliminary estimate.

We’ve done some good work in implementation through our clean water project, which is an incentive-based program originally initiated under the healthy futures funding. But when that was discontinued in 2003, the county continued it using its own tax-based dollars.

Some of the other costs that maybe drive up that household average are land acquisition costs for farmlands that we’ve purchased around one of our impacted well fields to gain control over the sensitive area and remediate the problem.

Mr. Semeniuk: And one area, if I can—just to respond further to that clarification on costs—the county has developed a fund called the community servicing assistance fund, where it basically garnishes \$10 a year on water. There are 53,000 municipal water users in the county. That goes into a fund to help offset when a community or an area needing service, say a water service—

Ms. Misek-Evans: —to offset the cost associated with providing that water service to them.

The Vice-Chair: Thank you very much for your answer. Mr. Tabuns.

Mr. Tabuns: Thank you for coming and making this presentation; it’s very useful. Two questions: Do you have a sense of what it would cost to fully implement what’s set out here in this act in your jurisdiction; and secondly, how would you deal with those requirements if funding were not forthcoming from the province?

Mr. Semeniuk: I’ll ask Marge to answer the first one.

Ms. Misek-Evans: Do we have a sense of what the full implementation costs are? Not particularly. We haven’t really sat down and done any hard estimates. We’re pretty practical in Oxford county. We use the existing resources where we can. If the permit official ends up being a municipal employee, then those will become probably part of our public works department, along with the sewer use bylaw enforcement officers. There might be some dual training there. So there will be some additional staff costs.

We’d much prefer the negotiated risk management plan approach, and we would like to also extend our clean water project, again hopefully with provincial assistance, to help offset the implementation costs of rural property owners. We believe that the technical assessment that’s envisioned under Bill 43 will really help us scope the areas that need attention and help us scope the significant threats and that those will not be high in number. We’ve done some of that preliminary work ourselves, and we’ve got a good sense that it will be pretty manageable for us. That will help to contain costs as well.

Really, the costs of not doing this are probably higher than the costs of doing it. In our experience with the stakeholder consultations—and the tools that we have to work with without Bill 43 are so blunt that you may have to turn development away in sensitive areas because you can't negotiate a risk management plan; you have no way of implementing a risk management plan with them. So the economic development cost of forgoing development in some of these areas is pretty phenomenal too. It is a trade-off. This provides us with so many more options to manage the risk and still have a viable economy.

The Vice-Chair: Thank you very much.

Mr. Semeniuk: I can—

The Vice-Chair: We are under strict time, sir; so many people.

Minister of the Environment's parliamentary assistant.

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Mr. Wilkinson: Just to continue on that train of thought, Your Worship, could you give us some concrete examples? You've said at the beginning that this is going to be the tool that's missing in your toolbox. I know you were heartened to hear the minister talk about how we're making sure that we're going to focus this bill on risk management, and then that's the way we need to approach people. We always, at the end of the day, have to be able to take action on for the public good, but we should start always with negotiating risk together with the property owners. Can you give us an example of where you think this is going to fill a gap, maybe an actual example of where you wish you had this bill?

Mr. Semeniuk: I was going to elaborate a bit. For the committee to understand, I am not only a rural mayor, I'm a farmer, and I run an intensive livestock operation within a wellhead-protected area. It was a concern for me whether my business was going to carry on. I reflect back to the way our nutrient management municipal bylaw evolved. The first part of it was source protection: identify the vulnerable areas and what activities would make that vulnerability. We found that everyone was targeting intensive livestock operations and that was the be-all and end-all for the nutrient management plan bylaw. But what was found was that service stations in rural municipalities or in small towns were actually the highest risk to the village drinking water. So all of a sudden everybody's thought process started turning around.

This is where I see the evolution going. You have to identify what your risks are, and then you go forward. I think this process will do that.

The Vice-Chair: Thank you, sir, for your presentation.

GREY COUNTY
FEDERATION OF AGRICULTURE

The Vice-Chair: The second presentation will be by the Grey County Federation of Agriculture.

Welcome, sir. You may start when you are ready.

Mr. Allen Hughes: Thank you. First of all, my name is Allen Hughes. I'm president of the Grey County Federation of Agriculture. I have with me today Jacquie Hendry. She's from the Town of the Blue Mountains, where there are many questions about water-taking.

The Vice-Chair: Welcome.

Mr. Hughes: As I said, I'm president of the Grey County Federation of Agriculture, which represents the voice of about 1,500 farm families in the county who are members of the Ontario Federation of Agriculture. The Grey County Federation of Agriculture supports the position of the Ontario Federation of Agriculture and the Ontario Farm Environmental Coalition in regard to the Clean Water Act. I believe you received those yesterday. In this brief we will focus primarily on items of special concern to the Grey County Federation of Agriculture.

First of all, we wish to be clear that we are in support of the protection of water resources, while expressing some concerns and recommendations for the proposed Clean Water Act. Our interest in protecting water is not limited to keeping water clean but also in maintaining a sufficient quantity of groundwater to meet the needs of our farmers and our rural population.

Farmers as stewards of water: Ontario farmers and their organizations have long been recognized for their work in protecting the environment and water resources. After all, we live in the same area that our drinking water comes from, primarily wells on our farms. Some of the programs and initiatives that Ontario farmers have been involved with include best management practices, the environmental farm plan, stewardship councils and nutrient management plans.

Farmers are already subject to a long list of laws and regulations aimed at protecting the environment, including the Environmental Protection Act, the Nutrient Management Act, the Ontario Water Resources Act, the Fisheries Act, the permit to take water and the Drainage Act. The protection of drinking water has been the subject of many studies as well, the latest of which is the report on Water Well Sustainability in Ontario for the Ministry of the Environment, which was published in January 2006.

All this information is mentioned to show that farmers are well aware of issues around protecting drinking water and are already subject to endless rules and regulations, many of which have a financial impact. We understand that Bill 43 will supersede other provincial legislation. We do not wish to see precious resources dedicated to duplication or unnecessary regulation, nor do we wish to see further financial burdens placed on farmers for society's benefit.

With the purpose statement, which is "to protect existing and future sources of drinking water," we recommend that the purpose of the act be clearly limited to the protection of groundwater sources for municipal wells, as was suggested by OFA.

There are several definitions that seem to be rather vague in the act. These include "threat," "hazard," "pathway," "exposure," "risk" and "adverse effect." The Grey County Federation of Agriculture supports the definitions

proposed by the Ontario Farm Environmental Coalition for the above words.

We will now consider conservation. The proposed legislation covers the protection of water resources from a quality perspective but does not mention the need to preserve quantity as well. Our common law rights to water assume an inexhaustible supply of water, but we now know that this is a questionable assumption.

Urban sprawl, climate change, water bottling, recreation, expanding industry and commerce, as well as the needs of agriculture, are all putting new pressures on water resources. Although hydrological studies have been done, there is much that is unknown about the ground-water supply, and we have insufficient data to prove that an aquifer can withstand current or new levels of water-taking. Who will compensate farmers and rural residents when their wells go dry due to the activities of others beyond their control?

GCFA recommends that the Clean Water Act recognize and support the need for water conservation.

We will now look at education. The goals of the Clean Water Act will require the involvement and support of all segments of society, including those who use water for recreation, commerce, industry and agriculture. The efficient use of water, as well as the reduction of contaminants resulting from various uses, can be improved by educating those who use water resources.

The Grey County Federation of Agriculture recommends that funding for research, education and awareness be recognized as an important component of the protection of water quality and quantity.

Permits, inspection and enforcement: We agree with the concerns outlined by the Ontario Federation of Agriculture and the Ontario Farm Environmental Coalition in their submission, and we are opposed to a permit system for agriculture. We believe that a building inspector approach would not assess all the elements related to drinking water quality and quantity.

Land that is identified as carrying minimal or low risk for a municipal well should be subject to a stewardship program that provides funds to landowners to adopt protection strategies. This would direct resources toward more sustainable results than an inspection system.

Where serious threats to the municipal drinking water system exist, ownership of the subject land by the municipality would remove the need for permits, inspection and enforcement regulations.

The Grey County Federation of Agriculture recommends that municipalities be required to purchase high-risk wellhead protection areas and that stewardship programs be established to assist in protecting lower-risk lands.

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On compensation, and we've heard about this many times this morning and this afternoon: As the primary landowner group to be affected by the Clean Water Act, farmers are concerned that land will be taken out of production or restricted in use, meaning that we will bear additional costs that will bring no improvement to farm

income. It is unacceptable to expect farmers to pay for benefits to society with no compensation. In that, the Grey County Federation of Agriculture agrees with the position of the OFA and OFEC to remove subsection 88(6) from the act and to include a mechanism for funding that will support the objectives of the act.

In conclusion, the goals of the Clean Water Act can best be met by education about water quality and quantity protection and preservation for all users and by providing financial support to the landowners affected by restrictions.

Thank you for the opportunity to present our views here this afternoon.

The Vice-Chair: Thank you for your presentation. Now we'll open the floor for questions. We'll start with Mr. Tabuns.

Mr. Tabuns: Thank you very much for coming in today and making this presentation. If funds are not provided, if we actually carry through on this bill and there's not compensation, what do you think that will mean in terms of actually delivering on the goals of this bill?

Mr. Hughes: First of all, I agree with the stewardship approach to this. I think as involvement with the environmental farm plans—a small incentive there has done great things to improve the quality of many different areas that they're involved with. I think it would not work so well if there wasn't some funding available.

The Vice-Chair: Mr. Wilkinson.

Mr. Wilkinson: Thanks for coming in, Allen, and thanks for supporting the OFA. Ron made a great presentation yesterday. We're hearing this consistently, and we appreciate that. I know you've been here, and that input has helped us clarify on biosecurity and on risk management as opposed to permitting.

I couldn't agree with you more, being the member from Perth–Middlesex, about water and about making sure we know how much water is available so that our wells don't go dry.

Just so you understand, in the assessment report—and the province is paying for this right across the province—they have to do a number of things. They have to set out a water budget for each watershed that identifies how the water comes in and leaves the aquifer, how much is going in, how much is going out. It quantifies the existing and anticipated amounts that would be taken out through a permit to take water. It also quantifies the other amounts that would be coming out through science. Then they have to develop a budget. I can't think of anything that would help farmers more—as a community, all of us drawing on the same aquifer in regard to groundwater, that we know how much is there. I think that's your point. We can't have this assumption that it's a limitless resource and people should be able to tap into it and not understand that. That is the work that's being done over this five-year period. I think it's going to help all of us make sure that we're keeping this precious resource and that we're not squandering it.

Mr. Hughes: Jacquie is from the Blue Mountains and is a relative expert on quantity of water.

Ms. Jacquie Hendry: You're right, and we need to put the funding in place to make sure that we know the aquifer can withstand the water-taking and all variables. However, it's only been 10 years at most that anything has been going on to prove whether the aquifer can withstand the water-taking. On the other hand, we have the MOE handing out water permits. I think we're up to about 350,000 litres a day in our area. That's a lot going out, and there's no research going in and no ways and means for the rest of us who may have wells go dry. We have no way of knowing what our security will be. It can devalue our land. We all know water is what keeps us going here. It's our very existence.

Mr. Wilkinson: This is going to make it the law.

Ms. Hendry: It's going to be the law.

The Vice-Chair: We move to Mr. Murdoch.

Mr. Murdoch: I would just like to ask Mr. Wilkinson: What law are we making now?

Mr. Wilkinson: Just in regard to the assessment report. If you read the bill, of course, in the assessment report that will be required there are a number of things that have to be done, including a water budget for all of these different watersheds in the source water planning authority. It has to quantify, based on the science that's being paid for by the province right now, how much water is going into the aquifer, how much is coming out, who's drawing on it. To your point, we can't just assume it's an inexhaustible supply and we need science to get at this so that the decisions are being made on sound science as we share our common aquifer.

Mr. Murdoch: It's not going to take care, though, of people who are taking the water now, and it's not going to stop people from taking water. So you're misleading us here a little bit.

Mr. Wilkinson: Actually, the Clean Water Act has primacy because that's also in the bill, in the Clean Water Act, and that would make it the law.

Mr. Murdoch: I understand that.

Just don't get fooled by this. It's not going to stop people from taking water, so don't let them fool you a little bit.

Since this is an act for clean water for everybody in Ontario, which we all want, the problem is, they don't say who's going to pay. As you know, in our area in rural Ontario, we don't have the ability to pick up on taxes as much as they have in some other places. But you are agreeing, then, that maybe the province should be picking up the bill for all the regulations we're going to have here. Is that right?

Ms. Hendry: I agree.

Mr. Hughes: Yes, I agree totally with that too.

The Vice-Chair: Thank you very much for your presentation.

TOWN OF GODERICH

The Vice-Chair: The next presentation is by the town of Goderich.

Welcome, Your Worship. You can start whenever you want.

Mr. Deb Shewfelt: Thank you, Mr. Chair. I'm Deb Shewfelt, mayor of Goderich, and actually the past chair of the Ontario Municipal Water Association. Although I'm not an engineer, I'm not a scientist, I'm not a planner, I've had some front-line experience with water and with the community, and I certainly come here to support this legislation. Being involved with the OMWA, I've had many meetings with the Ministry of the Environment, and I think the time for talking should be finished and we should implement and get the plan in place.

I'm not going to touch on the technicalities. I think that Oxford and some of those people with those resources have touched on some of the problems, but I'd like to indicate that we as a community in Goderich feel that we're leaders in source protection, because for the past five years we have implemented a plan to separate storm sewers and to stop many bypasses, 40 to 60 a year, of raw sewage going into the lake. I'm happy to report—after four or five years, at our own expense—that we have in the last five months no bypasses. We were fortunate to get a COMRIF grant to do some more work at the sewage plant, which I think assures that we are showing great protection for our system.

But I want to present you with a problem, because I think you're going to see some problems with implementation. I think they're problems that we can deal with.

When we did the E. coli testing on the bypasses, we had a very smart engineer, and he also did testing on the Maitland River, which flows by Goderich into the lake. I think you're all aware that we take our water from Lake Huron. In his report, he indicated that the Maitland River is a principal contributor of E. coli by a factor of more than 9,000 times the normal plant effluent, and more than 600 times when you add everything in. So therein lies a problem. We do lie at the end of the watercourse in the Maitland Valley watershed, and when it comes to funding, should the people of Goderich have to fund that? I just ask you that question. I ask you to think about that. I think you'll run into these situations.

Again I say, pass the bill; let's get on with it; let's get the planning done. I know that the source boards are sort of sitting in limbo. They'd like to appoint their committees and I think are reluctant to do so until it goes ahead.

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There are some basic philosophies that we need to go back to. I'd just like to quote from page 80 of the second O'Connor report. He talks about a local planning process "to ensure that local considerations are fully taken into account." Then he goes on and talks about that participation. I think the act has got that covered. I think we need to do it ourselves. We need to move forward. We need to try and get along. We've had many meetings over the past five years on pollution along the Great Lakes and we've met with farmers. I have to tell you that some of the meetings at the start were pretty nerve-wracking. But as we advance, now we're working together to try and get this corrected.

Just in summary, because a lot of it has been said—I read the OMWA-OWWA report that was presented yesterday, and they cover a lot of things. The philosophy—this is from the Pollution Probe booklet on source protection, and I think they hit it right on:

“Economic Health

“While there are costs associated with protecting water sources, they are investments that serve to generate economic vitality and growth. Communities with clean water sources attract human settlement, development and business.”

They go on to say, and there’s a quote from the United Nations—I know there are a lot of numbers and there’s a lot of crunching, but we shouldn’t lose sight of the basic philosophy:

“Future Generations

“Our actions today affect the quantity and quality of water available for future uses. The United Nations warns that if current trends of wasting and polluting freshwater continue, two out of every three people on Earth will suffer moderate to severe water shortages in little more than two decades from now. It is imperative that we take measures to protect water sources today.”

Finally, I think we have to look at maybe sharing these costs. We’ve funded our work, which will be \$3 million to \$4 million from sewage and water routes. I think that’s one way. I think the polluter has to pay. I think there have to be some tax dollars, and maybe they should come from the three levels.

I thank you for giving me some time. I certainly want to support both the Ausable Bayfield Conservation Authority and the Maitland Valley Conservation Authority as they form the board, and we’d like to move forward.

The Vice-Chair: Thank you, Your Worship, for your presentation. We now open the floor for questions, if you don’t mind.

Mr. Shewfelt: Not at all.

The Vice-Chair: We’re going to start with the parliamentary assistant to the Minister of the Environment.

Mr. Wilkinson: Welcome, Your Worship. Thanks for coming, Deb; compelling testimony. As someone who’s at the other end of the Maitland in my riding, up near Listowel, I have two comments. I think you’re right: Ausable Bayfield and Maitland are together from an authority point of view, working together. That website that they have—my property, our water—just nails it right down. I think they’ve had a lot of success with their farmers. But you’re right: It does take a while for people to get used to each other and get that trust required to work together as a team, all the people drawing from the same source of water working together.

I know at the other end of the Maitland—you’re talking about being at the bottom end—the work that’s being done about reclamation of stream beds and all that type of stuff that can use natural ways. Do you see a way of ensuring that all the people on that watercourse have an opportunity to share the burden of trying to reclaim that, to keep that river clean and use natural ways along the watercourse, to use Mother Nature to keep that water

healthy before it gets down to you and then into Lake Erie?

Mr. Shewfelt: I think there are certainly some simple ways. We’ve had some stewardship programs that work. We did one, in fact, in Goderich on the lake bank. We did it all with natural resources, and surprisingly it works.

I think the important part is when they pick the committees. A lot of time it boils down to who you get in the local community who can drive this. I think that’s really important, that we get people.

As I said before, we had quite a challenge from Port Albert to Grand Bend and decided to move ahead on our own on that. Very controversial and very confrontational at the start. I remember meeting 60 people in Clinton. It was heading the same way, and finally I said, “Hey, if there’s anybody here who thinks they’re not part of the problem, why don’t you leave?” Do you know what? Nobody left.

We’ve got to work together on it. There’ll be some concerns, as I point out, on the Maitland River, which is a huge concern when you see the numbers on the E coli. We’ll tackle that. COMRIF worked well for us: one third federal, one third province, and we put the sewage fees up last night at council, so we’ll get it paid for.

The Vice-Chair: Mr. Murdoch?

Mr. Murdoch: Welcome to Bruce county.

Mr. Shewfelt: I was born here.

Mr. Murdoch: I know.

Here’s the problem we have. Most of this thing we can agree with: “Let’s get on with the bill and let’s get it going.” That’s why we’re having the hearings, so people can bring in some of the little areas they’d like to tweak and change a little bit. The problem is that there’s nothing in there about the financial costs. You’ve mentioned that, and should Goderich pay for everything coming out at the end of the Maitland? Well, no; that wouldn’t be fair. What we’re saying, in opposition, is that we just maybe don’t trust that the government is going to put something in there that’s proper. There’s nothing in the bill that says anything about the financial compensation and how it’s going to work. As you know, we don’t have the population in rural Ontario that can afford all the things they may want, all the regulations they may put in there. So we’re saying, “Let’s put something in there.” And most of the people today have said, “Hey, the province should pay,” because this bill is meant for clean water for everybody in Ontario, not just for Toronto, London or anywhere else. It’s for everybody. The way everybody pays is, the province comes up with the money. So that’s the problem we’re having here.

I agree with you that everybody wants clean water and let’s get on with it. But the province could easily put in, when these regulations are put in force, who will pay for it, or is there a hidden agenda there and they’re going to dump it onto the municipalities? Because in the bill it does say that municipalities will be able to enforce it. Well, the ministry already has the Ministry of the Environment to go out and enforce rules now. Are they secretly going to cut the ministry out and force this all

down to municipalities? Then you might have some more to say about it if Huron has to pay for everything down there.

Mr. Shewfelt: If I can reply, I indicated how I thought it should be paid for. I think the feds should even be in on it, because that's what they do in the States. But I think what'll happen, if there isn't some lead, is that issues such as the Maitland River probably will not get done or they might get done in court—

Mr. Murdoch: And that's a catastrophe.

Mr. Shewfelt: I believe that the MNR probably has some responsibility, so I'll see you in court.

Mr. Murdoch: They've taken away their responsibilities for rivers. They don't look after rivers anymore.

The Vice-Chair: Mr. Tabuns?

Mr. Tabuns: Thank you very much, Mayor, for coming in and making this presentation. One of the issues that has come up regularly is this whole question of incorporating requirements for water conservation and efficiency into the act. Is that something that you and your council would support?

Mr. Shewfelt: I guess what you're saying is that we'll legislate water meters. Or is it broader than that?

Mr. Tabuns: Broader than that.

Mr. Shewfelt: If you step outside the box, I think there are some other areas that we could look at to conserve water and to probably reuse that water and treat it out of the sewage plant. I think that's a great resource, and I understand that in BC they maybe have some ideas of how to use that.

So yes, we'd support it, but keep it broad. We don't have meters. We probably will end up with meters. But I just think there are other ways to conserve.

Mr. Tabuns: I'd agree.

The Vice-Chair: Thank you, Your Worship, for your presentation.

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ONTARIO VEAL ASSOCIATION

The Vice-Chair: The next presentation will be by the Ontario Veal Association.

You can start when you're ready.

Ms. Judy Dirksen: Good afternoon, everyone. On behalf of the Ontario Veal Association, we'd like to thank the committee for inviting us to present our views on Bill 43. I'm pleased to see that my soon-to-be-MPP-through-redistribution, John Wilkinson, is on the committee. I think it's going to look interesting on a business card. He has spent considerable time talking with farmers and knows that this act is not being well received in rural Ontario.

My name is Judy Dirksen, and I'm the president of the Ontario Veal Association. My husband and I own and operate our farm just south of Harriston with the help of our grown children. I also serve as municipal councillor in the town of Minto, which is located in the northwest corner of beautiful Wellington county. Joining me today

are Chris Attema and Jamie Boles, who are staff of the livestock organizations.

The Ontario Veal Association is a producer-run organization that is dedicated to representing the needs and interests of both grain-fed and milk-fed veal producers in Ontario. I encourage you to visit our website to learn more about our industry and have a look at some outstanding veal recipes. Remember, when you buy Ontario-grown products, an Ontario farmer thanks you.

This issue of clean water is interesting to me, not only from the view of the Ontario veal producers that I represent here today, but also as a farmer and in my role as a municipal councillor. It's also important that you know that I am not against clean water, and I am well aware that keeping water clean is a big order and deserves our attention.

There are several concerns that I would like to bring to you, and changes that I would ask you to consider. If you please, I want to share with you some public statements about your government's proposed Clean Water Act.

Quoting first from an MOE fact sheet: "Once the community's source water protection plan is in effect, an industry who wants to engage in an activity that has been identified as a significant drinking water threat within a designated municipal wellhead or surface water intake protection area would first have to seek a permit from the municipality or submit a risk assessment that shows that the activity is not a significant threat. The permit would require the industry to take appropriate measures to ensure the activity does not pose a significant threat to a drinking water source. Those who fail to comply with a permit could face fines."

Again, from an MOE fact sheet: "Permit officials and permit inspectors would be able to enter properties to collect information and issue orders to enforce permits. They may also cause work to be done if the property owner fails to do so, and recover costs from the property owner."

These quotes cause me grave concern. I submit to you that there is much apprehension by both municipalities and rural landowners. Imagine, not having committed a crime or done anything wrong other than being inside one of the lines that you plan to have drawn on a map, and receiving notice or an order that could cost who knows how much to comply with? There's really no money in rural Ontario for any of this.

Here's what the Ontario Chamber of Commerce says about the permit officials scheme: "The proposed Clean Water Act includes broad powers for municipal permit officials without appropriate technical, political or fiscal accountability. The permit official has the authority to enter an individual's property without notice or consent. They also have the authority to order powers to compel compliance, cause work to be done where a person fails to comply with an order, and to recover costs directly from the landowner...."

"The OCC is concerned that the legislation presents significant power to one individual with no requirement to consult with landowners or to consider the technical

feasibility or cost of permit authority conditions or amendments. The result of this could lead to a lack of transparency in the system. The OCC recommends the objective of this legislation should be based on co-operative solutions and negotiations with impacted land users; therefore, permit officials should have specific responsibilities and duties towards landowners governed in legislation.”

The municipalities of Ontario had this to say in their Environmental Bill of Rights submission: “The most significant new direction relative to implementation is in the mandatory requirement to regulate activities and land uses. Part of this new mandate is the requirement to establish permit officials, with the power to regulate activities....

“Although the resource and financial impact of the above requirements have not been assessed, we anticipate the costs will be substantive due to the creation of a system to review and approve applications, undertake inspections, issue orders and undertake legal proceedings.... [A] municipality has two options available to it:

“(1) maintain in-house expertise to properly review and approve applications to ensure measures have been implemented to protect sources of drinking water from possible threats; and

“(2) devise a system whereby applicants are required to provide this analysis to the municipality, along with funding to permit the municipality to obtain peer review of the analysis.

“With respect to the second, the costs will be transferred to the customer and undoubtedly, there will be some opposition to these added user costs.”

AMO also sums up by saying, “The proposed new unfunded mandate around source water protection is a most serious concern to municipal government.”

As you know, these words are not mine. They come from AMO’s EBR submission from February of this year. All of these comments are made by other stakeholders who share our concerns in the agricultural and rural communities. We are not alone in voicing our valid criticisms.

Last week, I attended the AMO convention in Ottawa and saw many of you there. During the ministers’ forum, Minister Broten stated that the “costs for implementation in Waterloo and Stratford have been manageable.”

I suspect that in the final accounting, there are some real challenges associated with the implementation in these locations and, like most rural municipalities, the government is creating a real nightmare with this new approach. Unlike the county of Oxford, the town of Minto has a population of only 8,500 persons. What will the per capita cost be in Minto to comply with Bill 43? I believe Minister Broten also stated in Ottawa that Bill 43 is the “first phase of protective legislation.” If the minister was here, I would like to ask, “What will be next?” Some 274, or 61%, of municipalities in Ontario are like Minto and under 10,000 persons. Using a hardship-case situation will no doubt be offensive to a large percentage of the province.

Let me tell you more about our concerns in agriculture. The proposed Clean Water Act legislation goes beyond reasonable, and the precautionary-principle-based regulation shifts the burden of proof from the provincial regulator to the agricultural landowner. Provincial regulators are charged with the responsibility to scientifically demonstrate an adverse effect from an existing normal farm practice. Under the Clean Water Act, the process is reversed and the agricultural landowner must satisfy the municipal permit official that the normal, legal farm practice will not cause harm. Rather than creating a predictable, uniform and scientifically sound framework for effectively managing legitimate risks, the proposed Clean Water Act establishes an ill-defined regulatory process that could quite likely result in overly risk-averse municipal permit officials inappropriately applying the precautionary principle to place an unfair burden on the landowner. Placing this level of scientific and technical responsibility and legal liability at the municipal permit official level is inappropriate.

The concept of fair funding is not about rewarding polluters. Protecting potential drinking water threats means protection from activities that have “the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water.” Agricultural producers within designated wellhead and surface water protection zones may be subject to permit official conditions that go well beyond the normal agricultural due diligence standards. Under these circumstances, competing jurisdictions and stakeholders favour establishing fair and reasonable cost-sharing and/or compensation.

From a municipal perspective, these valid questions and concerns need to be addressed by the government in the amendment phase during your clause-by-clause review.

Before I get to suggested amendments, I want to read one final set of quotes by the Association of Municipalities of Ontario:

“As it currently reads, the province, by virtue of its decision-making in all aspects of the source water protection plan development, has the full ‘ownership’ of the source water protection plan.

“Municipalities cannot be expected to readily raise the funds required to cover the potential costs of new requirements, in addition to the existing commitments, from user fees and property-based assessment. This is an area where implementation, secure funding and integration of provincial policies and directives must be cohesively developed. AMO did not see that kind of appreciation from the construct of the proposed legislation.”

In conclusion, four key amendments are recommended by OFEC:

Expand the purpose statement of the Clean Water Act to clearly scope the objectives in the context of multiple barriers of protection; limit the scope to municipal drinking water; and recognize the need and value of an agricultural stewardship fund.

Clear and specific criteria must be developed for drinking water threats and significant drinking water threats.

Rather than a permit official, agricultural source water protection goals could be co-operatively achieved through an agricultural risk management official.

Remove subsection 88(6); it is crucial to replace this section with clearly defined protocols for source protection authorities and municipalities to negotiate fair solutions with impacted agricultural landowners.

I'd like to thank you for your time and attention and for the opportunity to speak to you today.

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The Vice-Chair: Thank you very much for your presentation. We'll start the questions with Ms. Scott.

Ms. Scott: Thank you very much for appearing before us today and for the excellent presentation. You hit on numerous points. I'm going to just narrow it down. You mentioned about having to pass on the costs. How exactly would veal and other livestock and crop farmers pass on the additional costs that could be associated and will be associated with Bill 43, as it stands, to the end customer; or are you, as producers, going to have to swallow those costs?

Ms. Dirksen: As I see it, we would have to swallow those costs, because we're completely price-takers, so we get what the market can bear. We have no way to pass on any costs to the end user now. This is just one more cost, one more hardship for the rural community. Until we figure out a way to make primary agriculture profitable, I don't see how we can add one more thing to the cost.

Ms. Scott: So you'll be going out of business. We'll lose more farmers.

Ms. Dirksen: I think so, yes.

The Vice-Chair: Since Mr. Tabuns is not here, we can move to the parliamentary assistant.

Mr. Wilkinson: Chris and Judy, thanks so much for coming in and for your positive comments. The questions I had—we just had the mayor of Goderich and the mayor of Zorra here, and they were talking about how they've been moving ahead on this on their own. What they're telling us is that they've done this work; it has been borne by the local people in a sense for the common good of all the water they're drinking. So if we turn around after they've done that work and then bring in something that would put in a new system of compensation, would that be fair to those people who have already done this? I guess it would be just a question of fairness.

Ms. Dirksen: Sure. In Minto, we have done an I&I study, and we're spending a great deal of money right now in one of our—we have three water systems, actually, in Minto. Less than 6,000 of our 8,500 population actually use the water there, but we're doing a great deal of work on our water and sewer systems. We're not as fortunate as Mayor Deb Shewfelt in Goderich to win a COMRIF grant, so that makes a pretty big difference. But that's another subject for another day. We are doing that, but this goes beyond that, from what I can see. What we are doing is—we feel it's band-aid, we feel it's stopgap

solutions. We know that we need to be doing more, and there are no dollars to do it.

Mr. Wilkinson: The minister has indicated we're looking at being able to go to risk management as opposed to permit official as a way of really addressing a lot of those concerns you've raised. We appreciate that feedback.

Ms. Dirksen: And I would encourage that.

The Vice-Chair: Mr. Tabuns, you get a chance to ask a question.

Mr. Tabuns: Thank you for coming and making this presentation today. One concern that comes up is this whole question of funding support for the agricultural sector. Can you speak a bit more about whether or not funding might actually help deal with a lot of your concerns with regard to this bill?

Ms. Dirksen: I don't know whether you heard Laurie Scott's question or not.

Mr. Tabuns: No; I'm afraid I was out.

Ms. Dirksen: Okay. I'm thinking it's kind of the same question, and I'm not sure I can expand on it any further. The fact of the matter is that primary agriculture is not very profitable, and until we fix that problem in Ontario, I don't see how we can add any more regulation and legislation that costs money, because there's no way of passing that cost on to the consumer. And it's certainly for the public good.

The Vice-Chair: Thank you for your presentation.

CONCERNED WALKERTON CITIZENS

The Vice-Chair: The next presentation will be by Concerned Walkerton Citizens.

Welcome to the committee. I believe you know the procedure. You have 10 minutes' speaking time and five minutes for questions. You can start whenever you are ready.

Mr. Bruce Davidson: All right. I'm Bruce Davidson, vice-chair of the Concerned Walkerton Citizens. Beside me is Ron Leavoy, the chairman of our group.

I want to just give you a little bit of background about our group and how we were formed. We were formed in response, of course, to the Walkerton tragedy and really mandated with the questions of the community to find out what caused this tragedy in the first place, and then, after experiencing the absolute horror of what happened to this community, how we could prevent this from happening again. Since that time, our mandate has grown, at the request of other groups, tremendously.

We called, initially, for the inquiry into Walkerton. We were granted standing in all phases of the inquiry. We called for a comprehensive health study, which was undertaken. Ron has participated in the search for new water for the community. I participated in wellhead studies to see how we could protect the wellhead. I have been appointed as liaison between the class action proceeding and the community as we have worked through that procedure. My wife is on the emergency management committee. We have presented educational semin-

ars to health and public water management in, I believe, seven provinces now, and that has worked extremely well for them. We have also been on the boards of the Walkerton Clean Water Centre. Ron is on that board. I'm a member of the Canadian Environmental Law Association board. Last year we hosted a very large water and public health symposium in Walkerton that was intended to really bridge the gap between public health officials and officials looking at water issues across the province and across the country.

We wish to express our full support for the bill. There are some changes that obviously need to be made to enhance certain parts, and we want to touch on those areas, but we think the time has come to move decisively to protect the water and give municipalities and various other agencies the tools they need to make sure that we prevent this kind of tragedy from happening again.

I'm not going to go into tremendous detail on these, because you've heard a lot from other groups, but I'm just going to reinforce our support for them.

We are in favour of:

- the precautionary principle;
- meaningful involvement of First Nations;
- the universal protection of drinking water sources in all of Ontario; and
- sustainable funding measures. I think that's so important.

When I hear the debate going back and forth about who pays—we don't have public transit in Walkerton. I don't remember the last time I took a subway in Toronto, but in this room, there are people who take the subway in Toronto every single day, and they make my life better and they make my life safer. Who pays? We all pay. Toronto and every large city in this province need to pay to protect our water. We all benefit from it, and that should be the end of the story: We all pay.

In terms of looking at meaningful education, which I'm going to touch on in a little bit more detail shortly, I think that in order to embrace the new regulations, education is absolutely pertinent. So let's start looking at the cost of getting it wrong, because we've heard a lot about the cost of protecting water and what it's going to cost, a lot of numbers being bandied about. I heard a question earlier this morning about some numbers on that.

If you look at the Walkerton inquiry—and I believe it was Dr. John Livernois from the University of Guelph. He wrote a report which was commissioned by Justice O'Connor. His early estimates—we have a chart on that which we could probably provide you with—were about \$65 million, but with a long-term cost of about \$150 million. That's what we're looking at for getting it wrong in one community of 5,000 people. Imagine if this happens in other communities. The cost of compensation to citizens here, if this were to happen again, would absolutely dwarf the cost, because no one could claim they didn't know.

In terms of private insurers, I think if you do the investigation, you'll see that the private insurance portion

that the municipality and the public utilities commission had paid for a very small part of that tragedy. The taxpayers of Ontario bear the bulk of the cost when something like this goes terribly wrong, and there's no escaping that.

Let's look at what happens to the reputation of a community. Our community was absolutely shattered by this. We've taken six years, and we have clawed back to be stronger and better than we ever were before. I believe there's not a storefront downtown that is unspoken for; housing prices are higher than they ever have been. I would suggest to you that the main reason that has occurred is because this community, along with the province, has taken great pains to re-establish confidence in the management of water, from the way we're looking at the source to the way we're producing it through our municipal management to our customers. That's extremely important.

The reputation of the government: We heard today that all you have to do to get clean water is stick a pipe in the ground and clean water magically flows out. If that's the public perception and the province is at the helm when the water goes wrong, what happens to your reputation? They won't believe you can do anything if you can't manage the water. It's, in their mind, a simple matter; it's not.

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The mayor tells me that the cost of municipal insurance in Walkerton is three times higher now than it was before the tragedy—a huge burden. The human cost has been devastating: thousands made ill, some permanently; seven dead, at minimum. The conditions we're looking at are diabetes, reactive arthritis, post-traumatic stress, irritable bowel syndrome, hemolytic uremic syndrome, high blood pressure. These are not trivial matters and, in some cases, will be lifelong conditions.

To give you some sense of what it means on a more personal level for people in this community—most of us are well, but there are a number who still struggle—there's a woman in Walkerton who suffers from irritable bowel. She has severe attacks about every six weeks. When an attack strikes, she will go from feeling reasonably well to feeling completely debilitated and ill within a few moments. By the time she calls her husband, who lives three minutes away from her workplace, to pick her up, she cannot stand up on her own and all the colour is washed from her face. By the time he gets her home, he'll assist her to get to the bedroom, where she will writhe in agony for two to three hours before literally passing out. That's my wife. There's a man in town who is now suffering from diabetes and high blood pressure, who had no history of it before and struggles with it. That's the gentleman beside me. There's a young boy in town who, two years ago, found one of his feet became quite swollen for no reason. He was taken to the hospital. They diagnosed it as gout symptoms. According to the doctor, they have never diagnosed it in someone that young. That's my son.

This is a small taste of the type of ongoing misery that people live through. We've pulled up our socks and we

are going and we're fighting and we're carrying on our lives, but imagine the cost in the future if some of these diseases get worse. You can't estimate a cost for that. So these are things we have to look at.

If you don't think it's worth protecting our water and spending the money, ask the young boy in town who lost both his kidneys; ask his parents about the hell they've been through. He nearly died, and his kidneys are not expected to take him through to adulthood. These are not trivial matters. We have to take the time to ensure that these types of things don't happen again.

In terms of legislation, you cannot legislate enthusiasm for a law; you can't make people do it. But where we have the ability to do that is through education. We are suggesting that we embark upon an aggressive education program whereby we don't just go to municipalities and to farmers and to First Nations and to cottagers and all the stakeholders and put a series of facts that they have to comply with in front of them, but rather we blend that technical information—and I've done this in several provinces and we, as a group, have—with the human impact, thereby resonating with those people on multiple levels so that they understand that they are complying because there is a reason to comply: to protect their own lives and their own health.

In closing, I would suggest to you that our children are going to face challenges in their lives that we've never considered. We have no idea what they'll face. Let's work collaboratively to make sure lethal water is not one of those challenges. I thank you for your time.

The Vice-Chair: Thank you very much for your presentation. We'll start with a question from Mr. Tabuns.

Mr. Tabuns: Thank you very much for coming and making this very, very strong presentation. You have certainly made the stakes clear, and they're on the table.

I'll ask a question, but I have to say that I was in Holland at a conference shortly after what happened in Walkerton, and people there were asking me about this. They could not believe that it had happened in Canada.

That being said, you've suggested a number of changes to this bill: the precautionary principle, funding, inclusion of First Nations. How substantially do you think this bill will be weakened if those changes are not incorporated into it?

Mr. Davidson: I think you have to look at the name of the bill. Are we going to ensure clean water if we make some mistakes and rush to allow things that should not be allowed? I am not a scientist. I can't tell you what those activities might be. The key seems to be if we can fund it and if we find, through science, that there's something, in terms of an activity, that is risky and should not be allowed to affect a watercourse—and then I think we cannot vilify any industry. We cannot vilify our farmers. As a province, we have to support agriculture and support the stakeholders who are going to be affected. You couldn't walk into my house tomorrow and tell me I can't do massage because it's hurting the neighbour and you've found something out suddenly. We can't do that to the farm community either. I think we have to have

those steps in place, but we cannot beat an industry to death that is hanging on by its fingernails.

The Vice-Chair: Mr. Wilkinson.

Mr. Wilkinson: Ron and Bruce, thank you so much for coming. You have given the most compelling testimony for this committee that is dealing with this.

I do want to say, as you've talked personally about the tragedy, as you know, there has been good that has come out. On behalf of my family—we live in Stratford and we had a water emergency, and because of the hard lessons learned here, our community was able to respond to that and avoid a similar tragedy. So I just want to say, as a parent myself, that I know you're going through a lot. We probably can never recognize that other than doing things like this, as politicians trying to make a difference for the future. We can't make the past go away. I want you to know that in communities across Ontario, the hard lessons have been learned and they've made a tremendous difference in other people's lives. I just want to say thank you.

Mr. Davidson: Thank you very much. If I may, just very quickly, there are two things I'd like to say. Post-Walkerton, the lights are not on in all the neighbourhoods where they need to be on. We took a trip to well number 5 and the hydrogeologist told us that a community he was doing work for wanted to put in a well that so closely mirrored the conditions at well number 5 that he had to draw up a chart to show them what they were risking. So we need to do that education.

Finally, to that end, there's a book by Dr. Steve Hruday from the University of Alberta, *Safe Drinking Water*, and in this book he uses 65 examples, I believe, of outbreaks in affluent societies similar to Walkerton, with variances, where the lessons hadn't been learned. So to those who come back and say, "This was a one-off, we need not worry": We repeat the same mistakes. That's why education is going to be absolutely paramount in making this bill effective. It's the people in the field, in the industry, in the municipalities and the cottages, in the mining industry, all those, who are going to make this work, not the bureaucrats, unfortunately, because if they could, they would.

The Vice-Chair: Mr. Barrett.

Mr. Barrett: Thank you to Concerned Walkerton Citizens. We see all the work that you have done. I would hope that government has gotten to the bottom of what happened in Walkerton, where untreated or contaminated water got into people's homes.

As far as today's hearings, again, all present support the objectives and all present are committed to implementing the recommendations of Justice O'Connor. My question to you is, given the amount of time you spend on this, are all of Justice O'Connor's recommendations being implemented? I raise one question and it relates to these hearings: O'Connor, as I understand it, recommended that this source water protection could be accomplished through an amendment to the Environmental Protection Act; it didn't necessarily require a separate, stand-alone chunk of legislation.

Mr. Davidson: I think that when you look at what Justice O'Connor has done, he has given us a blueprint to safe water. But if you use that analogy of the blueprint, you have to take the blueprint, and when you get to the building site, all of a sudden you realize, "Wait a minute. This isn't going to quite work because the back door is opening up into the side of a cliff."

I think that how we implement it is up for debate, and we hear that debate. That debate is healthy, it is lively and it needs to continue because there are many stakeholders that would suggest we've gone a little too far this way or that way. So I'm not as concerned about how we get there as the fact that we do get there and, while we're doing that, we don't sacrifice anyone along the way economically or viably in terms of their communities or their sectors.

Mr. Barrett: But two governments did make that commitment to you to implement it.

Mr. Davidson: And we hope that they carry through. We'll be watching.

The Vice-Chair: Thank you very much for your presentation.

ONTARIO PORK

The Vice-Chair: The next presentation will be by Ontario Pork.

Welcome to the standing committee on social policy. You can start when you are ready, sir. You have 10 minutes.

Mr. Bill Wymenga: I would like to thank the committee for having these hearings and for listening to our concerns and what we have to suggest. My name is Bill Wymenga and I'm a director of Ontario Pork and chair of its environment committee. To my right is Chris Attema. He's our water quality specialist whom we share with some other livestock groups.

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Ontario pork producers understand the importance of clean water legislation and a necessity in exercising best practices in environmental stewardship. We are quite proud of the way pork producers have stepped up to the plate since the passage of the Nutrient Management Act, and we are certain we will continue to do so with workable clean water legislation containing proper economic incentives as recommended in the Walkerton inquiry.

We want to use our time today to raise three fundamental concerns that we have with the legislation.

First, it is our view that the current legislation is overly punitive and does not make a positive improvement over existing legislation to improve Ontario's drinking water quality or risks. All impacted business and landowner groups agree that it is vital to have a safe and reliable source of water in this province. At the same time, it is important to bear in mind that high standards for drinking water are already in place in Ontario. Further, there are laws in place to regulate and punish polluters. In this context, it is difficult to understand the

business case and administrative need for additional rules, regulations and enforcement protocols.

Ontario pork producers are currently held to a very high standard when it comes to polluting. An operator who allows any amount of manure to move off-site into any waters that may impair the quality of water is guilty of an offence. The only defence is due diligence.

Our concern is that the bill goes beyond what is reasonable and shifts the burden of proof to the landowner. In our view, provincial regulators currently are charged with the responsibility to scientifically demonstrate an adverse effect from an existing normal farm practice. Under Bill 43, the process is reversed and the agricultural landowner must satisfy the municipal permit official that the normal, legal farm practice does not cause harm.

Rather than creating a predictable and scientifically sound framework for managing legitimate risks, the proposed Clean Water Act establishes an ill-defined regulatory process that will likely result in overly risk-averse municipal permit officials inappropriately applying the precautionary principle to place an unfair and unnecessary burden on the landowner. Placing this level of technical responsibility and legal liability at the municipal permit official level is inappropriate.

In contrast, there is a need for targeted education, incentives and implementation procedures based on risk and linked to local source water protection objectives. It is disappointing that Bill 43 is entirely punitive and does not focus on the development of a practical and workable framework for making progress in water quality improvement.

Secondly, Bill 43 is vague on key definitions and scope which, because of farmers' large land bases, places a disproportionate burden on farmers, and this burden could well grow over time. Agricultural groups are confused by the inconsistency between the broad purpose statement found in the Clean Water Act—and it says that purpose is "to protect existing and future sources of drinking water"—and assurances that the focus of the proposed legislation is municipal residential drinking water sources. Further, our concern is that surface water intake zones, as defined in the yet-to-be-finalized regulations, will impact a much larger land area than the municipal wellhead protection zones.

The definitions of terms such as "significant drinking water threats" in the proposed Clean Water Act are unduly broad and subjective, and they lack any meaningful criteria as a screening mechanism, thereby casting the broadest possible net. Our interpretation is that virtually all activities in a source protection area will be designated, at first instance, as a drinking water threat. This definition fails to recognize existing approvals, guidelines and standards that govern normal agricultural land use. The resulting uncertainty, and its consequent investment of resources to deal with any and all such threats, is unreasonable. Agricultural producers within the designated wellhead and surface water protection zones may be subject to permit official conditions that go well beyond the normal agricultural due diligence standards.

Finally, the proposed act is inconsistent with the Walkerton inquiry recommendations that there be a clear commitment for fair funding principles. The implementation cost and various benefits of Bill 43 are unknown, and a cost would appear to fall disproportionately on rural businesses and landowners. The bill appears to be so structured that all of the implementation cost is picked up by either the impacted municipalities or the impacted landowner. It is essentially a case of expropriation without compensation.

It is our position that Bill 43, as it stands, will have serious financial consequences for landowners, operating to effectively expropriate lands without any apparent compensation. Section 88(6) should be removed and replaced with a section with clearly defined protocols that source protection authorities and municipalities can use to negotiate fair solutions with impacted agricultural landowners. The concept of a provincially supported agricultural stewardship fund to assist impacted landowners and municipalities should be specified in the act.

Agricultural producers within designated wellhead and surface water protection zones may be subject to permit official conditions that go well beyond the normal agricultural due diligence standards. Under these circumstances, competing jurisdictions and reasonable stakeholders favour establishing fair and reasonable cost-share and/or compensation.

Consider what the Walkerton inquiry recommends. Recommendation 16 of part two of the Walkerton inquiry states, "The provincial government, through the Ministry of Agriculture, Food and Rural Affairs in collaboration with the Ministry of the Environment, should establish a system of cost-share incentives for water protection projects on farms." This should be in any new legislation.

Also, the provincial advisory committee's recommendations 33, 34 and 35—I'll read each one.

Recommendation 33 states, "Consultation on implementation and ongoing planning, including how to pay for them, be undertaken with different stakeholder groups immediately following receipt of this source protection planning framework. This consultation should start from the list of potential roles and responsibilities presented by the advisory committee in its report."

Recommendation 34 states, "The model for the sharing of costs to align funding mechanisms with the appropriate responsible body should be negotiated with stakeholders while the initial source protection plans are being developed. Furthermore, all those in a planning area, particularly those who impact sources of drinking water and those who benefit from it, should contribute, to some degree, to the costs of source protection."

Finally, recommendation 35: "Incentive programs and payments for environmental benefits should be considered, especially in sensitive areas and well capture zones, as one way to encourage implementation of source protection measures and provide for long-term sustainability."

In addition, this legislation should be changed so that the Ministry of the Environment is prohibited from

approving any source water protection plans that do not include an assessment of costs and a defined budget for its implementation.

In summary, let me just state four things:

(1) The pork producers of Ontario support the objective of Bill 43 to protect source water areas; however, we feel the approach is wrong. This current approach will just create unnecessary conflict in the countryside.

(2) Bill 43 is overly punitive and places undue authority in the hands of local officials. There is a need for targeted education, incentives and protocols based on risk management principles and farming best practices with better linkages to local source water protection plan objectives.

(3) The scope and definitions contained within the bill are too broad. They lack objective criteria and they fail to recognize existing approvals, guidelines or standards that govern normal agricultural use.

(4) It is our position that Bill 43, as it stands, will have serious financial consequences for landowners. Section 88(6) should be removed and replaced with a section with more clearly defined protocols that source protection authorities and municipalities can use to negotiate fair solutions with impacted landowners. The concept of a provincially supported agricultural stewardship fund to assist impacted landowners and municipalities should be specified in the act.

I want to thank you for your kind attention and I would welcome any questions that you may have.

The Vice-Chair: Thank you for your presentation. Now we open the floor for questions. We start with Ms. Scott.

Ms. Scott: Thank you very much for appearing here before us today, and thank you also to Jamie Boles and to Chris Attema, who have worked very hard on behalf of the associations they're involved with.

You've mentioned a lot of topics and I appreciate the recommendations that you've brought forward. In your opinion, has the government established the reasons why Bill 43 is needed? Do you agree with Justice O'Connor that the government could achieve source water protection through existing acts and legislation and that implementation costs be funded by the province?

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Mr. Wymenga: Yes. I think you raise a very important point. I think that's exactly it. It could be done through existing legislation, and then we could follow the process of having incentives and education and other types of things. That type of system will work much better with farmers in the countryside. This type of approach, a municipal permit official coming in, telling a farmer he must do this, "And, by the way, you're going to pay so many dollars to do it," is just not going to fly in the countryside. If we want legislation that's going to work for Ontario, it needs the support of the countryside. There has been a suggested hardship fund, but that's an after-the-fact case. You want a farmer to prove that he's doing the right farming practice, and then you want him to prove he has a hardship. I don't think that's going to work.

The Vice-Chair: Mr. Tabuns?

Mr. Tabuns: Thank you very much for coming in today. When you say that this won't fly in the countryside if it does not have an incentive and funding component, concretely, what do you mean? Do you mean people won't actually implement things, people will be very resistant, people will take legal action against municipalities? Can you outline for me what that means?

Mr. Wymenga: You've probably mentioned three of the possibilities that would occur. It would range anywhere from civil disobedience to taking legal action. Farmers don't always agree on everything. A lot of times we have a lot of divergent opinions. This is one issue where I think you will find complete support across farm organizations that this is the wrong approach and that there needs to be some kind of funding mechanism in place.

Mr. Tabuns: And funding is really the key issue? I mean, a lot of the other stuff we can negotiate, but the funding is the heart?

Mr. Wymenga: Funding is one of the key issues, and the approach that this legislation takes. The approach is a heavy-handed approach with permit officials. We want an approach that is more incentive-based, more education-based, so that farmers will rally around it. Farmers are very comfortable working with these types of programs. We've had CURB programs, land stewardship programs. We had the environmental farm plans. These are the types of programs that farmers rally around, and they actually raise the standards rather than going to a minimum standard that legislation or regulations tend to have.

The Vice-Chair: Mr. Wilkinson?

Mr. Wilkinson: Thanks for coming in. As the member for Perth-Middlesex—also the most productive pork riding in the country; I'll add that as well—it's good to see you. I think you'd be heartened by the comments the minister made at the beginning of the hearings yesterday about the need to move from the permit official model. We've gotten some great feedback from agriculture about going to the risk management approach. That would ensure that any kind of heavy hand is at the back end of this process if there really is somebody, a farmer or anybody else, who just does not want to deal with what science has proved to be a significant threat to the drinking water of the whole community. So that would allow environmental farm plans, nutrient management plans, those types of programs like we've heard about in Oxford and the region of Waterloo, all to be taken into account. It might be part of the need to document that to make sure we're keeping our aquifer safe.

I give the example—we were just out at one of your members, Bert Vorstenbosch Sr., whom you know—the work that he has done about making sure that he's using a natural area to capture manure if on the off chance there was a manure spill from his pork operation, which is beside the Whirl Creek. He has done a wonderful job of actually keeping that water clean. He has his nutrient

management plan, he does all of that, and his environmental farm plan. He has taken that extra step. So that's what you're saying about the CURB program and all of that: It's the ability to move kind of collaboratively.

Why we went with this bill is because if we use the OWRA or the EPA, those tools would not allow us to have this kind of consultation: everyone who is in the same watershed coming together on these committees, identifying the aquifer, getting the science done and working together for the common good of everybody who draws that water. So I think that's why we've got a separate Clean Water Act: because we think it's just a better way to build it, from the groundwater up.

The input we've gotten has been pretty consistent. I know the minister is monitoring this. It means a lot to us that Ontario Pork—I just want to say to your members, who have done some wonderful environmental stewardship work, that they've actually been able to help our urban colleagues see right on the ground the work that can happen, particularly in the pork industry.

Mr. Wymenga: I appreciate those comments. That's exactly the point I want to make. If you work with farmers in a collaborative way and give the proper incentives, farmers often go beyond what is required, as you mentioned. In a nutrient management plan, when we had some funding for manure storages, farmers went beyond and some built 400-day storage, because they just want to make sure they get it right. So getting farmers on your side is to everybody's benefit.

The Vice-Chair: Thank you, sir, for your presentation. Thank you, Mr. Wilkinson, for the questions.

ONTARIO GROUND WATER ASSOCIATION

The Vice-Chair: Now we move to the next presentation, by the Ontario Ground Water Association.

Welcome. You can start when you are ready. You have 10 minutes for speaking time and five minutes for questions.

Mr. Craig Stainton: The Ontario Ground Water Association represents water well drillers, pump installers, manufacturers and suppliers, scientists and engineers who operate in the groundwater industry. The association was formed in 1952 and is dedicated to protecting and promoting Ontario's most precious resource.

We appreciate the opportunity to present our concerns and suggestions to this important meeting. With us today are Kevin Constable, president of the Ontario Ground Water Association; Greg Bulloch, second vice-president; and Earl Morwood, our executive director. I am Craig Stainton, the first vice-president and will be making the presentation today. We have provided sufficient copies. I hope everyone has one.

Building capacity and the Clean Water Act in a rural setting: Affect, protect and fund everyone equally in this province when it comes to drinking water.

The common denominator in all discussions regarding the Clean Water Act must be water wells. There are

hundreds of thousands, if not millions, of water wells in Ontario. This does not include monitoring wells and diamond-drilled exploratory wells. All of these holes in the overburden and rock can, and do, present the greatest risk to Ontario's groundwater aquifers and even surface water.

What is the state of the current groundwater industry? Over the past six years, firstly with a Conservative approach and now with a Liberal approach, we at the Ontario Ground Water Association have attempted to bring the value of groundwater to public thought. It's not easy. Groundwater is taken for granted.

While the health of water wells, such as Walkerton, or from surface supplies, such as the First Nations reserve, makes big news, the consequent discussions which result are mainly focused on municipal water systems. Despite our hard work, not much attention is paid to domestic and farm water wells in Ontario.

Why is rural Ontario less important than urban centres and other areas that have municipal water systems? Bill 43 is a nice start, but without major expansion to cover all wells, this legislation does not deserve the title of Clean Water Act; try the "municipal water act."

Bill 43, the Clean Water Act, as it currently reads, does not go nearly far enough in protecting all Ontarians, the stated mission of the act. This bill and those who designed it continue to claim that this will provide clean drinking water for all Ontarians, when in fact it does nothing for those on domestic and farm wells. Minister Broten and MPP Pat Hoy, among others, are on record as saying that all of the people of Ontario deserve good-quality drinking water. Well, prove it. To date, the MOE, under Minister Broten and Premier McGuinty, has actually resisted all efforts to improve the rural infrastructure of water wells in Ontario. They know the issues and the problems but have done nothing to make the situation better. So why should we trust this government and this minister when they talk clean water? To drive this point home, on the weekend a man fell through an abandoned well inside his friend's garage in Ipperwash, Ontario—25 feet deep. He was not killed, but after all was said and done he simply covered it up again with another piece of wood. No one from the MOE or the municipality made him understand that he was breaking the law and putting our water and other people at risk. This same government wants us to believe that it will talk the talk and walk the walk for the long term on a comprehensive clean water program when it has ignored rural water issues ever since its victory in the last election.

1540

Poor past practices mean faulty records upon which to base current groundwater studies.

A lot of the information on wells for municipal well-head protection zones is going to be based on well reports, and many well reports are not accurate. Many do not actually exist.

Abandoned water wells and boreholes affect the confidence in domestic and municipal wellhead areas and

will thwart any attempt to clean up or maintain the quality of water in the proposed watersheds.

The OGWA estimates that there are over 1.5 million unsealed, abandoned water wells in Ontario. The OGWA believes that unsealed, abandoned wells provide a direct link between surface pollutants and groundwater. Ontario is the envy of the world when it comes to fresh water. Every litre of water contaminated is one less litre available for drinking. Those abandoned wells are the most important risk to the minister's new source protection strategy. The abandoned water wells represent a thousand pinpricks into a watershed. Abandoned water wells offer the potential to have a profound effect on the future health of the many watersheds throughout Ontario. The plugging and sealing of these wells will protect the aquifers and the watersheds.

A source protection strategy must target the plugging of abandoned wells to protect Ontario's abundant water resources. Ninety percent of the abandoned wells may not have accurate well records. We may have more abandoned wells than we have well records at the MOE. The well record may not be accurate because the ability of the well to produce water and the static level may have changed since the well record was produced. Special diagnostic tests must be done prior to decommissioning unrecorded wells, wells with no logs or construction records. This means that the technician doing the decommissioning must rely on a proven technique listed here to go about the business of decommissioning without relying on a record that may not exist or be accurate. Well decommissioning procedures should contribute to the future well-being of our drinking water supplies, not cause a future source of contamination or interfere with the natural groundwater flow. The OGWA promotes the management and protection of Ontario's groundwater resources for future generations.

Who goes out tramping the fields looking for abandoned wells? We still do not believe that the municipalities are vigilant enough on the proper abandonment of wells during development. It must be mandatory, upon the installation of new municipal water lines, that unused water wells be properly decommissioned as part of the water line costs. Currently, some municipalities encourage proper decommissioning as part of a water line hookup, but without adequate funding, this rarely if ever happens. These are the same municipalities that we are going to ask to spend hundreds of millions of dollars on source protection. It'll never happen. It will fall back on individual well owners, rural inhabitants and the farmers.

There must be prescriptive guidelines required to better protect wellhead areas. While not all examples can be covered, there must be some attempt at guiding the process.

The groundwater industry needs enforced minimum standards—enforced minimum standards—just as exist in other sectors. There needs to be a professional designation, as exists in provinces such as Alberta, so that we know that the contractors performing work on groundwater apparatus are allowed and able to do so. It appears

that the current act allows too much power to the MOE and conservation authorities.

There must be an opportunity for each SWPC to make decisions based on local needs. The act must remain true to the original premise that CAs are advisers only and that the SWPC makes the decisions and orders the appropriate work done. The CAs and the SWPC must receive funding from the same source. Currently, the CAs are getting their funding from the province. Their allegiance may be to the province at the expense of the SWPC and the local area. That would be a severe problem to any viable program that included trust as one of its priorities.

Adequate funding must be available from the provincial government for well upgrades, decommissioning and education of the people.

Conclusion: There is a great risk here in rural Ontario.

The Vice-Chair: Thank you very much for your presentation. I like your conclusion. We'll start with Mr. Tabuns.

Mr. Tabuns: Do you have—I'm really bad at this. Thanks for making the presentation. It's interesting; I haven't had this information come before us before. Do you have a sense of the kind of cost we're talking about to catalogue all the existing abandoned wells and the cost of decommissioning them safely to protect groundwater?

Mr. Earl Morwood: The decommissioning costs—we have two issues: We have the oil wells and the gas wells in the province and we have the water wells in the province. For water wells it's about \$3 billion to \$4 billion, and for oil wells, \$5 billion to \$6 billion. Of course, you wouldn't have enough infrastructure to do it all at once. It would have to be over several years. That's not cataloguing, that's just hiring a contractor, so probably about \$10 billion to \$12 billion for those two things.

Mr. Tabuns: So these abandoned oil and natural gas wells have been flooded with groundwater over the decades?

Mr. Morwood: They have the ability, with the brine or whatever is inside, to contaminate a groundwater source.

Mr. Tabuns: Has that actually happened in this province?

Mr. Morwood: Sure, all the time.

The Vice-Chair: Do you mind, sir, stating your name for Hansard?

Mr. Morwood: I'm sorry. I'm Earl Morwood. I'm the executive director.

The Vice-Chair: Thank you very much. The parliamentary assistant.

Mr. Wilkinson: Thanks so much to the Ontario Ground Water Association for coming in. It's good to see you again, Earl.

Mr. Morwood: Thanks, John.

Mr. Wilkinson: I just want to get to this part of your presentation, that I don't think you got to, about the need for us to be able to deal with this. There are, of course, the members of your association and then there are other people who aren't members of the association. I saw in

your brief the need for us, if we're going to tackle this problem, to be able to make sure that the professionals are at it. You probably have the best records. Some of the records I know, dealing with conservation authorities who've been trying to map the aquifer—they're going over old records of abandoned wells and how accurate they are. I take your point that they're not a great accurate source, therefore they've had to do additional test wells to actually verify that.

So you see the solution—one is making sure that all people belong to your association so we get that minimum standard and that duty of care that your members provide?

Mr. Morwood: One of the advantages of being a member is that we do a lot of training of our membership, and we keep them up to date and on track. That isn't happening with anybody who isn't licensed or isn't a member.

Mr. Wilkinson: I know, and you've brought a great concern to us. I know that 70% of people get their drinking water from the Great Lakes, that's what we've been told, but you're saying that 97% of the current freshwater supply is in Ontario. That's because of the vastness of the aquifer, actually, compared to the Great Lakes, right?

Mr. Morwood: First of all, I think the Ontario geological survey says that 96% of all water is groundwater; secondly, the surface water is replenished by groundwater. So most water would be affected by groundwater, yes.

Mr. Wilkinson: Okay. Thanks.

The Vice-Chair: Mr. Barrett.

Mr. Barrett: Thank you to your association. I just want to clarify some of the figures. Do we have an exact figure of how many millions of water wells there are? I think previously we heard three million water wells, then you mentioned exploratory wells, and then of course the 1.5 million abandoned wells. I'm not sure now many oil wells there are. There are quite a few natural gas wells in the Niagara-Haldimand area. In fact, there are more holes in the ground down there than there are in Saudi Arabia.

We have a problem, certainly with natural gas wells. With the abandoned ones, they are instructed to decommission and seal them. I'm not sure how much money people are getting from government to help them close up the natural gas wells, let alone the oil wells. We know that there's some for the water wells. Can you just give us the figures? I'm concerned; I hear \$3 billion to \$4 billion and \$5 billion to \$6 billion. Another figure we've heard bandied about earlier was \$7 billion. Can you just summarize that again, quickly?

Mr. Morwood: Currently, there is no provincial money for water wells. There are some hit-and-miss conservation authorities. There is a \$5-million program from the MNR to do oil wells.

Mr. Barrett: Is there something for natural gas wells?

Mr. Morwood: Not that I know of. Oil wells cost about \$60,000 a well, I think, so \$5 million to do those—and water wells. First of all, holes drilled for mineral

exploration aren't considered wells even though lots of people use them as such. That's why we're not sure about numbers, because we don't count those at all.

Mr. Barrett: What were the gross—

The Vice-Chair: Thank you, Mr. Barrett, for your questions. We don't have much time. Thank you for your presentation, sir.

Mr. Morwood: Thank you for having us.

1550

CANADIAN FEDERATION OF INDEPENDENT BUSINESS

The Vice-Chair: The next presentation will be by the Canadian Federation of Independent Business. If they are around, they can come forward to the stage.

Good afternoon. Welcome. You can start when you are ready, sir. You have 10 minutes for speaking and five minutes for questions.

Mr. Satinder Chera: Thank you, Mr. Chair. My name is Satinder Chera and I'm the director of provincial affairs with the Canadian Federation of Independent Business. I'm joined today by Ontario's policy analyst, Plamen Petkov.

We'd like to thank the committee on behalf of our 42,000 small and medium-sized business members in the province of Ontario, of which 120 reside right here in Walkerton. At the outset, let me say this: Our members strongly support the objectives of Bill 43. That being said, they are seriously concerned with how these objectives are proposed to be implemented. What we're going to do today is take you through some of those specific concerns that our members have and also show you a survey that we conducted with our membership earlier this year on Bill 43.

Before I get to that, let me very quickly take you through a bit of background on the small business sector. CFIB conducts nearly 2,000 personal visits a week with our membership in Ontario. We call upon our members in their places of business at least once a year, and there have been a number of different concerns raised through those individual contacts. In the audience today we're joined by two of our field representatives who also cover the Walkerton region. It's very clear that our members set association policy. We never take a position on an issue unless we've canvassed our members. So on Bill 43, the data you're going to receive today are directly from them.

The next slide is basically CFIB's Ontario member profile. This is just to give a bit of an idea of the types of businesses CFIB represents. Agriculture and related sectors in particular are going to bear a heavy burden of this legislation and it's their concerns that we're also going to highlight for you today.

The next slide is "Small Biz is a Good Barometer of the Economy." We do this on a quarterly basis. We survey our members on their business expectations. We've been doing this for a number of years now and what we have found is that as a leading indicator, it is a

good barometer of how the economy actually performs. Unfortunately, in Ontario recently there has been a levelling off of business confidence expectations.

The next two slides detail some of the specific sectors we represent and each of their expectations. If you go to the second part of that breakout, you'll see that the agricultural sector, which we'll get to in a moment, has been particularly hard hit over the past few years by a number of different factors, but in particular this legislation will add to the uncertainty that that sector is facing. I think the committee needs to fully appreciate those concerns. You've already heard some of them today from other presenters.

When it comes to the environment, small businesses are actively aware of their environmental responsibilities. In fact, they have repeatedly stated that protecting the quality of drinking water is a top priority for them, which is why the concerns that we have with Bill 43 are that much more critical.

On the next slide we talk about the main motivational factors for environmental changes. Personal views and concerns are the primary motivator for environmental action. Our members have consistently said that, by contrast, government regulations are seen as less influential.

Now what I'm going to do is turn it over to my colleague, Plamen, to take you through some of the specific concerns we have with Bill 43 and our members' responses.

Mr. Plamen Petkov: Thanks, Satinder.

Based on what we've heard from all members, we were able to identify a list of major shortcomings that we believe need to be addressed before this legislation is implemented. I'll start with the identification and assessment of water threats first.

Bill 43 does not specify the criteria that will be used to identify land uses and farming and commercial activities that could be considered water threats. The legislation stipulates that only significant threats will be subject to source protection plans, but with no definition of "risk," it is really arbitrary to determine what constitutes a significant water risk. This adds to the ongoing uncertainty around this legislation, which really affects our members. Also, Bill 43 does not provide opportunities to dispute the science in an assessment report, and we believe that disputes over source protection plans will be affected by this omission.

Next is the composition of source protection committees. In its current format, Bill 43 does not ensure diverse representation of stakeholders on these committees. The legislation needs to set out clear guidelines to ensure membership representation not only from municipalities but also from industry, agriculture and other non-governmental organizations. In fact, the current proposal could actually result in pitting one segment of the population against another.

The actual enforcement of Bill 43 is also problematic. The act gives wide investigatory powers to municipal officials who at times may lack appropriate technical expertise. The power of entry is something which is

specifically troubling for the small business community. Municipal officials entering private property to gather information at any time without the owner's consent is something that is unacceptable to our members. Therefore, we believe that conflict will definitely erupt between municipal officials or permit officers and owners. Instead of promoting co-operation, the act will de facto create confrontation between stakeholders.

Funding, we believe, is another issue that needs to be addressed. There is an apparent lack of government commitment to fund a sustainable long-term source protection program. While the government has already allocated \$67.5 million for technical studies and for training of staff, nothing has been committed to actual implementation and stewardship. In addition, no official cost estimates have been presented. We believe that the government has to undertake full cost-benefit analysis and has to make a firm commitment to funding before implementing Bill 43.

Finally, the cost of compliance will have a heavy impact on small businesses and farmers. In certain cases, it will provide a significant yet undue financial burden to small businesses, farmers and landowners whose lands and farming or business activities fall in the areas of source protection plans. As there is no commitment from the government to provide financial assistance to those who need to relocate, modify and reduce operations, the full cost has to be borne by the owners. This is specifically critical in the agricultural sector. As we mentioned earlier in our presentation, this is a sector that is already suffering. Not surprisingly, then, in the agribusiness survey that we conducted a few months ago, an overwhelming majority of our members, 85% of them, believe that the government has to provide financial compensation.

Also, last year, we conducted a groundbreaking study on farm income and found out that agribusiness members repeatedly have stated that government regulations continue to be one of the major constraints to enhancing their net income. This is why you can see that government regulations are catching up with other deteriorating business factors such as high input costs and low commodity prices.

Our research also showed that a great number of our agricultural members, actually more than 60%, are dissatisfied with the way the government has communicated Bill 43. What is even more disturbing is that almost 20% have never even heard of the Clean Water Act. Now, again, this comes from a segment of the economy, a segment of the population, whose top environmental concern is clean water. Such high levels of dissatisfaction call into question the actual consultation process conducted by the Ministry of the Environment prior to introducing Bill 43 and also put at odds the actual success of the objectives of Bill 43.

It is not surprising, again, that four of every five agribusinesses that we have surveyed have little or no confidence in the Ministry of the Environment to regulate source water protection. Actually, if you look at this

chart, the Ministry of the Environment barely beats "Don't know" and "Other." Again, this is a clear indication that there is a growing frustration in the agricultural sector.

Mr. Chera: I know we've run out of time.

The Vice-Chair: So thank you for your presentation. Do you have time to answer questions?

Mr. Chera: Absolutely.

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The Vice-Chair: Okay. Mr. Wilkinson?

Mr. Wilkinson: Thanks for the CFIB coming in to help us out on this. I'll just give you a bit of an update on where we are from some of the testimony from the minister at the beginning of the hearings. I know that she is looking at being quite a bit more prescriptive about the source protection committee. Your concern on making sure that we've got all stakeholders—and that includes business; in ridings like mine, farming being the largest business, that they're at the table. So we heard those concerns, and we appreciate that.

For some, there is the debate between how and whether one defines "risk" in the framework of the act or whether you could actually do it through regulation and have some more control over that. I know we're still debating that.

I know that we've gone from less to the comment of permit officials and more to one of risk management. I think that has been pretty well received and that your stakeholders will be very happy with that; it will reduce some of that anxiety that they have.

Today we had compelling testimony about, "We always have to look at the costs of doing nothing." So I would commend Hansard to you on that issue. I think we've agreed, all three parties, that this is something we need to do. We're just working on the implementation.

I will share the other questions with the minister on this, about your concerns. There was an interesting statistic about OMAFRA, I must admit. I'll have to share that with the Minister of Agriculture, Food and Rural Affairs. But thanks for getting that to us.

Again, this is framework legislation. Ultimately, we're going to get to implementation, but we have to get the science done first, and we have to do that in consultation.

We've had a lot of consultation with farm leadership, but in a business as diverse as farming, with so many individuals, you tend to have to deal with the leadership, and there are many, many leaders in agriculture. So we have been consulting. Perhaps the farmers, your members, just haven't seen that. That's just to give you a summary of some feedback on your feedback.

The Vice-Chair: Thank you very much, Mr. Wilkinson.

Mr. Chera: Can I make two quick comments?

The Vice-Chair: You can do it through that person, if you want.

Mr. Chera: Sure.

The Vice-Chair: Ms. Scott.

Ms. Scott: Could he make his comments and then I get to have my question after? Is that fair, Chair?

The Vice-Chair: Well—

Ms. Scott: Go ahead.

Mr. Chera: Just on Mr. Wilkinson: Thank you for the update. We certainly look forward to seeing the written amendments that the minister will be proposing.

Two quick points. One, with respect to doing nothing, I don't think that that's what our members are saying; quite the opposite. Our members have been at the forefront, advocating the need for clean drinking water. They've been very consistent about that. I think the concern comes from the fact that there's so much uncertainty as to the way this legislation is going to be implemented and what the cost impact is going to be. I think you can appreciate that, particularly from the farming sector, which has shouldered a huge burden over the past few years from a number of different factors, then having that much more uncertainty added on their shoulders.

With respect to consultations, it's unfortunate. We have tried to seek a meeting with the Minister of the Environment for the past eight months. We've sent in two letters. Unfortunately, the response to our recent letter was that she had other priorities and that she wasn't able to meet with us. So if you're able to get us a meeting with the Minister of the Environment, we'd certainly appreciate it.

The Vice-Chair: A quick question.

Ms. Scott: A quick question is: Is this current legislation, Bill 43, going to drive more businesses out of Ontario, the way it stands, because of the price tag that's going to come with it and the uncertainty that you mentioned?

Mr. Chera: Absolutely. I think that uncertainty is definitely a killer for businesses. Again, they don't object to their responsibility. They don't object to the objectives of the bill. I think what they're simply asking for is, (1) "Talk to us," and (2) "Make the process one that's fair and one that we're able to participate in." If you simply pass down regulations and we don't know what the impact's going to be on our business and we don't know what the costs of that are going to be, it's going to have a serious impact on whether or not they're able to stay in business. Certainly, as we've demonstrated to you in this presentation, our farming members in particular have had a tough time and are finally beginning to get on their feet again.

Ms. Scott: Thank you very much for appearing here today. I appreciate it.

The Vice-Chair: Mr. Tabuns.

Mr. Tabuns: Thanks very much for the presentation. Given the impact on Walkerton of the water catastrophe, the contamination catastrophe, do you, as an organization, feel a sense of urgency in getting an act in place that's going to be effective?

Mr. Chera: Plamen, do you want to—

Mr. Petkov: Sure. Our members definitely appreciate the fact that something is being done in terms of getting legislation on clean water. The question is, do we need separate legislation for that or it is okay to make amendments to current regulations that we have on clean water?

This is consistent with Justice O'Connor's recommendations after the Walkerton tragedy. The feedback we're getting from our members is in that direction.

The Vice-Chair: Thank you very much for your presentation. I'm sorry, we have limited time. We have to go through all the presentations.

GRAND RIVER CONSERVATION AUTHORITY

The Vice-Chair: The next presenter is the Grand River Conservation Authority. Welcome to the standing committee on social policy. You have 10 minutes of speaking time and five minutes for questions. You can start any time you want.

Mr. Peter Krause: Good afternoon, Mr. Chair and members of the standing committee. Thank you for allowing us to present our comments today. My name is Peter Krause and I am chairman of the Grand River Conservation Authority. To my right is Paul Emerson, who is the chief administrative officer, and to my left is Lorrie Minshall, the project manager for the proposed Lake Erie source protection region.

The Lake Erie region includes the watershed areas of the Kettle Creek, Catfish Creek, Long Point region and Grand River conservation authorities and extends immediately west of the greater Toronto area from Halton Hills to St. Thomas. Our four conservation authorities have been working together very successfully on source protection for about three years now, and my comments here today are also made on behalf of those conservation authorities.

We strongly support source protection as a first step in the multi-barrier approach to clean and plentiful supplies of drinking water in Ontario, which are essential to Ontario's economic and social prosperity. We support the proposed conservation authority role in coordinating the development of collaborative source protection plans among the communities in a watershed. We also support the concept of a multi-stakeholder steering committee, named a "source protection committee," to direct the development of a plan. This is entirely consistent with the development of balanced, practical plans with broad local support.

However, there are some who argue that the source protection committee should be its own entity, independent of the conservation authority. Justice O'Connor considered and rejected this view. After reviewing the many options in his part two report, he concluded that conservation authorities "are the organizations best positioned to bring about effective source protection planning." They are a partnership of municipalities already operating on a watershed basis and they are experienced in the kind of locally based, collaborative planning that Justice O'Connor envisioned for this process.

The Grand River Conservation Authority has been active in protecting the quality and quantity of drinking water for 75 years.

We have, over the last 10 years, undertaken studies with our member municipalities and other partners that

provide examples of the types of technical work that need to be done to develop source protection plans. We have excellent working relationships with our member municipalities and also with the agricultural organizations and farmers in our watershed. We made submissions to the Walkerton Inquiry and we have been very active in each of the advisory committees on source protection to the Minister of the Environment. We have demonstrated experience in the kind of collaborative, watershed-based planning that Justice O'Connor envisioned for this process. We know that this can work.

In his part two report, Justice O'Connor pointed to the Grand River model in describing a source protection planning framework.

Based on the Grand River Conservation Authority's experiences and successes, we believe that there are some elements that are critical to the success of a drinking water source protection program for Ontario—the Grand River model, as it were. The following comments are made in the context of these success factors.

First, we understand that the proposed Clean Water Act is enabling legislation that fills gaps. But with no overarching statement of intent, the proposed legislation leaves the entirely wrong impression that source protection must focus on a regulatory approach. We submit that it is this impression that is causing most of the discontent with the proposed wording. We recommend that a principles section be added to section 1 of the proposed Clean Water Act to clarify some of the key aspects of the source protection process.

Ontario has a unique opportunity to develop a source protection program that is watershed-based and can be integrated with other water management programs and interests. We can avoid the administrative barriers, duplication and gaps that other jurisdictions around the world are working so hard to overcome.

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Justice O'Connor said that the various components of water management cannot be separated. His recommendations were based on the assumption that the Ministry of the Environment would develop a comprehensive water management strategy to address all aspects of water management on a watershed basis. In the absence of an integrated water management framework for Ontario, it is essential that the act clarify source protection as a component of broader water management.

The source protection planning process should consider the broader uses of water, including ecological, commercial, recreational and heritage values. The actual planning for broader watershed goals may be voluntary or occur outside this process. However, with neither an integrated water policy framework nor overarching encouragement for integrated planning, source protection plans will be the only aspect of watershed planning with status in provincial legislation.

This can have a number of negative consequences. A narrow focus on source protection may miss the opportunities for broader benefits, create conflict and possibly undermine the needs for other uses. In our written sub-

mission, we have recommended additional wording to make the link to integrated water management.

Secondly, our years of successful experience in collaborative planning have taught us that action happens when the implementers are involved in making the plan and agree on the approach. This approach promotes buy-in and builds partnerships to get things done. Collaboration also requires trust and a sharing of responsibility. We know that you can't legislate collaboration, but you can encourage it, indicate an intent and make sure that it can be part of this process.

To make a collaborative plan successful, there must be a range of tools and solutions available. Regulations should be seen as a last resort and used only when compliance is critical and other options have been unsuccessful. In particular, the permitting tool described in part IV should be "available to be used" and not mandatory. To borrow from a former Prime Minister, "Permitting if necessary, but not necessarily permitting." Our municipalities have identified that there is a gap in their current ability to protect source water, and this tool fills that gap.

Our interpretation of the proposed act, as it is written now, suggests that the use of the permitting tool is optional. Please guard against entrenching the permitting tool as the primary tool for protecting drinking water. One of the most powerful tools is voluntary action, so we ask that you provide for a stewardship fund to support incentives for voluntary actions and programs.

One important aspect of the Clean Water Act is that it should establish a policy for the level of drinking water source protection. The proposed act does begin to set this policy. It says that the plan will establish policies to ensure that every existing activity identified as a significant threat will cease to be a significant threat and that no future activities will become significant threats, but it falls short of setting out a clear and comprehensive policy because the act does not define the term "significant threat." Does it mean "not negligible" or does it mean "likely"? If the definition is left to regulation, it could be very broad and encompass so many threats that implementation will not be achievable, economically or practically. It could gridlock us.

The benefit of the risk-based approach that was recommended by Justice O'Connor and all three advisory committees is that we can set priorities and focus our efforts and resources on the greatest threats. This aspect is missing from the act. In fact, this ability to set priorities and focus is likely a key to resolving the issue of implementation costs. If we can set priorities and step through the issues, not try to do everything at once, source protection can be affordable.

A good example is the rural water quality program, a cost-sharing program involving municipalities and farmers that is delivered by the Grand River Conservation Authority. If you look at the total investment of the program over 10 or 20 years, the numbers are very large. If you were to cost the same program on a provincial scale, the numbers would look huge. But if you

look at the cost of our program on an annual basis, you can see that the investment is being made without straining our resources and that the program is highly supported by all participants. Also note that costs incurred voluntarily are much easier to swallow than costs imposed by regulation. So a focus on collaboration and voluntary action is also a solution to the issue of implementation cost.

Currently, the proposed act requires a plan to address significant threats in areas susceptible to groundwater contamination, whether or not they are currently municipal supply sources. We support this inclusion. Others have asked for restriction of the act to sources of municipal supplies only. We are concerned about what would happen if there is a large difference in the level of protection between municipal sources and other vulnerable sources of good drinking water. If there is a large difference in the level of protection, this could deter municipalities from tapping into those potential sources in the future because of additional restrictions that would follow the development of a new municipal source. The outcome may well be that, rather than deal with the problem, municipalities would simply turn to the Great Lakes for more water. Should we turn our backs on using our most valuable groundwater sources in the future because we don't want to protect them today? We think not. Please guard against this in your considerations.

I know I'm running out of time, so I'll just close my remarks by thanking you again for allow us to make the presentation and present these comments on the Clean Water Act. We will provide a written submission as well. Thank you.

The Vice-Chair: Thank you very much for your presentation. We have some time for questions. We can open the floor for questions. We'll start with Mr. Barrett.

Mr. Barrett: Thank you, Grand River CA. This range of tools, number 37—I'll just quote: "Regulations should be seen as the last resort and used only when compliance is critical and other options have been unsuccessful." Would that require an amendment beyond what you had suggested as putting in a principles statement?

Secondly, you're suggesting in number 40 that "use of the permitting tool is optional," so "guard against entrenching the permitting tool as the primary tool for protecting drinking water." Again, does that require an amendment or do you envision that as coming out in regulation? We know this is enabling legislation. The minister yesterday called it "preventive, foundational" legislation. I think that's the same meaning as enabling legislation.

Mr. Krause: Yes. It doesn't require amendments but it just—

Mr. Barrett: It does not require amendments? What would it require, then?

The Vice-Chair: Thank you.

Mr. Barrett: I'd like more than a two-word answer.

The Vice-Chair: Okay.

Ms. Lorrie Minshall: It doesn't require amendments but it requires that we guard against it as we put the

regulations in place etc. Or, based on other people's comments, we would not like to see it entrenched by amendment.

The Vice-Chair: That's more than two words. Thank you, Mr. Barrett. Mr. Tabuns?

Mr. Tabuns: Yes, thanks for coming down today and making this presentation. You talk about the stewardship fund. A number of your colleagues in other conservation authorities have come and said they need more than a stewardship fund; they need financial support to actually implement the monitoring, reporting etc. You haven't mentioned that. Can you speak to that issue for us?

Mr. Krause: In terms of the funding, if I can just talk about that for a moment; it came up, I understand, yesterday. The numbers that have been suggested are, in order of magnitude, correct. The funding also—I think the numbers that have been presented are a small percentage—represents well under 5% of the municipal costs of delivering water. Keep in mind that it's not all new money. A lot of the programs are now in place and monies have been allocated to them over the last two or three years. In terms of who pays, I believe that the user should pay, plus all three levels of government.

Mr. Tabuns: Okay, thank you.

The Vice-Chair: Parliamentary assistant?

Mr. Wilkinson: Thank you, Peter. Thank you so much for coming in. Of course, you're one of five conservation authorities in my riding at the top of Ontario, where all water flows downhill. The leading-edge work that the Grand River Conservation Authority has been doing is well regarded by the government. Thanks for the work that you're doing.

I just wondered if you could help us with a question that seems to be popping up. It's interesting, the O'Connor report; it depends on how you read it. I just want to get some clarity from you. There are those who have said, "Oh, no, no, you don't have to have a separate piece of enabling legislation for source water; just amend the EPA."

I read, in part two, his recommendations in regard to source protection, that there be leadership from the Ministry of the Environment, which should introduce the legislation. It should be based on the watershed. People who share the common source of water are the ones who can work together collaboratively to protect their water. It should be a local planning process; it shouldn't be top-down MOE at 135 St. Clair West but actually get the people on the ground, which I know is what Grand River has been doing. There should be overall approval by the Ministry of the Environment to make sure there's co-ordination and consistency.

I don't see how we could do that by—I mean, we've made this decision that we were far better to have a Clean Water Act, have a separate piece of legislation, than opening up the OWRA, opening up the EPA. So are we on the right path by having a Clean Water Act?

Mr. Krause: I believe we are. I think that should take precedence in terms of the other acts or pieces of legislation. I think the Clean Water Act is critical to over-

all water supply and to assurance that the water supply is of acceptable quality and safe drinking water for all, absolutely.

Mr. Wilkinson: And would you agree that in this act we have the statement that if it's in conflict with another act, it should always be the act that does the best job of protecting drinking water that should have primacy?

Mr. Krause: Absolutely; I agree with that.

The Vice-Chair: Thank you very much for your presentation. I'm sorry about the timing. We have to listen to all the people. We also have to go on with the job.

Mr. Krause: I appreciate the situation. Thank you.

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MUNICIPALITY OF BROCKTON

The Vice-Chair: The next presentation will be from the municipality of Brockton.

Thank you for presenting to the committee on social policy and thank you also for hosting us in this municipality. You can start whenever you want.

Mr. Dan Gieruszak: On behalf of the mayor and the council of the municipality of Brockton, I welcome you to Walkerton. I would also like to extend our appreciation to everyone who has participated today.

I'll leave to others to stress the real human impact when multiple layers of government get it wrong. I'll use this brief time to stress the unique opportunity you have to ensure Ontario's ongoing global competitive advantage, and that global competitive advantage is reasonable-cost access to clean, healthy water.

Those recommending that you weaken the act will suggest that implementing it will cost too much. Those recommending you strengthen it will be labelled as tree huggers. My expectation is that you understand that it is not the flora and the fauna and the fish that you have the mandate to protect; it is the quality of life of all Ontarians and the competitiveness of the province in a global economy.

One of the enduring lessons from Walkerton must be, "It is less expensive to protect our ground and surface water than it is to fix once contaminated."

Water is a limited global resource.

"An Unquenchable Thirst" was the headline in a December 2005 issue of the Owen Sound Sun Times. "The flow of the Colorado River has been reduced by half," not in the last 100 years, not in the last 50 years, but "in the last five years."

"As the supply and demand for usable water becomes increasingly precarious, many experts are predicting that water will become the oil of the future." This is not a quote from an environmentalist; this is a quote from Investment Executive News, August 2006.

Economic prosperity depends on the availability of fresh water.

"Industrial-led economic expansion in India and China will be limited by availability of fresh water for human consumption," says a January 2006 report from the Hong Kong-based brokerage firm CLSA Asia-Pacific.

Global corporate leaders such as General Electric, Siemens and 3M have already started buying up companies with water-related technology and service expertise. They anticipate the economic opportunity presented by the ongoing depletion of a limited natural resource.

In this region of Ontario, clean water is particularly important to human health, agriculture and tourism. What we share with the rest of Ontario is that the economic prosperity of our communities is dependent on reasonable-cost access to clean ground and surface water.

Ontario's ground and surface water provides Ontarians a unique competitive advantage. This unique competitive advantage will increase in value if maintained, managed and invested in wisely. It will provide Ontario sustained economic prosperity while developed economies around the world stagnate under the burden of clean water costs.

The current replacement value of Ontario's clean ground and surface water is trillions of dollars. These are real costs that will be faced by other developed and developing countries. This is an expense Ontarians can avoid through wise investment in our relatively healthy ground and surface water.

Ontario's health care provides companies a competitive advantage over their international counterparts. The competitive advantage that Ontario's clean water provides is not clearly understood and needs to be widely communicated.

So do we want to follow the lead of developed and non-developed countries to see who can be best at decontaminating water, or do we want to lead the world in economic growth through the wise investment in an asset no one else has? "How much are you willing to invest to protect an asset that is more valuable than Alberta's oil?"

An investment in the assessment of the true value of the ground and surface water from a local, provincial, national and global perspective is required to ensure science-based policies for source water protection are supported by far-sighted, global economic reality. This will provide further assurance that investing in Justice O'Connor's multi-barrier approach is a sound economic approach and not based on just the precautionary principle.

I've spoken to Dr. Sanjay Sharma, chair of the CMA Centre for Responsible Organizations at Wilfrid Laurier University. He's in the business and economics faculty there. Far too many of our studies are based on environmental assessments, as opposed to clear business and economic directions.

Municipal politicians want the accountability, responsibility and accompanying financial resource to ensure that their constituents can drink water anywhere in Ontario and be confident in the quality of water they drink. Justice O'Connor supports this through his many recommendations, and no one sector should shoulder an unfair share of the burden for protecting source water.

My final question: Are you willing to provide the leadership to make the tough decisions to ensure that municipalities throughout the province are partners in providing long-term leadership for the economic pros-

perity of the province, or are you going to use local politicians as shields between you, taxpayers and special interest groups?

The council of the municipality of Brockton unanimously supports the direction of Bill 43. We have suggestions for strengthening it. Many of our recommendations will be covered by others, so I won't go into them today. However, I do have copies of our resolution and recommendations.

My expectation is that among your recommendations to the province will be that the province must not only strengthen the existing act but also invest in communication regarding the economic value of clean, healthy water and the importance of source water protection as an investment in Ontario's prosperity.

Source water protection is not just a health issue. It's an issue of global importance. It is an issue where the people of Ontario have the opportunity to see municipal and provincial governments working together to craft our mutual economic prosperity. Thank you.

The Vice-Chair: Thank you very much for your presentation. We have some time now for questions. We're going to start with Mr. Tabuns.

Mr. Tabuns: Thank you very much for this presentation. Do you believe the act, as currently written, would have prevented the tragedy that happened here in Walkerton?

Mr. Gieruszak: Absolutely. There are a number of things that should have happened that didn't happen. Justice O'Connor pointed out that there were multiple levels of government that didn't appear to be living up to what they were mandated to do, for one reason or another. The recommendations put forward based on multi-layer barriers certainly put in place that when E. coli results show up in your well testing and those results go to the health unit, go to the MOE, go to different parts of the government, something is done about it and they don't sit on somebody's shelf, and that somebody doesn't rely on somebody else to make a phone call to ensure that action is taking place.

I think it's very clear that there are many people throughout the province who assume that part-time water systems managers were the problem. I think it's very clear, if you were listening to the news last night, that if 52 swimming pools in the city of Montreal are shut down, chlorine isn't the only solution and throwing more chlorine to this situation isn't the solution. Sorry; that's a very lengthy answer.

Mr. Tabuns: I don't mind.

The Vice-Chair: Mr. Wilkinson now.

Mr. Wilkinson: Thank you, Dan. One thing that we appreciate about the committee process is we can really get some wonderful and different viewpoints. You brought a whole other paradigm to this discussion when you were talking about this vast resource we have that we really don't even have quantified.

So the requirement under the act, under the assessment report, that there be a water budget; that, based on science, for every source planning authority in regard to

groundwater we'd know how much is coming in and how much is going out, and where it's coming from and where it's going to, and who's taking out—we'd actually be able to quantify this trillion-dollar asset that you've referred to, and then we could actually use that as the lever for Ontario's economy, as something that, going into the future, a lot of people around the world are saying is going to be a critical need in a lot of countries we're competing with.

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Mr. Gieruszak: Absolutely.

Mr. Wilkinson: So we'll definitely pass this back to our economic development people. The Premier is the Minister of Research and Innovation. I think they'll find this fascinating. It's great to know that the money we're spending right now is actually going to be able to help us assess the value there and this tremendous advantage we have as a province. Thanks for bringing that to our attention.

Mr. Gieruszak: I appreciate the opportunity to do that. I'll certainly look forward to the ongoing recommendations that this committee will make.

The Vice-Chair: There is still one question from Mr. Murdoch, if he wants to ask a question.

Mr. Murdoch: I noticed that maybe one of the things we've had problems with today is that who's going to pay for this really didn't come out loud and clear. I would have to say that all the presenters today actually think this is a good idea, to a point. They have their own ideas, why they'd like to tweak it a little differently, but I think everybody today so far has agreed we need a bill or something like this in some form. But the biggest question, again, and that's what we as opposition members will have to decide on, is that there's nothing to say who's going to pay for all of this. We're concerned in rural Ontario, and I'm sure you will be, that we get stuck, because we have the sources; the cities don't. If you put all the costs on to rural Ontario, we won't be able to afford it. I just wondered what your thoughts were on that.

Mr. Gieruszak: You're absolutely right. When we take a look at some of the environmental engineers when they talk about our watersheds and water systems—we see all these beautiful graphs in terms of water falling and where it flows. We know where it flows: It does flow to the major cities. Our municipality is an inland municipality. Whatever we do to protect our watershed here benefits everybody down the way. When our farmers and our citizens here within municipalities protect the watershed, everybody benefits, so we need an equitable re-allocation of funds to ensure that. Part of what I've tried to focus on today is that if we understand that we have a trillion-dollar asset, perhaps it becomes a little easier to make an investment in protecting that asset.

Mr. Murdoch: If it's a trillion-dollar asset, then \$7 billion wouldn't be that much.

Mr. Gieruszak: These are big numbers.

Mr. Murdoch: You're right.

Mr. Gieruszak: But when we look at the growth of India, China, water depletion in the US, these are the

types of investments about which politicians with foresight, courage and a long-term vision need to say, “Big numbers? Big output.”

Mr. Murdoch: Thank you.

The Vice-Chair: Thank you very much for your presentation.

THE ONTARIO RURAL COUNCIL

The Vice-Chair: The next presentation will be by The Ontario Rural Council.

You may start whenever you want.

Mr. Harold Flaming: Mr. Chairman, members of the committee, thank you very much for the opportunity. My name is Harold Flaming. I’m the recently appointed executive director of The Ontario Rural Council. Tom Prout, the chair of the environmental working group of our council, unfortunately was not able to attend and accompany me with this presentation, so I will take the liberty to present our thoughts.

First of all, this particular issue certainly is of critical importance to the council as a whole in terms of our overriding concern and issue in regard to building stronger rural communities. Having safe and secure water supplies clearly is a key issue, and certainly the council and its members would be supporting the overall objectives of the act itself. Prior to going into few comments that we have heard from our membership, I’d like to give a bit of an overview in terms of The Ontario Rural Council. It may help to put our comments into context.

First of all, we are a member-driven organization facilitating the engagement of rural stakeholders in dialogue and action on a wide range of rural issues. It’s not just the environment but in the environment—the social, the health, the youth, the economic. TORC is the only multi-sectoral provincial organization representing the rural voice in Ontario. The membership itself is broken up into essentially five sectors: resource and environment, economic and infrastructure, community and human services, the government sector, and then individual members.

TORC’s mission is to act as a catalyst for dialogue, collaboration and action on issues related to building strong rural Ontario communities. We act as a convenor, a facilitator, bringing all sectors together related to a particular issue in providing a forum for discussion and bringing to the table the various perspectives. Certainly we do act as a networker of rural stakeholders, a forum where all rural voices may be heard on that particular issue, and then begin to pull together a collective voice related to what rural Ontario is saying. Lastly, we’re able to identify and communicate the ground intelligence on a particular rural issue, the challenges and opportunities, thereby being able to communicate to decision-makers related to that particular issue at the federal, provincial or municipal level.

Some of TORC’s activities revolve around providing a valuable venue for all rural voices. So through conferences, issue forums and summits we are able to gather the input, the perspectives, from a wide range of issues

and rural stakeholders. Some of our past forums have dealt with urban-rural summits, urban-rural issues, alternative energy, First Nations issues, rural health, rural youth and certainly the environment.

In June 2006 we did hold an environmental forum on Bill 43, the Clean Water Act, in Peterborough. At that particular forum we had 60 participants who heard presentations, experts, dealing with this issue and had an opportunity to raise their concerns, some potential suggestions concerning changes and solutions. We are in the process of preparing a green paper as a result of the forum which will be made available to the committee shortly. This document is in draft form and, as I say, will be made available.

The Clean Water Act forum: What I wanted to do was highlight some specific issues, some specific comments that we heard. It’s not that TORC is particularly taking a position one way or the other, other than to strongly support the action to protect and provide safe, secure water. These comments are what we heard at the forum and would put them to the committee in terms of not necessarily recommendations but observations.

The comments generally fall into issues or concerns in three key areas. One would be technical studies, essentially comments reflecting the need to ensure integrity in technical research and well data, focusing on the need for accurate groundwater and scientific data. We heard from the groundwater association and some of their well data issues, some of their scientific information, and that comment certainly did come through clearly.

Secondly, the importance of the transfer of technical knowledge to the public: educating, mentoring and coaching the community to develop a level of ecological and scientific understanding and competency. If we want this truly to be a bottom-up approach to getting community involvement, the public as a whole, the community, needs to clearly understand both the issues and the actions being taken.

We did hear from the aboriginal community and their recommendation that aboriginal traditional knowledge be considered in terms of this very critical water issue. There certainly is a lot of information, a lot of traditional knowledge and experience in that sector.

Thirdly is that appropriate rationale for mapping vulnerable areas of threats be used; mapping to be based on science and unique geological features in the landscape, realizing that fracture zones in unique geological features create some interesting changes in terms of the science of water flow.

The second main issue and concern area did revolve around the voluntary versus the regulatory factors, the comments being related to the need to ensure fair representation of all interests on source water protection committees, realizing that farmers and landowners in rural areas are key stakeholders, municipalities are, individual businesses are and organizations are. So the fair representation issue is very critical.

Secondly, the buy-in from local landowners in terms of making the act and the objective, or achieving the objective, of safe, secure water is critical. Clearly, the

message was in terms of offering incentives and using the incentive approach as a means of gaining landowner buy-in.

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Thirdly, the balance between regulatory and non-regulatory actions: Farm stewardship, the environmental farm plans—I think we've heard much of that. There certainly was strong support for that voluntary approach as opposed to specifically the regulatory approach.

Fourthly, the clarification of authority structure and the process of regulation came through on a number of occasions, between the source water protection authority, the committees, the municipalities clearly understanding their respective authorities.

The third key issue and concern did relate to and revolve around funding and compensation, the need to ensure compensation to the farmers, the landowners involved, appropriately compensating these individuals—certainly compensation for loss of productive land as a result of actions. The constant theme of public funding and support in exchange for environmental services provided by landowners: Essentially, the thought is, whoever benefits should be paying.

Lastly, thank you for the opportunity to share, and we're certainly making the offer to the Ministry of the Environment that TORC would be willing to assist further.

The Vice-Chair: Thank you for your presentation. We now have time for questions. We're going to start with Mr. Wilkinson.

Mr. Wilkinson: Harold, thanks for coming in. TORC does a wonderful job representing not just rural Ontario, but being a strong voice and a very well-thought-of, respected voice in our deliberations. I know the forum that you had—we were very happy that our ministry was able to participate in that and make sure that we could get to the facts of the matter.

Just going over your concerns, you're right: It's all based on the science. But your comment is, "It's great you have to do the science, but we also have to make sure the people have a level of awareness of the science so that they're comfortable with it"; in other words, that it isn't presented in such an overly complex way by a whole bunch of people with Ph.D.s that we can't actually have the people whose water is affected understanding it. So a communications challenge is kind of your caution for us to be able to do that. The help of your organization, making sure that we're getting that right, is important to us. I think the minister has indicated the need for us to be more collaborative as the first choice, and then ultimately, if there is a real problem, obviously the government has power to act. But that should be the last resort, not the first, as we work collaboratively.

I was wondering if you could comment, for myself as a rural member, but particularly for urban members, on this culture in rural Ontario about collaboration and how incentives work, the kind of plans that we have. I know we were talking about peer review in Perth county, the irrigation situation, the common committee they have in Norfolk, environmental farm plans. Maybe you could just

help our urban members understand how that really works here.

Mr. Flaming: I think certainly the farm community, the rural community are strong advocates of the environment and have done, in many cases, an excellent job in terms of being good stewards of the land, good stewards of the environment through a voluntary approach, the voluntary mechanism's assistance and incentives, to help them share the burden of implementing measures to improve watercourses to prevent pollution in any form or manner. That certainly is a preferred option. If the agricultural community is polluting the environment, they are going to be at risk. So they have something themselves to benefit from it.

The Vice-Chair: Mr. Murdoch.

Mr. Murdoch: Thank you very much for your presentation. It was a little different, and we like to see that.

I'll go back to the compensation. You mentioned in there where farmers or landowners, whoever they may be, would have to be compensated somehow for the land that may get taken out of production, but there are also going to be the costs of a whole lot of regulations, if this is what has to happen. So far, it looks like they may be handed on down to the municipalities, and then there's going to be a cost there, because the municipalities, of course, get their money from the taxpayers, and in rural Ontario we don't have as many taxpayers as maybe they might have in the bigger cities, and this bill is to protect water for everyone in Ontario. We've been sort of hammering this here, and I can't seem to get the guys on the other side just to come up and say maybe that's a good idea, but we think maybe the province should be picking up the cost for this bill because it does represent everybody in Ontario, not just rural Ontario.

Mr. Flaming: Certainly what we heard during the issues forum was the concept of those who benefit pay, and that was an overriding comment and observation, that as a society we have a responsibility to follow through with that concept.

Mr. Murdoch: Thank you.

The Vice-Chair: Mr. Tabuns?

Mr. Tabuns: Thanks for making this presentation today. I certainly think that it makes sense to have those who benefit pay some, and I certainly think it makes sense to have the province contribute substantially because the whole province benefits.

What do you think, though, of the idea that polluters should also pay? If you pollute a stream, causing a hazard, should you not contribute to the cost of protecting that stream?

Mr. Flaming: Yes, I do believe there is a rationale for that. Certainly if someone is breaking the law, there is that responsibility in terms of shouldering that responsibility as well.

Mr. Tabuns: Even if they're not breaking the law, but if they allow something to happen, morally are they required to try and protect the common good?

Mr. Flaming: I would suggest yes.

The Vice-Chair: Thank you very much for your presentation.

**BRUCE COUNTY FEDERATION
OF AGRICULTURE**

The Vice-Chair: The next presentation will be by the Bruce County Federation of Agriculture.

Thank you very much for presenting to the committee on social policy. You may start any time. You have 10 minutes' speaking time, five minutes for questions.

Mr. Robert Emerson: Good afternoon. The Bruce County Federation of Agriculture—BCFA—represents the voice of more than 1,400 farm families in the county who are members of the Ontario Federation of Agriculture, OFA. Our role is to represent farmers on matters of local interest as well as to bring local perspectives to broader issues. As such, we wish to state our full support for the position of the OFA and the Ontario Farm Environmental Coalition with regard to the Clean Water Act.

We appreciate the opportunity to provide comments to the committee hearings on Bill 43. In this brief, we will highlight some points of particular concern to farmers in Bruce county. We have five points here.

(1) Farm landowner representation: The makeup of the local source protection committee will be such that a broad cross-section of society is represented. While we appreciate the need for a variety of interests to have input, we believe that the impact of regulations to be developed under the Clean Water Act will be felt primarily by the landowners, who, in Bruce county, are generally farmers.

BCFA strongly recommends that a majority of members of the proposed local source protection committees should be farmer landowners.

(2) Compensation for loss of use of land: The potential regulations to be developed under the Clean Water Act will target primarily land surrounding municipal wells. There is potential for new regulations to remove this land from agricultural production or greatly restrict the allowed uses. Again, this is land owned and operated by farmers, who cannot afford to lose production from a portion of their business assets.

The position of BCFA is that farmers should be fully compensated for loss of use of any lands as a result of new regulations under the Clean Water Act. The amount of compensation should be sufficient to allow the farmer to replace the land restricted or taken out of production.

(3) Cost of compliance: Regulations under the Clean Water Act have the potential to create new costs for farmers/landowners while not conferring any direct benefit back to the farm operation. Costs for compliance should not be borne by the individual farmer. BCFA requests that any costs associated with compliance to new regulations under the Clean Water Act be fully compensated by the provincial government.

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(4) Limits on scope of regulations: As we learned from the tragedy at Walkerton, many factors come into play in the delivery of safe drinking water. In his report to the Walkerton inquiry, Justice Dennis O'Connor

recommended the protection of source water as only one of five levels of protection for municipal drinking water. It is important that the Clean Water Act does not become an attempt to protect all water everywhere. This would help control the size of protection areas and limit the impact on farmers. BCFA urges that the regulations developed under the Clean Water Act must be confined to addressing the protection of municipal wells in a reasonable manner.

In conclusion, the Bruce County Federation of Agriculture believes in the principle that those who stand to benefit from restrictions placed on others should pay for the impact of those restrictions. As such, the consumers of municipal drinking water and the government mandating the protection of water should bear the full cost of compliance. There should be no net cost to farmer-landowners arising from the implementation of the Clean Water Act.

Respectfully submitted by myself, Robert Emerson, president, Bruce County Federation of Agriculture.

The Vice-Chair: Thank you very much, Mr. Emerson, for your presentation. Now we open the floor for questions. We're going to start with Mr. Murdoch.

Mr. Murdoch: Thank you for coming today and presenting a brief that sort of spells it out. It's pretty hard to ask you a question, because that's everything we've been trying to say all day and asking everyone else who comes in here.

The only thing I might ask is, would you feel more comfortable with this bill if, number one, the government puts in the bill that they're going to pay the cost? I assume you would, because you've asked for that. The other one would be, a lot of the regulations could be put in the bill before it's passed. I have problems with that with a lot of bills, not only with the government of the day, but whatever government seems to be in force.

We pass enabling legislation, but the regulations come later, and we don't get a chance, really, to debate those regulations. In a bill of such magnitude as this one, I would feel more comfortable—and I just wonder what you'd think—if some of the regulations, some of the major ones anyway, were already included before we actually vote on this bill for third reading. Would you be more comfortable?

Mr. Emerson: Thanks, Mr. Murdoch. I guess I would concur with the major regulations, if they were spelled out beforehand. We realize fully that there could be minor amendments as we go along, and input on that should come from the committees, as well as the conservation areas that are dealing first-hand with it.

Mr. Murdoch: Thank you.

The Vice-Chair: Mr. Tabuns?

Mr. Tabuns: Mr. Emerson, thanks for coming and making this presentation today. I support the idea that farmers and other landowners should have financial support to ensure that our water is protected, but I'm trying to find the balance here, and I'd like your thoughts.

If there is a well on your property that is affected by a creek flowing through a farm nearby, and that nearby

farmer dumps his used oil into that water, and somehow that gets into your water system, should you be entirely responsible for the cost of cleaning up the water coming onto your land, or, alternatively, should that person be restricted from causing contamination, because it's very cheap for him if he just dumps the oil and it's gone?

Mr. Emerson: Certainly, we don't see these practices being conducted very much on an everyday basis. I go back to that situation. Accidents will happen. Farmers do everything in their power on a daily basis to prevent accidents and pollution. I guess the other thing we need to be aware of is that for every manure spill that we hear of in the press or that happens, there are seven municipal spills of much greater magnitude that happen at the same time. As I state, as farmers, we do everything within our power on a daily basis to be good stewards of the land.

I wouldn't know of a neighbour upstream from my place who would be deliberately contaminating with oil.

The Vice-Chair: Mr. Wilkinson.

Mr. Wilkinson: Thanks for coming in, Robert. As the member for Perth county, I think we'd agree. If a neighbour of ours ever did that, we'd run him out of the county pretty fast, if someone did that deliberately.

Mr. Emerson: Local action would be taken.

Mr. Wilkinson: Local action, that's right.

I just want to go to this question in your position about making sure we have a majority of farmers on a source water planning protection committee. Of course, these are pretty large. We're still working on this, so we appreciate the input. I think there will be 16 people on the committee; the minister would appoint the chair; the medical officer of health should be ex officio on that committee. That was a pretty good idea.

But you're saying having over half. We're looking at a third being from the municipalities and a third of the people would be sectoral. So that would be, like, industry; right? And of course, Bruce county would be agriculture. And a third would be just the general public at large, the people who drink the water, because we do have people who are not farmers, but they sure live beside them. But do you think the minister should go beyond that and make sure that—I mean, a lot of our municipal people are farmers; right?

Mr. Emerson: That's correct, and that's the reality.

Mr. Wilkinson: Yes, exactly. But do you think we should go that next step and be very prescriptive to make sure that that happens? How far should the minister get down in the weeds on this to make sure that we have that buy-in from the local community? What you were saying is that it's got to be a majority, so it would have to be nine out of the 16.

Mr. Emerson: That's an interesting thought, the way you present it. I guess we're suggesting that at least half should have an agricultural background, a knowledge of agriculture, as well as farmer-landowners. More specifically, in this area, this is a rural area. I think it would be for the benefit of the area to follow this scenario in this regard.

Mr. Wilkinson: And with that we'd have much better buy-in from the public at large; right? Because they would feel that their interests were represented by the committee for the terms of reference, the assessment report and for the source water plan that would come out of this. Of course, this thing will be implemented over years; it's not tomorrow. This is just the framework to get that going and fulfill what Justice O'Connor suggested or recommended strongly that we do.

Okay. We'll definitely take that back to the minister. We appreciate it.

The Vice-Chair: Thank you very much for your presentation.

Mr. Emerson: I wish to say it's been a pleasure to have the opportunity to make this presentation. Thank you.

The Vice-Chair: Likewise. Thank you for coming.

LAURA MURR

The Vice-Chair: The next presentation will be by Dennis Murr and Laura Murr. Are you by yourself, or is somebody else coming?

Ms. Laura Murr: My husband was unable to attend, so I'm speaking on our behalf. I'm sorry I couldn't make my submission to you in writing, but my computer crashed at midnight last night. These things happen; right? So I was forced to reconstruct my speech.

Honourable MPPs, thank you for allowing me the opportunity to speak to you today. My name is Laura Murr, and I have been advocating on the protection of water quality and quantity for over 15 years. I have provided you with a brief resumé of my activities. I am known as an activist, but I prefer to think of myself as a realist. I realize that our population is growing and that our water resources are shrinking.

My husband and I are in complete support of the Clean Water Act. It is long overdue. We must act now to protect our groundwater and aquifers. Delay is no longer acceptable, given the hundreds of thousands of contaminated sites across the province that pose a significant threat to our present and future drinking water. As well, every day, somewhere in the province, a new planning application or water taking is approved that could jeopardize our water. We strongly believe that the province needs more and stronger regulation of activities related to water, not less.

On my journeys through public meetings related to water and natural heritage protection, I met a toxic dumper who illegally dumped waste for companies he described as some of the best corporate citizens in the province. I have sympathized with a family devastated by the loss of their brook trout habitat in their stream because of an illegal drilled flowing artesian well. Although the MOE was aware of this activity, no charges were laid under the Ontario resources act or the federal Fisheries Act.

All along, I have heard that members of the public want to work hand in hand with the government to

preserve our water for future generations, but we are frustrated. The politicians, through cutbacks, have gutted the Ministry of the Environment and natural resources staff and the conservation authority funding. It appears that a revolving door now exists where ministry staff are moved so frequently from area to area that no collective history of the local area exists in ministry offices. This leads to piecemeal, poor planning decisions and lack of proper review of consultant reports paid for by the proponents.

1700

Once the Clean Water Act is enacted, we believe that the government must provide adequate funding for revitalization and revamping of the MOE, MNR and conservation authorities. Money should be made available for a major thrust by the agencies to educate the politicians, all planning and engineering staff, and private consultants.

Funding should be supplied to update and implement existing watershed studies. In Guelph, for instance, the Torrance Creek, Hanlon and Mill Creek watershed studies have never been fully implemented. How can we plan on a watershed basis when we are not even implementing the recommendations of our existing watershed plans? No further funding for new water-related infrastructure or permits to take water should be given to regions or municipalities until watershed studies are completed for all watershed and sub-watersheds, and earlier studies are updated. The MOE has spent hundreds of thousands of dollars on these studies.

In some cases, the municipality, city staff and agencies have failed to integrate the studies into new development applications, with little post-development monitoring and no remediation of negative impacts. In Guelph, in Puslinch township, no watershed studies have been completed for the Irish Creek, the lower Eramosa River and the Speed River. This, in spite of the fact that the city of Guelph is currently undertaking a master plan on the major expansion of their waste water treatment plant which outlets to the Speed River. To expand our sewage treatment capacity without a clear understanding of the Speed River watershed is simply poor planning.

We support the cleanup of contaminated sites and we believe more money is needed. Let the polluter pay. For orphan sites, a priority list should be compiled for MOE funding.

I would like to share our personal experience with source water protection. In 2005-06, my husband and I were forced to take the city of Guelph, which is both the major landowner, developer and plan approval authority for the 650-acre Hanlon Creek Business Park, to the Ontario Municipal Board in order to protect the Downey Road well from the potential of contamination from the proposed industrial uses. The Downey Road well currently supplies 16% of the city of Guelph's drinking water. It is located 800 metres from the edge of the new and largest industrial park in the city of Guelph. We hired Dr. Emil Frind, who testified at the Walkerton hearings, and other expert consultants. Through the OMB medi-

ation, we negotiated the removal of some of the more potentially contaminating industries, such as the metal fabricators, within the estimated five-year time of our well. The technical steering committee has recommended that certain toxic substances, such as DNAPL, be banned within the five-year travel time of municipal wells.

The protection of the Downey Road well would have been a given if the Clean Water Act had been enacted in 2005. Because of our experience with the city of Guelph, we have grave concerns about the city's role in the enforcement of source water protection. There should be no further delays in passing this act. We do not want to take any more water-related planning issues to the Ontario Municipal Board. We have already spent \$15,000-plus of our own money to protect the public water supply and the natural heritage systems dependent on this water.

Next, I have submitted a copy of Sage versus the corporation of Wellington county. This case of a single rural well illustrates the following points. The results of this Ontario Superior Court of Justice decision establishes that a landlord—in this case, the county of Wellington—must maintain a private well and provide clean drinking water to a tenant. The tenant asked for a well to be repaired and upgraded after coliform and E. coli bacteria were present in several water samples submitted by the tenant to the local health authority. The tenant subsequently was served an eviction notice under the Tenant Protection Act. The court decision established that a failure to provide safe drinking water to a rental premises is a serious breach of statutory maintenance obligations and duties.

When the Ontario Rental Housing Tribunal ordered the eviction of the tenants, it did not consider the legislative enactments or provincial standards, and did not have the specialized expertise in the area of health or environmental law to make a correct decision with respect to the provision of clean water to a rental premise. This court decision demonstrates a public interest environmental case and shows there to be a public benefit from the significant litigation.

There is a need to promote access-to-justice legislation and intervener funding. There is a need to provide an indemnity fee arrangement so that citizens of modest means can pursue their right to have a clean drinking water supply through the legal system. This case was determined to be important by the respected legal firm representing the tenants, and there was a willingness to pursue this case and appeal on behalf of the tenant family without assurance of payment. Legal firms taking on these important cases should be recognized and compensated.

This case illustrates the need for public accountability and the education of officials of all levels of government and various agencies who make decisions that impact water and the public. Please fund the MOE so it can provide this valuable education process once the Clean Water Act is enacted. They should be required to make a public presentation to council members and the public.

We support the recommendations of the Canadian Environmental Law Association and the Sierra Legal

Defence Fund recommendations. All water-taking should be subject to the Clean Water Act, and it must include the entire province. I have provided a map, for example, of the rural Irish Creek Estates subdivision, showing the large capture zone of their single communal well. This is an example of why all rural areas need to form source water protection committees. Will local farmers be impacted by this development? We don't know.

We would like to see full cost recovery via development charges for the municipal and agency reviews of the reports in support of new development. Let the developers pay. They have the money. They make a profit.

Finally, I would like to say that all of the legislation—due diligence, voluntary compliance—has not to date protected our surface or groundwater supplies. It is now up to you, our elected provincial legislators, to enact a strong act and regulations.

I will be submitting further written comments before the closing date on the makeup, role and responsibilities of the source water protection committee. Thank you.

The Vice-Chair: Thank you, Laura, for your presentation. Now we open the floor for questions. We'll start with Mr. Tabuns.

Mr. Tabuns: Thank you for coming down and making that presentation. It sounds like you've gone through some pretty horrendous stuff.

Ms. Murr: Yes, I have.

Mr. Tabuns: Are there any thoughts you have on the responsibility of the province to contribute to the funds necessary to correct these problems that have been identified in the course of testimony today?

Ms. Murr: I know from talking to the ministry staff that they (a) don't have the staff, and (b) don't have the time, because they don't have the staff to properly review reports that are submitted on behalf of development applications. I personally review these reports because I've commented on many development applications, particularly in the Hanlon Creek watershed. I've been participating in that process since 1994. I really believe that the time has come that we have to go back to ministry review, because they are independent and they work for us, the public.

The Vice-Chair: Mr. Wilkinson.

Mr. Wilkinson: Thank you for coming in, Laura. You've raised a number of issues, but I'm just going to focus on the Clean Water Act part of it. I think your testimony had to do with frustration, as a member of the public, with the process. We can have a spectrum of instruments to address the public interest, to make sure that people can become engaged in that. You can have information, education, consultation, dialogue; if there's conflict, how to have an alternative dispute mechanism; and then, finally, the environmental review tribunal that settles a lot of those things. Do you see a place where this needs to be enshrined in the act, that the minister should be more prescriptive in this act, through amendment, to make sure that those kinds of public consultation processes are listed out in regulation? Or should it be enshrined in the legislation? That's my question.

Ms. Murr: I'm not sure from my perspective what the difference is, but I believe the strongest enshrinement possible should be necessary, because I know how poor, in some cases—for instance, for the Arkell Spring's environmental assessment process there was not a single public meeting. That's why my husband and I were forced to call for a part 2, for a full bump-up to an environmental assessment, because we believed they had discounted water conservation as one of the options to double the water-taking at Arkell. If we had been involved in the process all along, we wouldn't have had to take those steps.

1710

The Vice-Chair: Mr. Murdoch?

Mr. Murdoch: Yes, one question: You mentioned that you didn't feel that the Ministry of the Environment is getting enough funds to run properly. Now, if this bill passes, the way it sits now anyway, it looks like the enforcement rules will be handed down to the municipalities. That would mean there's going to be less responsibility for the Ministry of the Environment, and we don't know whether there's going to be any money handed down from the government to municipalities to hire these enforcement officers, or they may go to the conservation authorities. Do you have any comment on that?

Ms. Murr: I believe that enforcement should lie in the hands of the government regulating body, the Ministry of the Environment. I believe that the enforcement at the municipal level relates to the will of the politicians to protect the local groundwater supplies.

Mr. Murdoch: Okay, that's what I wanted to know, because it looks like that's what's going to happen.

The Vice-Chair: Thank you very much for your presentation.

Ms. Murr: Thank you for allowing me to talk today.

The Vice-Chair: Thank you for coming.

COUNTY OF GREY

The Vice-Chair: Now we'll move to the last presentation. It will be by the corporation of the county of Grey.

Welcome to the social policy committee. You have 10 minutes' time for speaking and five minutes for questions. So when you feel ready, you can start.

Mr. Bob Pringle: Thank you. I believe we have enough copies. Everyone has one? Good.

Good afternoon, Vice-Chair and members of the social policy committee. I'm Warden Bob Pringle, representing the county of Grey, and I am pleased to be here today to speak to this very important issue.

I'm also pleased that the government has recognized the importance of coming to rural Ontario to hear the comments and concerns raised by members of the public as well as representatives from various levels of government concerning the Clean Water Act and its implementation.

The county of Grey has been actively involved throughout the evolution of Bill 43, as well as its predecessor, the Ontario Drinking Water Source Protection Act, which had been released back in June 2004. The county submitted comments through the Environmental Bill of Rights posting in January of this year and has also supported the position put forward by the Association of Municipalities of Ontario. A copy of the county's January submission is attached as appendix 1 to this presentation.

The draft legislation states, "The purpose of this act is to protect existing and future sources of drinking water." No one will disagree that the protection of our drinking water sources from a quality and quantity perspective for current and future generations is a noble goal and one which must be pursued. Key in all of this is who will be responsible, how it will be achieved and, more importantly, who will be responsible for the long-term costs associated with activities referenced in Bill 43.

The funding program announced, giving conservation authorities \$16.5 million during 2006 to put staff and resources in place to gear up for the overall program, is, of course, encouraging news as we all know that conservation authorities are funded through their member municipalities, and if left to the local municipalities, this would be a significant impact on municipal levies to conservation authorities. The additional \$51 million over five years to be paid to municipalities in order to undertake the necessary technical studies to assist in the implementation of the Clean Water Act is also welcomed but will not be sufficient in the long term.

One just needs to look at the size of some of the watersheds in Ontario and, in some cases, the lack of adequate current information to realize that significant work and money will be required to establish consistent base data for these watersheds. In Grey county, there are four conservation authorities covering lands within our boundaries: Saugeen, Grey Sauble, Nottawasaga and the Grand River Conservation Authorities. At this point in time, the Saugeen Conservation Authority would appear to be taking on the lead source protection authority role.

As with any legislation, the respective ministry is to establish regulations which are to set out the guidelines to implement the legislation. Without knowing the particulars of the regulations, it is difficult to determine all the impacts of the legislation. There are to be terms of reference developed for the preparation of assessment reports, which will then require the preparation of the source protection plan.

The parameters of what will constitute an assessment report are extremely broad. Once the vulnerable areas of watersheds are identified and then the existing and future drinking-water potential hazards within these areas are identified, there is concern that normal farm practices throughout rural Ontario may be negatively impacted. This will only be known, however, once terms of reference are prepared. The provincial policy statement under the Planning Act stipulates the protection of agricultural land for agricultural purposes. However, if that land is determined to be within a vulnerable area of a

watershed, will normal farming activities, such as manure spreading, application of fertilizers etc., be curtailed?

The proposed Clean Water Act sets out the requirements for the establishment of a source protection authority whose membership is to consist of no more than 16 individuals. Meaningful municipal membership on these authorities is imperative, as the implementers of the eventual plans will be the municipalities through their approval powers assigned under the Planning Act. The legislation is clear that all decisions shall conform to the source protection plans, so it is important that the municipalities accept and endorse those plans. Unless municipalities are at the table throughout the preparation and approval stages, the implementation of the source protection plans may prove difficult.

From the county's previous submission to the EBR posting, five main areas of concern can be summarized as follows:

(1) The framework set out for the preparation and approval of terms of reference, assessment reports and then source water protection plans would appear to be cumbersome and time-consuming. As the Minister of the Environment appears to hold the ultimate approval authority, with amendment ability of the entire process, the matter must be streamlined.

(2) Duplication of an approval process, where municipalities have the ability under the Planning Act to address source water protection through land use designations without the need for another layer of planning approval by another body, is a very grave concern. The source water protection plans should be prepared, but then municipalities need the ability to incorporate those plans through the traditional land use planning documents.

(3) The membership on the source water protection committees needs to be revealed prior to final implementation of Bill 43 to ensure adequate local representation, including municipal representation, is provided.

(4) The issue of funding to support the implementation of the programs in the long-term has not been adequately addressed. The province must guarantee 100% provincial funding for the implementation of source water protection planning.

(5) The apparent lack of integration with other existing provincial legislation, including but not limited to the Planning Act, Nutrient Management Act, Ontario Water Resources Act and Farming and Food Production Protection Act, must be further investigated to ensure consistency and transparency in the process.

I would like to thank the committee on behalf of the county of Grey for listening to our concerns and comments. It is hoped that the government, through the finalization of the bill and implementing regulations, will address the above comments as well as recognize the financial limitations of rural Ontario to fund the implementation of the proposed Clean Water Act without the long-term assistance of the provincial government. Thank you.

The Vice-Chair: Thank you, sir, for your presentation. Now we'll open the floor for questions. We'll

start with the parliamentary assistant for the Minister of the Environment, Mr. Wilkinson.

Mr. Wilkinson: Warden, thank you for finding time to be with us today. Just going with the five points, I want to share with you some of the comments I have from going over them. On number 1, I see your point that, if the minister ultimately has the role, why do you have all of this? Really, the intention of the bill is to make sure that there is a consultative process before it gets to the minister, so it isn't this kind of top-down Toronto—I know it takes more time to do it that way, but we think that there will be better buy-in from people.

1720

In regard to the planning, I hear you there, but we had the county of Oxford come and say the opposite. Their testimony, because they've been doing a lot of source water, is that they feel they do have gaps, that the Planning Act doesn't give them the ability to deal with it. I know the minister, in regard to item number 3, is thinking about being more prescriptive, that on the committee, a third would be mandated under regulation to be from the municipal sector, though there'll be some concern where you have a municipality that's in a lot. So we had a recommendation that it should be upper tier, that if they can only have one person, it better be somebody from the upper tier to represent the interest.

I can understand the point about the 100% funding, though we've had quite a bit of testimony even from farmers about the need to cost-share. They think that might be a better way of approaching it. I know in Oxford and Waterloo, it's worked.

Just to clarify number 5, about how this act—what this act says is something quite unique. It says that if there's a question of primacy over other acts, whichever act does the best job of protecting the water has primacy, even if it isn't the Clean Water Act. So I think that's kind of the intention of the bill. I know it's not a question, but I know you were interested in trying to get some clarity to take back to our friends in Grey county. Thanks, Bob.

The Vice-Chair: Would you like to respond?

Mr. Pringle: Well, no. They're interesting comments, that's for sure. If we find two counties that aren't in agreement, especially in regard to agricultural issues, it certainly is understandable. It's hard for you, as politicians, to realize which way we should be going. However, I will take those comments back.

In regard to number 5, that would seem reasonable and fair. I guess the concern would be if somebody is out there and trying to farm, how do they know? They may go ahead and assume, "Well, because I've got a nutrient management plan, I can go ahead and do this," and then find out that there's an MOE official standing at the edge of the field and, all of a sudden, you're in trouble.

Mr. Wilkinson: We're trying to change that to go to a more risk-management approach, rather than the permit official. We've heard that loud and clear in consultation and through this process as well. I take your points exactly, and I think we're trying to make sure that permit is the last thing, not the first thing.

The Vice-Chair: Thank you, Mr. Wilkinson, for the questions or the comment or remark, whatever. Now we move to Mr. Murdoch, who claims you gave his remark.

Mr. Murdoch: That's understandable that John would want to use all the time, especially with the comments he made. He obviously has been at a different meeting than I've been at. I didn't hear anybody come in here and say they didn't want you guys to pay for this. That's a bunch of crap, and you know it. Coming in here and saying, "Oh, we had various people telling us"—cost-share my ass. They never said that.

Interjection.

Mr. Murdoch: Well, when he's going to go on like that—come on.

The Vice-Chair: Come on, Mr. Murdoch.

Mr. Murdoch: We're supposed to be here—nobody wanted cost-share. They said that the government wanted to pay 100%, exactly what number 4—

The Vice-Chair: Order, please.

Mr. Murdoch: Well, I get a little upset when they say things that actually aren't true, and that wasn't true.

So, Bob, you were right on with number 4, and I would say 99%. Oxford, yes, they fumbled around with it, but I didn't really know where they were coming from, and I don't know whether they did or not. They were the only one that came in and probably said to the government, "You're not doing a bad job," so I guess he's got to comment on that.

But everybody else who came in here said that you must pay for this, and don't try to wishy-washy it. They want 100% from you guys if you're going to put this through.

I think the question would be, then, would you not want that in the bill before they pass this bill, because you're not going to know what's going to happen after the bill?

Mr. Pringle: That's right. That would be a concern, and if we leave the meeting by giving five of our concerns, you're right, Bill, number 4 would be the one that we want to leave you the impression with the most, that 100% funding would be required.

The Vice-Chair: Thank you, sir. Mr. Tabuns?

Mr. Tabuns: Thanks very much for coming in and making a presentation. In your assessment of implementation costs, did you at any point develop a number as to what you expected to be the scale or scope of implementation costs?

Mr. Pringle: Within the county of Grey?

Mr. Tabuns: Yes.

Mr. Pringle: No. We have not done anything in that regard.

Mr. Tabuns: Do you have any sense of whether you're talking about a 10% increase in your costs or 100%?

Mr. Pringle: I think it would be far more than 10%, anyway. We'd be closer to the other number that you mentioned.

Jay Pausner, senior planner with the county, is with me as well. Jay, we've done nothing as far as number crunching, have we?

Mr. Jay Pausner: Not to my knowledge.

Mr. Tabuns: Okay. So you see it as a risk, but you don't have a quantification at this point?

Mr. Pringle: Well, I've heard the figure of \$7 billion used—

Mr. Tabuns: Not for your county, though, I assume.

Mr. Murdoch: Right on, right on. He knows. You've got to come to Grey to find out what's going on.

The Vice-Chair: Mr. Tabuns, any questions? You have more time.

Mr. Tabuns: No. That's it. Thank you.

The Vice-Chair: Thank you very much for your presentation.

I want to thank all the presenters today—they were excellent—and also the members. It was a very civil dialogue, except the last minute. Anyway, we'll adjourn until tomorrow at 9 o'clock in Cornwall.

The committee adjourned at 1725.

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Also taking part / Autres participants et participantes

Mr. Bill Murdoch (Bruce–Grey–Owen Sound PC)

Mr. Charlie Bagnato

Clerk / Greffier

Mr. Trevor Day

Staff / Personnel

Mr. David McIver, research officer,
Research and Information Services

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