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Mercredi 13 septembre 2006

Standing committee on estimates

Ministry of the Environment

Comité permanent des budgets des dépenses

Ministère de l'Environnement

Chair: Cameron Jackson

Clerk: Katch Koch

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### LEGISLATIVE ASSEMBLY OF ONTARIO

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

# STANDING COMMITTEE ON ESTIMATES

## Wednesday 13 September 2006

# COMITÉ PERMANENT DES BUDGETS DES DÉPENSES

Mercredi 13 septembre 2006

The committee met at 0903 in room 228.

### MINISTRY OF THE ENVIRONMENT

The Acting Chair (Mr. Jim Brownell): Good morning, ladies and gentlemen. I'd like to call this standing committee on estimates to order. I welcome you and certainly welcome, as the first order of business, the presentation of the Honourable Laurel Broten from the Ministry of the Environment. Welcome, Madam Minister.

Hon. Laurel C. Broten (Minister of the Environment): Good morning.

**The Acting Chair:** You have 30 minutes for your presentation.

Hon. Ms. Broten: Thank you for the opportunity to come in and speak to you today about the important work being done at the Ministry of the Environment and to take the time to provide you an overview of the ministry's major policies, key initiatives and accomplishments. Today is a valuable opportunity to share with you our government's vision for the environment and to clearly state why, in my view, continued investment in our environmental programs is absolutely critical to the health and economic well-being of this great province.

The environment is an area where we see the direct results of our investments. Effective environmental programs that work to protect and improve our air, land and water can be directly linked to healthier people, stronger communities and a high quality of life.

Thirty years ago, major environmental problems like acid rain, PCBs, and lead and DDT pollution seemed insurmountable. Today, we know that progress is possible, damage is reversible and efforts to protect our health and our resources can ultimately succeed. Investments made 20 or 30 years ago are paying off.

If these issues had been left to go unchecked—if governments had not acted when they did—we would all be paying a high price today in health costs, dead lakes, damaged ecosystems and polluted communities. And these costs would not just be borne by us; they would be a continued burden on future generations of Ontarians, on our children and our children's children. Clearly, that is a legacy none of us want.

Our government's vision is of a province where our children can live and play in strong, healthy, vibrant communities, an Ontario that is clean and green, progressive and prosperous. This is our government's vision, and it is also a vision that is shared by people across our province. In survey after survey, Ontarians state their belief that the environment is a top priority, along with health and education.

Our government is working on many fronts to realize that vision, and many different ministries and agencies are involved. From the Places to Grow Act and the greenbelt plan to our unprecedented investments in public transit and the proposed Clean Water Act, our government is deeply committed to building a province that is strong and successful and offers its people an outstanding quality of life.

Unlike some of our predecessors, the McGuinty government understands that Ontarians want effective environmental stewardship from their representatives at Queen's Park. We take our stewardship very seriously, and we are committed to upholding the trust placed in us to manage environmental issues wisely on behalf of Ontarians. As stewards, our role is to ensure that environmental protection is being managed at the most effective and appropriate level.

We have a shared responsibility. Yes, governments have a vital role to play in caring for and protecting the environment, but so do businesses and schools and other institutions. As minister, it's my responsibility to ensure my ministry and its programs are delivering the results that people in this province deserve and expect. This is a duty I take very seriously. But beyond that, like everyone else in Ontario, I have a personal stake in our province's environmental well-being. I have twin sons at home who are now almost one year old. As a mother, I want Zachary and Ryan to grow up in a world that is clean, healthy and sustainable. When it comes to safeguarding the health and well-being and the future of my young children and my community, I am committed to doing what is right and responsible and to achieving the environmental goals we have established for Ontario.

It's my belief that each of us has a personal responsibility to take care of our environment. True, governments can and should create environmental regulations when they're needed, but governments don't tell us what vehicles to drive, how and where to live or what products to buy. We make those decisions ourselves, and we need to make them wisely, with careful regard to the effect they have on our environment, because it's the many daily choices we make that help dictate the condition of our environment.

We need to recognize that the environment is not "out there"; it's right here. It's wherever we live. Our environment is connected to everything: to our local and provincial and national economies, to our future prosperity, to our health care system and to our schools. It's connected to the kinds of neighbourhoods we live in, to our transportation system and to so many other elements of our society.

From this perspective, it should be clear that protecting the environment is a huge and highly complex responsibility. The Ministry of the Environment plays a key role in this province, and I am certain that the members of this committee appreciate how important it is that we carry out our mandate successfully.

Ultimately, we want to avoid passing on increased costs and a burden which future governments and generations will have to bear. Ignoring environmental issues is no different than running up a debt, only this is a debt we pay with our health, our children's well-being and our quality of life. That's neither fair nor just, and it's certainly not good public policy. Just as each of us, as individuals, has a duty to treat the environment with care and respect, individual governments must take the actions that seem most appropriate while they are privileged to have a mandate.

### 0910

People need assurance that government programs are addressing the most vital environmental problems; that the programs are operating efficiently; that they're providing good value for money; and that they're evaluated and updated regularly to ensure they continue to work well. On our watch, by our actions, the public will have confidence in the government's ability to manage the environment effectively.

A key consideration in our environmental vision is that environmental protection has a significant economic impact and that green policies can help us prosper in the future. That is why our government has been very careful to develop policies and strategies that balance the need for environmental protection and economic growth.

We may be the first government in this province that recognizes that what's good for the environment is also good for the economy. Our government supports policies that foster clean, efficient and sustainable business practices. We're working to build an economic climate in which being an environmental leader offers significant competitive advantages for businesses willing to invest in our future environmental well-being.

I've outlined our government's vision for a clean, green and healthy Ontario and why our work is so critical to achieving that vision.

I want to focus now on a few highlights of our more recent activities.

As you know, air quality poses some very significant challenges for Ontario. Our province is growing rapidly and we are suffering from the adverse effects of urban sprawl. Far too many of our communities depend exclusively on the car and were not developed in a transit-friendly way.

Last June, as committee members may know, my ministry released a major study based on 30 years of air

quality data. It confirmed that there are more than 5,000 premature deaths a year in Ontario due to air pollution. The health and environmental damages from air pollution cost our economy close to \$10 billion a year. These are sobering numbers.

One of the major challenges we face is that more than half of our air pollution comes from our neighbours to the south. Since the report was published, I have been working closely with Premier McGuinty to bring the situation to the attention of decision-makers south of the border.

In June 2005 and again this year, the Premier and I hosted two Shared Air Summits where we highlighted the urgent need for US action on air quality. This past May, Ontario joined in a legal action in the US in an attempt to force some of the worst American polluters in our airshed to modernize their emission control technology. I'm pleased to report that the court recently ruled in our favour. We are making progress.

Lowering the greenhouse gas emissions that lead to climate change is one of the most serious environmental challenges we face today. At the same time, the issues surrounding clean air and climate change are highly complex and require a comprehensive, integrated approach that involves many different initiatives, from energy conservation to transit investments, from curbing urban sprawl to researching and developing innovative new technologies.

We are leading by example, and the ministry has been working hard to reduce the air pollution generated here at home with Ontario's plan for clean air. We've set new limits for nitrogen oxides and sulphur dioxide, which are major precursors of smog and acid rain. We've put in place a new regulation to protect air quality in neighbourhoods and communities located near polluting industries, and we've introduced new or updated air standards for a total of 40 harmful pollutants.

As we all know, harmful emissions from vehicles are the largest single domestic source of smog-causing pollutants, and we recently improved Drive Clean to help reduce those emissions. We tightened the emission standards by 25% to 27% for all heavy-duty diesel vehicles, and diesel school buses are now required to meet the more stringent of these standards to protect our children's health. We're strengthening our focus on vehicles that are most likely to pollute by ending the exemption for vehicles 20 years old and older and creating an exemption for light-duty vehicles less than five years old.

Last October, we introduced a new regulation that will require gasoline sold in Ontario, starting next January, to have an annual average ethanol content of 5%. This measure alone is expected to reduce Ontario's greenhouse gas output by about 800,000 tonnes a year.

Environmental issues often can have local, regional and global impacts at the same time. Our government's strategy to replace coal-fired electricity generating stations with cleaner sources of generation and increased energy conservation is a good case in point. People

looked on and cheered when the stacks at the Lakeview generating station were dynamited into oblivion. I took my whole family down to watch it happen. The stacks were not only a blot on the landscape; their emissions were the largest single source of smog in the GTA.

On a regional level, our commitment to phase out coal-fired plants shows that Ontario is doing our bit to improve our own air quality and to reduce the pollution we send downwind to our neighbours. We are leading by example in the hope that others will follow.

Climate change caused by greenhouse gas emissions is one of the most critical environmental issues we face today. At the global level, eliminating coal from our energy mix will have a huge impact on greenhouse gas production in Canada. When the strategy is fully implemented, we expect total greenhouse gas reductions of up to 30 megatonnes a year. That is a legacy I will be proud to leave my children.

As I have stated, our government is committed to phasing out coal-fired energy. We can't do it as quickly as we would like, and our challenge emphasizes the importance of having other forms of clean, renewable energy, as well as the importance of conservation.

We also recognize that cleaning our air requires action on a number of different fronts. A key part of our efforts to reduce greenhouse gas and harmful emissions involves a managed approach to directing Ontario's growth and curbing urban sprawl through initiatives like the Places to Grow Act, the greenbelt plan and the growth plan for the greater Golden Horseshoe. My ministry participated fully in these initiatives, and I'm happy to say that our input helped to make very good legislation even better.

The goal remains the same: reduce the harmful emissions that are the source of both smog and greenhouse gases and improve the air we all share. In the critical fight to slow global warming, our ministry must have the resources to continue our comprehensive clean air initiatives.

Another key theme of the ministry's business activities involves protecting Ontario's water supplies. All Ontarians deserve access to clean, safe water. That means we need to keep our water free of pollutants and contaminants that harm the environment and human health. We're moving forward with a broad range of initiatives to protect Ontario's water quality and quantity. The centrepiece of our efforts is the proposed Clean Water Act, which I introduced in December 2005. The act makes prevention its fundamental principle. It is designed to help communities across the province do an even more effective job of protecting local water by ensuring that their activities are based on sound, scientific source protection plans.

Local source protection plans will complement the work done in local water treatment plants by helping prevent problems before they occur. The proposed act supports watershed-based planning by considering the natural boundaries of surface water and groundwater, rather than arbitrary boundaries drawn on a map.

To give watershed plans the strongest possible scientific foundations, our government anticipates providing

\$120 million to help communities and their partners across Ontario study and assess their watersheds, undertake water budgets and get the science right.

When it is passed, the proposed Clean Water Act will give Ontario the best-protected drinking water in North America. The proposed legislation has received second reading in the Legislature and has just recently gone through hearings with the standing committee on social policy, and I expect that it will be given a high priority on the government's agenda this fall.

Another recent highlight was the release of the chief drinking water inspector's interim report in May 2005, which was followed by the first full report last April. These reports showed that Ontario has excellent water quality. In fact, of the 1.5 million municipal water quality tests carried out over the past two years, 99.7% complied with the province's quality standards.

#### 0920

We're committed to improving the safety of municipal drinking water systems through better operator training and more frequent and rigorous inspections. We have hired 33 new full-time water inspectors, investigators and compliance staff to ensure we have the qualified and experienced people we need on the front line.

Our government has also introduced a number of recent improvements to Ontario's drinking water regulations, including new regulatory requirements that provide greater clarity and flexibility for operators of small water systems. Under the new regulation, regulation 170, we've provided a workable, cost-effective approach for owners and operators that will maintain a high level of health protection.

The ministry is involved in a whole range of other water protection activities to support conservation and sustainability. We are working with Quebec and the Great Lakes states to help protect water quality and quantity in the Great Lakes and to sustain this valuable water resource. The recent Great Lakes Charter annex agreement strengthens the protection of the Great Lakes by banning diversions and promoting conservation on both sides of the border. We've also enacted new rules for water-taking permits that stop companies from raiding Ontario's water resources.

These efforts tie in to our broad vision for the environment, in which safe, clean water for everyone in Ontario is a fundamental right. My ministry is making significant progress in ensuring Ontarians have the best-protected drinking water in the world. As our province continues to grow at an unprecedented rate, we must ensure that the ministry capably and effectively protects and sustains our water resources for the long term. In fact, our province's future success and prosperity will depend on our ability to ensure every community in Ontario has water that's safe, protected and plentiful.

In terms of waste management, there are many recent accomplishments, including significant increases in the amount of waste diverted from landfill and our new regulation that prohibits the land disposal of untreated hazardous wastes and requires these wastes to meet specific treatment standards. These treatment standards will significantly reduce the harmful components in the waste and minimize the ability of hazardous components to enter the environment after disposal.

I'm pleased to note that very recently our government secured the agreement of key Ontario municipalities that will help resolve a long-standing transborder and environmental issue over the transporting of municipally managed solid waste across the border to Michigan. We recognize and respect the role of our partners at the municipalities who are responsible for waste collection and disposal.

Our government is helping Ontario communities and industries find made-in-Ontario solutions for managing waste and protecting the environment. To that end, we recently proposed a number of new waste tools that will help municipalities and industry keep more waste out of landfills and find new technologies for dealing with our waste. By keeping contaminated waste out of landfills, we are helping to build safer, cleaner, more liveable communities throughout the province.

In June 2006, our government announced proposed improvements to Ontario's environmental assessment process. The fundamental principles of Ontario's existing legislation are sound, and EAs are among our most effective tools for environmental protection. The EA process will continue to look at potential environmental impacts, identify issues and protect the environment before projects can go ahead. With the help of the EA advisory panel, we are crafting a process that can better meet Ontario's needs for the 21st century.

The improvements are designed to address some longstanding concerns and will include new codes of practice and new guidelines that will help EA participants better understand what's required of them. We also intend to create a facilitator role to assist and advise stakeholders. We will also shorten government decision-making timelines to get the process moving faster. And finally, we will work with other ministries and our federal colleagues to make the process more integrated and efficient.

These changes to the EA process will have some of their greatest impacts in the waste sector. I believe we should take advantage of the opportunities presented by new, cleaner technologies. But new technologies first have to prove themselves. They also must prove that they can comply with Ontario's air standards, which are among the toughest in North America. Municipalities and industry must be able to test new solutions with minimal delay and with zero risk to the environment.

We can make this happen by streamlining approvals for pilot or demonstration facilities, and that is exactly what we are doing with the Plasco pilot project in Ottawa. Plasco Trail Road Inc. now has the green light to build and operate a pilot plasma gasification facility. Plasco will gasify some of Ottawa's waste every day, producing electricity at a facility to be built at the Nepean landfill, which is currently closed. The project will be subject to continuous emissions monitoring, stack testing and third party inspections. The company has agreed to

go beyond certain provincial emission standards, including those for particulate matter.

The Plasco project is the forerunner of a new approach we're taking to encourage new waste management solutions. One of the new waste tools we have recently proposed is a regulation that would grant an EA exemption to promising, small-scale, time-limited pilot projects and demonstration facilities. Once a pilot project is complete, however, a full EA will still be required. In short, we're constructing a better waste management framework, one that cuts red tape, emphasizes waste diversion and fosters innovation while protecting the environment. Reinforcing a point I made earlier, what's good for the environment is also good for the economy.

An active part of our responsibility as environmental stewards involves enforcement and compliance, ensuring that our environmental laws and regulations are being obeyed. In general, we take a risk-and-performance-based approach to this area by targeting high-risk sectors and poor performers and letting the vast majority of businesses get on with running their operations. The ministry uses a full range of compliance and enforcement tools. Our main goal is to improve overall compliance with Ontario's environmental laws to ensure the safe communities we all want and deserve.

At the same time, we continue to work hard to evaluate and develop new enforcement and compliance tools and to encourage more companies to demonstrate leadership by going beyond compliance. We're making good on our commitment to get tough on polluters with the passage of Bill 133, which allows us to impose financial penalties on industrial polluters. Bill 133 will be a valuable compliance tool to ensure that companies take measures to prevent spills, and if they do occur, they are rectified quickly. We are currently working on the regulations to implement environmental penalties. These regulations will deliver real and positive change that will protect public health and the environment and help maintain clean, liveable communities.

In addition, the ministry continues to strengthen environmental protection through a risk-and-performance-based inspection program that focuses on companies that are the greatest potential threat to the public's health and the environment. This approach will be better for the environment. It allows the ministry to apply its resources where they will be most effective, namely higher-risk operations, thereby best protecting our communities.

Everyone in Ontario wants clean air, clean water, healthy ecosystems and safe, liveable communities. We want this for ourselves; we want this for our children. The investments we make today to protect and improve our environment will help make our great province stronger, greener and healthier. Ontarians deserve no less. Over the past 30 years, MOE has built a strong foundation of clear environmental laws, stringent regulation, tough standards and rigorous processes for permits and approvals. We believe it is one of the best systems in North America, and we are using that system to help achieve our vision of a cleaner, greener, more liveable Ontario.

#### 0930

As minister, I take a great deal of pride in the work we do, and I'm convinced we are making a positive difference. Our efforts are vital, from improving the air we breathe to ensuring we have safe, clean water to drink, to dealing effectively with our society's waste and to enforcing and ensuring compliance with our environmental laws and regulations. We take this work seriously.

And although we recognize that environmental protection is a shared responsibility, we are also proud of the fact that as an organization, this ministry takes a leading role. I am deeply committed to realizing our vision of a balanced, prosperous and sustainable province, and I want to thank the members of this committee for their support in helping us achieve this goal. Thank you.

The Chair (Mr. Cameron Jackson): Thank you very much, Minister.

**Hon. Ms. Broten:** Good morning, Chair. Before questions, could I introduce who has joined me at the table?

The Chair: That would be helpful. Thank you.

Hon. Ms. Broten: To my right is Deputy Minister Paavo Kivisto. To the far left is the assistant deputy minister, operations division, Michael Williams. At my side here is the assistant deputy minister, integrated environmental planning division, John Lieou. We also have with us today Carl Griffith, assistant deputy minister, environmental sciences and standards division; Dr. Jim Smith, the assistant deputy minister, drinking water management division and chief drinking water inspector; Allan Gunn, assistant deputy minister, corporate management division; Keith West, project director, strategic waste management initiative; Ian Smith, director of the drinking water program management branch; Jim O'Mara, director of the environmental assessment and approvals branch; and Doris Dumais, the director of west central region. We may well have other folks here to assist, but those are the ones you may be hearing from today.

**The Chair:** Thank you very much, Minister. Welcome to your first estimates.

Hon. Ms. Broten: Thank you very much. Glad to be here.

The Chair: I would now like to recognize Ms. Scott to begin the official opposition rotation for up to half an hour. Ms. Scott, we're in your hands.

Ms. Laurie Scott (Haliburton-Victoria-Brock): Thank you, Minister, for appearing here before us today. This is also my first estimates, so we're going to question and answer each other in a novice way here, I guess, to start.

When we look at estimates for the Ministry of the Environment for 2005-06, can you say what the estimated budget was for the Ministry of the Environment?

Hon. Ms. Broten: For 2005-06 for the Ministry of the Environment—I suspect what you're getting at, Ms. Scott, is taking a look at the difference between our 2006-07 budget and our 2005-06 budget. As you know, our 2005-06 budget is \$302 million, available to this

ministry to deliver, in my view, environmental protection across the province. There is a decrease, as I'm sure you are noting, of \$41.2 million from the 2005-06 budget, which was \$327 million.

I think it's really important to take a moment and go through those reductions in budget so that we can clearly support the position I just took, that this ministry is going to be able to deliver good environmental protection to Ontarians.

The Chair: Minister, because it's your first estimates, I'd just indicate that when Ms. Scott asks you a direct question, you can give her a direct answer. You have the full half-hour at the end of the double rotation in which you can bring those points of clarification. If Ms. Scott is prepared to yield the floor to you for you to go through a five- or 10-minute explanation, I'm in her hands, but as Chair, I just want to let you know that she indicated she would have a series of questions she'd like to pose. She can stack those or she can engage them, but you have to go through the Chair. So, Ms. Scott, are you comfortable to proceed or do you have additional questions?

Ms. Scott: I have lots of questions. What I was getting at, and what the minister was, is that there is a budget cut. You cut \$52 million from what was estimated and over \$30 million from the previous year. So as you can see, the Ministry of the Environment budgets have been slashed. You say, "This government is great for the environment. We're doing these things," but you're actually slashing the budget. So getting back to what I think you wanted to answer and what my question was, what areas of the ministry were slashed?

Hon. Ms. Broten: I think all of us want to make sure that Ontarians understand the true state of affairs at the ministry, and that's what I was trying to answer, Ms. Scott. I appreciate her allowing me the time to go through those changes in the budget—

**Ms. Scott:** Can I put a limit on it?

**Hon. Ms. Broten:** —from 2005-06 to 2006-07.

Obviously, with a budget of \$302 million, we view that as being a very fluid budget. We transfer resources from one section to another depending on need in the province. This ministry, like some others but different from others, has a great deal of human personnel. We have investigators, officers, so about 64% of our budget goes to salaries and benefits. That human personnel, those human resources, can be transferred.

But let's get specifically to those issues that I think you're trying to get at.

As you know, the reduction, to be accurate, is \$41.2 million in operating budget. That specifically relates to five items:

—\$10.6 million is associated with the completion of the five-year Canada-Ontario agreement on the Great Lakes. That agreement is subject to renewal. Negotiation is under way. I'm hopeful we will negotiate a new agreement with the federal government and, in that instance, resources would be part of that renegotiation. So that reduction is due to the end of a five-year term of an existing agreement between Ontario and the federal government.

—\$12.7 million is a reduction in one-time accommodation investments for leasehold improvements to address health and safety issues: \$8 million at the ministry lab and \$3.5 million for the Kingston regional office and other ministry offices. Those funds were necessary because, frankly, after many years of not reinvesting in the Ministry of the Environment, we needed to bring more personnel and we needed to have accommodation and capacity to house that personnel. You don't need to build new offices every year; you build them once. We built them. Those folks have their facilities to do the good work that they do at the ministry and we don't need to spend that money again this year.

—Similarly, with regard to technology, \$8.4 million was spent, including the development of the drinking water information system and the permit to take water system. Again, two new policy initiatives coming forward in the ministry needed the technological expertise to be able to do that work. That was put in place. Ontarians don't buy new computers every year; we don't buy new computers every year. We have those systems in place. They will allow the experts to do the work that they need to do.

—A \$4.5-million reduction as a result of creating efficiencies in the organization. Like every ministry across this province, like every household across this province, we take a look at how we spend money and we make sure we do it efficiently. This year we took a look at our overall accommodation costs and we reduced our lease expenditures. We consolidated some of our IT technology and made sure that we, in an era of having every new technological gadget that I'm sure some of you have attached to your hips right now—not everybody needed three of them; not everybody needed two of them. We would give everybody what they needed to operate, but just that, no more. We approach our budget at the Ministry of the Environment like Ontarians do. We don't waste money.

—The last \$5 million, to make up the total of \$41.2 million in operating, is an accounting adjustment related to the recycling program and the LCBO contribution to the blue box program.

That's the operating budget: \$41.2 million. But I think it's really important to highlight for you—and I'll give you back the floor—that there was an increase of \$16.5 million in the capital budget: \$14.5 million in watershed source protection and \$2 million in the environmental cleanup fund to contaminated sites, so real money going out into the province to do great work on behalf of Ontarians. We increased our budget by \$16.5 million.

**Ms. Scott:** I have it down that it was a \$52-million difference, but you have down that it was \$41.2 million. I'm going back to estimates, expenses by the ministry, so we have some different figuring there.

The waste operating budget: Is it going to be reduced again? We've talked a lot about waste and waste diversion; I'm going to get into further questions on that. But the waste operating budget, which needs so much investment, was reduced. Are you going to plan on reducing it again?

0940

Hon. Ms. Broten: I'm just going to direct you to—I don't know if you have the same book that I do; perhaps you do, a blue book on the budget. I'm just going to find the section on waste. If you could turn to page 46, that would let us both look at the same numbers and may be helpful in our discussion.

I certainly might get Allan Gunn, ADM, to give you more detail, but I think that this budget in particular demonstrates what I was indicating earlier about allowing a fluidity in our budgets. Again, we primarily have personnel and enforcement officers and individuals who do the great work on all of our behalf across the province. We allow that to reallocate and we redirect those resources as needed.

If you take a look at the waste budget, you see that there's a decrease in the overall operating budget but, again, an increase in capital budget. That demonstrates getting the dollars out the door to do the good work that we need in communities, but making sure that we operate in a very efficient way, as all Ontarians would expect us to do. It's not a reduction in terms of staff or resources, but rather a solid effort on the ministry's part to make sure we do the business that we want to do as efficiently as possible.

I may ask Mr. Gunn to provide you with a few more details on your questions.

**Mr. Allan Gunn:** Thank you very much. Good morning. I'm Allan Gunn, the assistant deputy minister, corporate management, at the Ministry of the Environment.

What this budget represents is our best estimate. We prepare it about 12 months in advance in terms of the resources overall and where we'll use them in the ministry. This particular budget recognized the sort of reduction of the work effort of about 20 people in the scientific work that had gone on to support waste in prior years. But I think the important thing to acknowledge, as the minister has highlighted, is that if it's necessary to expend the resources in this area, we have the fluidity to manage to the bottom line. So in our total operating budget of \$272 million, we would be able to move resources between areas as we can find efficiencies, as we reallocate staff time.

One of the difficulties is that we're trying to present the best picture of the budget that we can, of where we think the money will be spent. But typically, for example, an inspector or a scientist covers all of the media, so you could be working in air, you could be working in water and you could be working in waste, and you think you're going to be spending your time for the next six months working on scientific issues or environmental issues on water. Something happens and, like all of us, the time and the effort gets redirected.

In this particular case, it was our best guess 12 months ago of what we thought would be required in this area. But if necessary, the resources—as you can see, for example, in other years, we fully spent the budget and in actual fact spent more in this budget and less in, say, the water budget to get the work done of the day.

Does that help the member?

**Ms. Scott:** In a time when we're having so many garbage issues, where our garbage is going, you said that there's a reduction in scientific resources. Would we not be putting more into finding ways to deal with our own waste back in our own province?

**Mr. Gunn:** It was a forecast 12 months ago of what we thought the resources would be which is reflected in the budget. The actual effort, if necessary, would be redirected to deliver on those issues now. Obviously, waste has most definitely become an important issue and is getting the attention and the resources.

**Ms. Scott:** Are you spending less on non-hazardous waste management this year than last year and even the year before? I've just got the blue book, but that's from my other figures.

Mr. Gunn: What we spent in 2004-05 actuals was \$18.3 million, particularly the non-hazardous waste that you've asked about. In 2005-06, the interim actuals indicated that we spent \$15.6 million. We estimated that in 2006-07 that would be about \$14.8 million in non-hazardous waste, which was the estimate at that point in time. The forecast could change if the resources have been reallocated to do additional work in non-hazardous waste

**Ms. Scott:** So we do see numbers that are reducing for non-hazardous waste and hazardous waste. Do we know how much waste is being diverted in Ontario this year, Minister?

**Hon. Ms. Broten:** Let me get both the questions that you just asked. I see the challenge that you're having in looking at page 46. Again, as I think ADM Gunn indicated, it's speculative. There's no doubt, it's clear we're spending a lot of time tackling a very critical issue in our province right now: ensuring that municipalities have the tools that they need to manage their waste. It is taking resources from my ministry to, for example, put together the new recycling program that we announced last week: the return of bottles to the LCBO. I asked Waste Diversion Ontario to develop two new programs with respect to electronics and household hazardous waste. Work by the ministry is required for those programs, but, again, Waste Diversion Ontario is undertaking much of that good work on our behalf. So those initiatives are taking place.

EA reform is another prime example. We have put forward a very aggressive agenda with respect to EA reform. We have many, many personnel working very hard to deliver that code of conduct and all of the points that will be required to put that EA reform in place.

Where we'll end up at the end of the day, in terms of whether we're shifting additional resources into waste, I can't tell you right now. But I can tell you we have a lot of people working very hard on this issue as we speak and doing a great deal of work to make sure that municipalities have what they need.

Specifically, with respect to waste diversion, as you know, we get waste numbers reported to us from municipalities across the province. The city of Toronto has a 40% waste diversion rate—53% in a single-family

home—Peel region has 37%, York region has 31%, and Durham region has 36%. What I can tell you is we are on the cusp of seeing pretty significant increases in waste diversion rates, with the introduction of organics in those communities and across the GTA. In fact, yesterday I had the privilege to go up to York region and see their facility and have a clear understanding of the work that they're doing up there.

By all accounts, increasing our management of organics in the province and seeing both the municipalities and the ICI sector step into that area means we will see greater, increased organics diversion. In those municipalities that are working with the assistance of the ministry to put up their organics diversion programs, we expect that we'll see an additional diversion of about 480,000 tonnes of household organics a year.

Seven municipalities are committed to recycling organics in Ontario, including Toronto, Durham, Niagara, Hamilton, Barrie and Southgate. We see partial programs coming in, in York and Peel. Then there are a number of trial programs in other municipalities across the province. I think Toronto stepped out in front on that. In fact, I'll take credit; Etobicoke was the first community to have green bins in the city of Toronto. I think we've demonstrated the success of that program, and we're seeing it come out right across the province.

Ms. Scott: You stated numbers. You pledged in the election to do 60% waste diversion. There is no way that I can see that you're going to be able to accomplish the 60% waste diversion goal. You're going to have to help the municipalities; you've said as much. You're trying to give municipalities the tools to reach the 60%. But how much money are you going to put in to achieve the 60%? You campaigned on it in 2003. It is now 2006. We're three years into the mandate. What funds are you giving to get to your goal of 60% diversion—which I don't think is realistic that you can get to, based on the figures you just gave me here.

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**Hon. Ms. Broten:** We are committed to seeing an increase in diversion right across the province and having both municipalities and the ICI sector divert as much waste as possible. That is first and foremost of any waste management: to not send to landfill and to divert as much as possible.

I can tell you that the need of municipalities and the ICI sector is for those tools. We are responding to the request that they're making to us in terms of what they need to be able to divert waste. AMO, in particular, as a key example, has repeatedly stated they need a bottle return system for LCBO bottles. You only need, as I did yesterday, to go to the York facility to see the difficulty in managing and separating coloured glass from clear glass and how we don't recycle that material as well as we could because it's impossible for those on the lines to take out broken glass. So that's a key initiative that was needed.

The blue box program: Funding that blue box program and being the first government to ensure that funding was

available for blue box to the tune of—and I can be corrected—I believe it's \$60 million is critical to those municipalities having what they need to manage their waste. They also said, though, that what they needed was change in regulation, and we've delivered on that, making it easier for them to increase recycling: removing barriers for them, getting site-specific approvals, being more open to the examination of technology and regulating and having standard approaches to the management of waste and the definition of organics and otherwise.

Those are the types of things that municipalities have told us they need to increase their diversion rates. We work closely with them and listen to them, because they're the experts. They are the folks out in communities saying that they need household hazardous waste programs. There's the fact that I have now asked WDO to set up two programs, household hazardous waste and electronics, critical new programs for our province, no doubt, but significantly, they will provide municipalities with resources, because now the producers of those products will be required to pay into that system, to have extended producer responsibility obligations as a result of the designation of those products under the WDA, through the WDO programs that are going to be developed.

So that's the role of the province: to ensure that the municipalities have what they need to manage their waste. We have been working very closely with them. The fact that municipalities can now undertake their planning without the concern that the border will close on them this January allows them to do the planning in a comprehensive and efficient mechanism that they need.

Let me just see if anybody had anything to add.

Ms. Scott: Just to clarify, how much money are you giving the municipalities to help with their waste diversion to reach their goal of 60%? Is that in the budget? You mentioned the blue box system, the LCBO, the recycling. The contract you have with the Beer Store, which isn't a contract—that isn't signed. But LCBO gave \$5 million to the blue box program. There's going to be a big hole here. Obviously, the municipalities are looking for more provincial government assistance, and have you budgeted for that? Can you clarify those figures?

Hon. Ms. Broten: Sure, and I'll clarify a piece of misinformation that you have. Absolutely, LCBO contributed \$5 million to the blue box program, and municipalities, who are the experts and deliver that program to their communities, have made it absolutely clear for a long period of time that they lost money on the management of the LCBO bottles through the blue box program. It was they who called for the removal of that product from their system so that they would be able to run a system that is not a loss leader: "Have those bottles returned; don't have them come in our system." Once they're broken, they're not a valuable commodity, and if we keep them whole and maintain clear and coloured glass separated, we will do better in maintaining a higher diversion rate and more economic benefit to the muni-

cipalities. That's the first thing that I think is really important to understand. That's why AMO has supported us in this initiative.

The other thing is—and I will allow some folks to jump in—it's important to understand the flow-through of funding to municipalities. First of all, municipalities have the responsibility to manage waste. They do so through their tax base. They collect funds from all of us in our property taxes, and that's one of the things we pay for: our garbage collection. Whether we drop it in a depot, depending on where we live in the province, or we have curbside pickup, it's our property taxes that pay for that.

As you know, the Premier recently announced that our province, for the very first time, would re-examine the relationship and the funding between the province and municipalities on all fronts. Part and parcel, some environmental initiatives, like this one, may well be included in that historic examination of that financial relationship. So that's the funding model. On top of that, though, in our province we have Waste Diversion Ontario, an extended producer-pay structure whereby municipalities directly receive funding for those programs when they are designated under the Waste Diversion Act, and that's why it was critical that the program was approved with respect to the blue box. That was our government that did that on this first occasion, and that's why it's critical that we expand on that system to include things like household hazardous waste and electronics, because right now, the municipal tax base is exclusively and solely paying for the collection of those materials, rather than the structure that we've put together.

It's the municipalities that are responsible for funding and running those programs. We're making sure that we get industries to take their responsibility, because that's the structure that we have in place in this province, whereby extended producer responsibility means something. It means if you produce a product, if you produce a good, you have responsibility to make sure that that product doesn't solely fall on the taxpayer burden and the municipality. That's why the deposit return, household hazardous waste and electronics are programs that will, in the end, lift the burden from solely the property tax base and assist municipalities to be able to deliver better diversion programs for their communities.

**Ms. Scott:** How much time do I have left, Mr. Chair? **The Chair:** You have about eight minutes.

**Ms. Scott:** Okay; so many topics. Just to comment on that—

**Hon. Ms. Broten:** But don't worry. We have lots of time.

**Ms. Scott:** That's great. So there really is a \$5-million hole in the blue box program, which could put it in jeopardy, and what burden does that put on the Ministry of the Environment? But I can go back to that at a later time.

Going back to the waste diversion, what are you doing to improve ICI waste diversion, and can you tell me what the ICI waste diversion is right at the moment? Hon. Ms. Broten: To be frank, ICI waste diversion is not good. The former government, of which you were part, had regulations on the books since 1994 and made absolutely no effort to enforce those regulations. So we see an ICI sector that does not divert waste. They have contractual arrangements whereby the entirety of their waste is collected and in many instances shipped out of the province.

This year, we have started with ICI waste enforcement—sending our enforcement officers out to the ICI sector, telling them, "If you had a belief that you did not have to abide by regulations 102 and 103, that's wrong. You need to divert waste; you need to source-separate. What do you need from us to be able to do that?" Obviously those regulations provide a heavy hand of fines and penalties, but we acknowledge that we needed to inform the ICI sector, first and foremost, that the rules of the game had not changed. They'd always been there, but they hadn't bothered to be enforced. We were going to enforce them now.

In doing that, we've had an opportunity to reach out to those who are working hard and are now willing to come forward and see increased waste diversion. For example, I recently sat down with Tim Hortons to talk to them about the challenges they face. Just as we've worked closely with municipalities to learn from them and say, "It's your responsibility but we want to help you. It's our job to give you what you need to manage your waste responsibly and to divert as much as you can," we are entering into those very same dialogues with the ICI sector.

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They too are targeting very high rates of diversion and have indicated to us that, for example, one of the challenges that exist is packaging. We have excess packaging. We don't have national control of packaging to the extent that some materials—if you look on the bottom of products, you'll see the little recycling logo and from 1 all the way up to 7. Some of those products are easily recycled; some of them may be able to be recycled but are not easily recycled. As a result, many of them unfortunately end up in landfill.

That is why I have called for a revision and reexamination of the national packaging protocol. I have made that request to Minister Ambrose, because I think we do have to have the approach of the entire country to tackle an issue like this. Apple juice is sold in Ontario, BC and Quebec, and if we're going to package it in a certain way, let's make sure we put it in a package that's recyclable. I'll be raising that at the CCME in Yellowknife in October and I'm hopeful I will get my colleagues on board. If not, Ontario will take on this issue on its own.

I want to ask Michael Williams to provide you with a bit more detail because it's his group, the operations division, that has been conducting this outreach and enforcement, and I think he has some valuable information for you in response to your question.

**Mr. Michael Williams:** My name is Michael Williams. I'm the operations ADM. As the minister says,

we've been out with our sector compliance branch over the past six months in the ICI sector. We've done about 175 inspections to date. We're planning a total of about 250 across the province. We've been out in all areas, checking on compliance with O. regs. 101, 102 and 103. Basically they are regulations that say, for example, that in the construction and demolition sector you need to audit the waste that you have. You know about that. They have to do source separation etc.

We've gone out to retail complexes, food courts, housing developments, office buildings, all over, to take a look at that and we have found in those inspections that there is a great deal of misunderstanding out there about what their roles and responsibilities are with respect to the regulations. We did find that many people were doing some form or another of source separation of the materials but many didn't have plans in place; many hadn't looked at their waste streams; many hadn't figured out what they needed to do to be in compliance with those regulations. So we've had an outreach session with the Ontario Waste Management Association as a group to help its members come to grips with how we're going to continue our enforcement program on that. We've also had conversations this summer with the Greater Toronto Home Builders' Association to help their members comply with the regulations.

The minister mentioned fast-food outlets. We're working with a variety of them, with Tim Hortons, Wendy's, Lick's, the standard fare out there. I can tell you that with respect to the Tim Hortons example, this is a bit of a success story. One of my staff sat down with Tim Hortons as a pilot project in the Kitchener-Waterloo area and Oakville. They had a number of stores, and they put their staff at the garbage bins at the stores, taped the bins shut and said no, and explained to the public what they were doing. At the end of that particular pilot they got an 80% diversion rate out of those stores that participated. So there are some really tremendous opportunities out there. When we sit down and work with the fast-food sector and those corporations, it's just a question of getting people ready to go on this because they're quite excited. I know my environmental officer who worked with them is eager to see that expand.

In some of the other sectors the story isn't as good. As I mentioned, we did construction and demolition, and there wasn't a lot of recycling going on there. There was huge non-compliance out there and when I say "non-compliance," it wasn't significant health and safety issues or environmental impacts; it was that they just weren't following the rules.

We're going to be pretty aggressive with our education and outreach program in the fall and we're going to complete all of those 250 inspections to drive the compliance rates higher.

Ms. Scott: Okay. I didn't get the ICI waste diversion other than that it's bad. I don't know if you want to clarify that any further with the percentage. You're cutting your budget, where you say you're hiring more enforcement officers for regulations 101, 102 and 103 in

the ICI sector. Would you not look at whether you want to get to a goal of 60% waste diversion? ICI seems to have the worst numbers. Would you not be putting investments into that? You say there's compliance with industry.

Certainly we've talked a lot about the carrot-and-stick approach through the Clean Water Act. Are you making moves in the ministry that way to work with industry incentives? By what percentage at ICI waste diversion are you increasing the budget to enforce the regulations that I mentioned?

Mr. Williams: We're enforcing the regulations through the unit I have in my division called the sector compliance branch. It consists of 30 officers who spread out across the province to take a look at these things, and that's what we're doing with our enforcement program this year.

We can adjust, as a ministry, their priorities annually, so further to the question you asked earlier about shifting budget, shifting resources, that's exactly what we're doing now as a division; we're shifting to that. We have those staff fully engaged in it. I have the number of inspectors I need to drive the enforcement program out there, and part of their role also is not just to go out and do the enforcement but to gather the lessons learned from that experience. Then, some of those staff are dedicated to running the education and outreach initiatives that we need. That's why it's so critical that we work with the homebuilders, and particularly the Ontario Waste Management Association, because they're planning a number of initiatives for their members and others in partnership with us to get out there and increase awareness of it.

Basically, to answer your question, I'm fine with what I need to go out there and drive higher compliance and build the education and outreach program right now.

**The Chair:** Thank you very much, Ms. Scott. I'd like to now recognize Mr. Tabuns. You have up to 30 minutes. Please proceed.

Mr. Peter Tabuns (Toronto-Danforth): Minister, thanks for coming in this morning. Ms. Scott was asking a question about meeting the 60% waste diversion target by 2008, a commitment made by your party in the last election. Do you have a plan to meet that commitment?

Hon. Ms. Broten: We work at the Ministry of the Environment every single day, and we've had a chance to talk a little bit this morning about what steps are being taken and what the plan is to increase diversion rates across the province. There is no doubt that 60% is a very high hurdle, and it is one we are working towards. We are undertaking a number of initiatives to increase waste diversion.

In particular, as I indicated earlier, in the support that we give municipalities in responding to the calls they have made as to what they need from the ministry to increase diversion, they have indicated that they need the LCBO bottles out of the blue box system. That's one of the things.

**Mr. Tabuns:** Minister, just one second. I just have to ask the Chair a question.

The Chair: Yes.

**Mr. Tabuns:** To what extent can I say, do you have a plan or do you not have a plan?

The Chair: Let me answer it very directly. I indicated earlier to the minister that short questions that are direct deserve short, direct answers. If we get a question that deals with your overall philosophy and approach in a matter, then that's an open invitation to take five minutes. But that was very clearly a question, "Do you have a plan," and if you do have a plan, to indicate it.

This is a process that allows this committee to cross-examine the ministry estimates, so it would be helpful to have shorter answers. If you indicate to me that you are satisfied with the extent of the answer, then I can interrupt and allow proceedings to proceed. Is that helpful?

**Mr. Tabuns:** It is helpful.

Do you have a plan or don't you have a plan?

Hon. Ms. Broten: Of course we have a plan.

**Mr. Tabuns:** Will you table that plan today?

Hon. Ms. Broten: The plan is to provide municipalities with what they need to be able to have increased diversion. Municipalities do not all need the same thing. They all manage waste in a different way. Our plan, as a ministry, is to be responsive to their calls for regulatory reform, resources through the WDO and the blue box, and the variety of other things I've mentioned to you. That is the plan of this ministry. We are responsive to those municipalities.

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Mr. Tabuns: Madam Minister, being responsive to municipalities is very different from having a plan. I've looked at plans in my time. They have things like budgets, they have interim targets and they have final targets. Do you have a plan with a budget, with interim targets and final targets, so people can assess it and say, "Yes, they're on track," or "They're not on track"; "Yes, they're going to meet it," or "They're not going to meet it"?

Ms. Scott asked you, I'm asking you, do you have a plan that looks like a plan, with interim targets, budgets, elements that we can measure and not measure? Do you have that?

**Hon. Ms. Broten:** I think as Deputy Williams has indicated, obviously we have budget resources to respond, so we have a budget at the ministry.

**Mr. Tabuns:** Do you have a plan?

Hon. Ms. Broten: Mr. Tabuns, I would put it to you that what you are talking about comes from your experience as a municipal politician. It is the municipal politicians who have the primary responsibility for meeting those targets, and it is our role at the ministry to be responsive, so it's a different fluidity of relationship and dynamic. We are doing what we need to do to provide municipalities with what they need to meet their plans.

As you would know, all the municipalities have plans. The city of Toronto, for example, has a 100% waste diversion plan. They have their benchmarks, and we respond to the calls they put to us as to what they need.

**Mr. Tabuns:** So you don't have a plan. I know that now. You have no plan.

Hon. Ms. Broten: No, in fact, what I answered, Mr. Tabuns, was that we did have a plan, and it was to be responsive to the municipalities. It may not be the type of document that you envision as a former municipal politician, but it meets the need that we have in the province for the responsibilities that we're privileged to have.

**Mr. Tabuns:** Well, I would say that responding to requests is not a plan; it's an approach. Something that doesn't have targets, timelines, goals and a work plan is not a plan. You have intentions but there is no plan, and at this point your intentions may or may not add up to 60% waste diversion. Who knows? No one will be able to tell. So nothing to table there.

**Hon. Ms. Broten:** I think the deputy had something he wanted to answer to you, if that is okay with you, Mr. Tabuns.

Mr. Tabuns: Sure.

Mr. Paavo Kivisto: We do have a work plan to deliver on a whole whack of work in the waste area, all the way from enforcement through policy changes. They are on a timeline that we've established. Some of the tools have been announced. There are others that are being worked on that will be announced at the appropriate time. There is a plan, a work plan, and there is a capacity in the ministry to monitor how the progress has been made in terms of impacts on diversion and waste management in the province.

**Mr. Tabuns:** Good. Does that add up to 60% waste diversion by 2008?

Mr. Kivisto: How we are going to fare I think depends on what happens over the next little bit. I think the Michigan border issue has really raised the profile of waste management within the province, both for the ICI and the municipal sectors. I've met extensively with senior municipal public servants and with the ICI sector and have been pushing, since I've been the deputy at the Ministry of the Environment, that they need to get on with their waste management approaches. That is really starting to accelerate now. Toronto and other GTA municipalities have worked hard to develop their strategies for improving diversion because they realize that landfill in Michigan isn't a solution.

We've got more work to do in the ICI sector. I think from our perspective it is about the work that Michael Williams, the assistant deputy minister, is doing to ensure that their regulatory responsibilities—that we engage them in positive work with the ministry to move forward.

There is also work with the Ministry of Research and Innovation that I'm engaged in, in terms of encouraging investments in new technology in the province to complement the policy tools the ministry has. We've been meeting with our colleagues there, the deputy minister and others, and as well an organization at the federal level that funds environmental initiatives.

**Mr. Tabuns:** Mr. Deputy Minister, all of that is useful—

**Mr. Kivisto:** I'm bringing these together. These are all part of a work plan that we have in play.

**Mr. Tabuns:** So in 2008, does your plan show us reaching 60% waste diversion?

**Mr. Kivisto:** I don't know if we're going to be at 60%, but we'll be a lot further than we are now.

**Mr. Tabuns:** Where are we now?

**Mr. Kivisto:** I'm looking at John as much as anybody. The most recent numbers we have are dated 2004—

Mr. John Lieou: It's 2004-05.

**Mr. Kivisto:** —from Stats Canada, and that's about 30%.

**Mr. Tabuns:** So it's 2006 now. You're expecting to double the diversion rate over the next few years. What are your interim targets? What are your targets for 2006, and are you on track?

Mr. Kivisto: I think the issue for us is that the data we use is from Stats Canada, and it's two years old. So the number I gave you is two years old. Toronto has committed to reach 60% by 2008, so I'm going with the contacts we have with the key municipalities and the ICI sector. They'll tell us how we're going to do. We're further along than 30% today. Several municipalities will be at 60% by 2008, but not all of them. The ICI sector: We've got lots of work to do to get them there.

**Mr. Tabuns:** Will you please table that work plan for us, the legislators, to review?

Mr. Kivisto: Some of the work plan is public and some of it won't be public because it's policy work that isn't shared until it's ready to be shared. So, unfortunately—I can table what I can table. We can give you a summary of the work we're doing and plan to do. Until the government is ready to announce it, I won't be in a position to share some of the other information.

Mr. Tabuns: If you can table what you can table, I'll send an FOI in on the rest. I look forward to seeing, each year, what your interim target is and how that adds up to the promised 60% by 2008. I'd like to see in that work plan the budget that's allocated for each step and the regulatory measures for each step so that we know exactly what you've got and what you don't have.

**Mr. Kivisto:** Just to clarify, Mr Chair, I can only share information that's public. I can't share work that's being done on policy for the government and options around that. That's not appropriate.

**Mr. Tabuns:** I recognize that, but if you put forward a public plan that has no targets, no timelines, no budget, then I'll have questions about how substantive it is. But put forward what you've got. We'll take a look and we'll make a judgment. Thank you.

Next question: Toronto says it needs \$45 million to increase capacity for organic waste diversion, among other things. Are you going to provide Toronto with the money that it needs to meet its targets?

Hon. Ms. Broten: I would suggest to you, Mr. Tabuns, that the challenges faced by the city of Toronto have been made a lot better by the efforts of our government across the whole in ensuring that Toronto has resources that it needs. Again, there is no doubt that

Toronto is a major government entity with responsibility for the management of its municipal waste. That's why it's called that: municipal waste. Again, that responsibility falls to the municipality.

**Mr. Tabuns:** So you're not going to provide money to Toronto?

Hon. Ms. Broten: Infrastructure investments are often types of investments that all levels of government will participate in. There has been recent discussion that one of the challenges we face as a province is the lack of processing capacity for organics; that's both in the ICI sector and with respect to the municipal sector. As the deputy indicated, some of the work being done with research innovation by public infrastructure renewal may see its way to this type of investment. Those are decisions that need to come out of the municipalities or the private sector to have that investment take place. But we are paying very close attention to that need.

I'll just see if John or the deputy want to add anything in that regard.

Mr. Kivisto: Toronto has made its commitment to get to 60% by 2008 with no funding request to the Ontario government. That's probably appropriate, given the responsibility they have for managing their municipal waste. We have, though, worked extremely closely with Toronto, and I'm sure if you talk to either the mayor or the public service here they would recognize the terrific work the ministry has done with them to resolve some of the issues they've had around waste in the last several months.

**Mr. Tabuns:** So you're not providing Toronto with money to meet that target; you're not providing the \$45 million to \$50 million they'll need to meet their organic targets. Is that correct?

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Hon. Ms. Broten: We will not provide the city of Toronto with direct funding, just as we do not provide any municipality with direct funding to manage what is their responsibility, municipal waste. We are prepared, as I indicated to questions from Ms. Scott, across the range of governments to re-examine that relationship between the province and municipalities. We've made historic investments in the city of Toronto since we formed government. How the city of Toronto manages their waste contracts is their own responsibility. As you would know, they currently have a facility—

The Chair: Thank you, Minister. Mr. Tabuns.

Mr. Tabuns: I think I got the drift.

The city of Guelph: Currently, this city that has been a leader in recycling and composting is landfilling their compost material because they can't afford to repair their compost facility. They did request funding and they were turned down. You've spoken about responsiveness to the municipalities. Effectively meeting that 60% waste diversion promise is up to them. Are you going to be supporting Guelph in its efforts to meet 60% waste diversion by providing them with the funding that they need?

**Hon. Ms. Broten:** You're referring, Mr. Tabuns, to the Guelph wet/dry facility?

Mr. Tabuns: Yes.

**Hon. Ms. Broten:** That facility has had its challenges, there is no doubt. The management of organics at times creates odours, and that has caused challenges for the community.

I have met with the mayor of the city of Guelph and had extensive discussions with respect to the wet/dry facility. They did make application to receive—and I'll be corrected if I'm wrong—COMRIF funding, I believe it was. The criteria for COMRIF funding were not met, unfortunately, by their application. The Ministry of the Environment's role with respect to COMRIF funding is to provide scientific analysis. It's not a pool of infrastructure funding that we control from this ministry; it falls within the responsibility of OMAFRA. But we did indicate our support for them and we've worked closely with them.

I may see if Michael wants to provide you with any additional details, or perhaps Doris; I'm not sure who might provide you those details. But I do know that they are negotiating not to landfill those organics but rather to ship that to the same processing facility that the city of Toronto uses in Quebec. So we will see the organics continue to be managed, despite the struggles of this community.

Michael, did you have any more to add?

Mr. Williams: The city of Guelph is looking at all of its options. It has a report before it now that would see some of the material shipped to the new state-of-the-art facility in Hamilton. After that, there will be another facility that it will go to, and Guelph will be issuing a tender for its longer-term strategy for managing that. My staff in the Guelph district office and Hamilton regional office are working with them on that.

**Mr. Tabuns:** Thank you. Mr. Chair, how much time do I have left?

**The Chair:** You've got another 10 minutes or so.

**Mr. Tabuns:** Well, I'll start a line of questioning and we can go back to it later.

Minister, do you think climate change is the most important environmental crisis facing the world?

**Hon. Ms. Broten:** Absolutely.

**Mr. Tabuns:** If no action is taken, do you believe climate change will damage the global economy and lead to loss of life?

Hon. Ms. Broten: I certainly believe that we need to pay very close attention to what is happening in parts of the world. For those of us in industrialized nations, I don't think we are as dependent on our environment as some who may live in the desert or other parts of the world, but I take very seriously the issue of climate change and I pay very close attention to what those experts around the world are saying about this serious issue.

Mr. Tabuns: For what it's worth, many experts do believe that climate change will damage the global economy and lead to loss of life. Given that you acknowledge its importance, will you please table a climate change plan showing targets and timelines for actually dealing with greenhouse gas emissions in this province?

**Hon. Ms. Broten:** Ontario's plan with respect to climate change is an integrated one to manage both climate change and clean air.

**Mr. Tabuns:** No, Madam Minister, I don't need a description. What I want is a plan. Have you got a plan to table showing targets and timelines?

Hon. Ms. Broten: I can tell you that if you take a look at the Ministry of the Environment website, there is a clear description on the site of Ontario's integrated approach to climate change and clean air. There are nine key areas that the ministry is currently addressing. We are active on this front, working with other ministries. You can take a look at that, or I can give you some description of that. It's your choice.

**Mr. Tabuns:** Maybe you could tell us the reduction in greenhouse gas emissions we can expect by 2012.

**Hon. Ms. Broten:** We have a number of initiatives, all of which see a reduction of greenhouse gas emissions, and I will start going through them for you right now.

**Mr. Tabuns:** Maybe I could just ask you, what's the aggregate reduction in greenhouse gas emissions in megatonnes by 2012?

**Hon. Ms. Broten:** I don't think I have that summary for you at this point in time.

Obviously, as you know, Mr. Tabuns, our government has supported Kyoto commitments. We have supported the Kyoto protocol. We have spoken loudly and clearly to that effect. You would certainly know that the country, the federal government, right now is in the process of putting forward its plan, so to speak. We are paying very close attention to what the federal government may be undertaking on the clean air and climate change front.

We had expected dollars at some point in the past that we would have received under the previous agreement. The world changed with the change of the federal government elected. We are doing our part and taking a number of steps in the province and watching closely to encourage and challenge the federal government to meet its obligations under Kyoto.

**Mr. Tabuns:** So you don't have your own independent greenhouse gas reduction target for 2012. You don't have a number. Is that correct?

Hon. Ms. Broten: I can tell you that if you gave me the opportunity to do so, I could run through many initiatives with you that are active and the province is undertaking right now, and describe to you the extensive volume of greenhouse gases that we would reduce, one of those being the replacement of coal, as you know, which will see a reduction of 30 megatonnes of greenhouse gases.

**Mr. Tabuns:** So are you saying here today that coal will be phased out in Ontario by 2012?

**Hon. Ms. Broten:** I'm saying that those initiatives, when fully complete, are all on a variety of different timelines and have significant greenhouse gas reductions on all fronts. They include transit, clean energy, conservation. As you know, tackling what is the single-largest issue of our time is not to be approached in a simplistic manner. It needs to be cross-cutting, it needs to be

integrated, and we need to take every reduction, large and small, wherever we can get that reduction. Those are the types of initiatives that this ministry is undertaking.

Mr. Tabuns: Generally speaking, when governments want to do things, if they want to do things, they set targets and timelines and have a work plan. You don't have a greenhouse gas reduction target to announce today. You refer me to the website.

The David Suzuki Foundation has looked at climate change plans across the country. The heading for their section on Ontario says, "No climate change plan." They're pretty good. I've been with them in climate change negotiations. They have some sense of this stuff. If you don't have a plan, say you don't have a plan. If you do have a plan, please table it so that the Suzuki Foundation and others can critique it and see whether or not it is of any consequence.

I can assume from what you said that you don't have a plan. You certainly don't have a target and you don't have a timeline, because there's no commitment to shut down the coal by 2012.

How much are you spending in your ministry to fight climate change, one of the greatest challenges facing humanity today? How much are you spending?

Hon. Ms. Broten: Again, as I indicated, it would be a false premise and simplistic approach to look at the budget of the Ministry of the Environment and think that this is the only ministry responsible for tackling this significant issue. Historic investments in public transit, some \$1.5 billion—that is going to tackle climate change; that will reduce greenhouse gases. Closing coal-fired facilities—

1030

Mr. Tabuns: By how much?

**Hon. Ms. Broten:** I can tell you that that will reduce greenhouse gases by 800,000 tonnes, which will be like removing 200,000 cars off the road. That's the type of information that you would find on the ministry website upon examination of our integrated approach.

**Mr. Tabuns:** So you have the numbers. What's the total?

**Hon. Ms. Broten:** As I indicated, I don't have that total in front of me. I would encourage you either to let me go through them with you or to review it yourself on the website.

Mr. Tabuns: Then, Mr. Chair, what I'd ask the minister to do is to present a total. She doesn't have to do it this moment; she can ask some of her staff to go out, come back and tell us the target for greenhouse gas emission reductions and the date it is expected that those will be in effect.

**The Chair:** We will receive that as a request for information. Ministry staff have taken notes of its nature. I don't believe staff have any questions about what it is we're seeking.

**Hon. Ms. Broten:** We don't have a document in that format and so we won't be able to provide it to you.

**The Chair:** If I might, let me please intervene. Minister, this is a first-time estimates for all of you. The

fact that it isn't easily reached doesn't mean that you're not obligated under the standing orders to produce it. I will ask your deputy if it is possible to cobble together these numbers in a manner in which the member has requested them. I don't dispute, nor do any of us dispute, that the document may not be in an existing form, but you are quoting to the member from another minister's estimates the amount of greenhouse gas reductions that will be achieved by their initiatives. So I think what Mr. Tabuns is asking is the extent that you have consulted with other ministries, their targets and their contribution to the overall plan. That would be the request.

The other question that Mr. Tabuns asked was, "Please show us in the estimates what resources are currently being spent administratively or otherwise" on the subject that he raised—

Hon. Ms. Broten: I'm more than happy to do that. I had not been given an opportunity to get to that document. We can provide a summary of the information on the clean air/climate change plan. I did want to make it clear to this committee, though, that the document does not exist in such a form currently; it would have to be prepared. It will be a summary of those items that are listed in the ministry's climate and clean air integrated approach. If you take a look at page—

**Mr. Tabuns:** No, no. I need to ask a clarifying point. **The Chair:** Yes?

Mr. Tabuns: I want to know the reduction in the greenhouse gas emissions. So if you're telling me the reductions in dioxins or furans or other pollutants, I'm interested in that, but that is not what—I'm talking about greenhouse gas emission reductions: the target for reduction—

**Hon. Ms. Broten:** That's what I'll provide you.

**Mr. Tabuns:** —the timelines when they'll be implemented and I might also ask the cost to meet those timelines and targets.

**The Chair:** That's very clear. Thank you. Proceed.

**Hon. Ms. Broten:** Do I get to answer the question that was posed now?

**The Chair:** Yes, the earlier question about the dollars being spent in this estimates budget.

**Mr. Tabuns:** On climate change and reduction of greenhouse gas emissions.

Hon. Ms. Broten: If you take a look at page 22, you will see that there is an entry in our air vote unit that refers to climate change. I'll just turn you to the page. If you take a look, there's a description of the work that has been undertaken by the ministry in respect of climate change. What you'll see is from a ministry resource perspective, that work which has been undertaken very much supports the approach that I indicated earlier, whereby there's co-operative, integrated work with respect to the federal government.

Page 29 sets out details of the operating expenditures under "Climate Change." The federal government is the lead, and Ontario has undertaken a number of steps to support the federal government's ratification of the Kyoto Protocol and to meet Canada's obligations.

There's a specific function listing under that section on page 29 that indicates the type of work that has been done and was anticipated to be done. Obviously, that was in the context of Canada continuing to move with respect to the Kyoto Protocol. I guess you, as we, wait to see what the federal government may announce in the upcoming months—or weeks, perhaps, at this point.

I'll ask Deputy Gunn to give more clarification, if that's helpful to you, with respect to the climate change budget.

**Mr. Gunn:** The majority of the resources that are here support the policy staff and the support costs for the technology and the science and stuff that goes into supporting the climate change plan, as the minister has indicated.

**Mr. Tabuns:** You have items here, "Change from 2005-06 Estimates," because you're spending less on climate protection in this program than you were in the previous year. What's the reduction in transportation and communication?

Mr. Gunn: Those were part of our overall \$41.2-million budget reduction. We've gone through every line in the ministry's budget for efficiencies and for reductions. For example, in transportation and communication, that could be related to a different kind of telephone system somewhere, less cost of the technology pieces that the minister spoke about earlier in terms of Black-Berries and cellphones and whatnot. So it's just been part of the overall efficiencies/reductions right across the ministry.

**Mr. Tabuns:** And services reduction?

Mr. Gunn: Again, the same thing in the services—two pieces in the services reduction would link to the cost of leased premises. We do have a large number of leases to have regional and district offices in the environmental offices around the province. So as leases come up, we're negotiating lower costs with landlords and sometimes smaller space if we can do it. You'll find those distributed throughout our budget in terms of the services. Also, if there's an ability to reduce any reliance on any outside expertise put in on a one-time basis—so generally administrative efficiencies as we've gone through the whole budget.

**Mr. Tabuns:** Do you actually monitor performance of the rest of the provincial government on this file?

**Hon. Ms. Broten:** Can you re-explain your question, Mr. Tabuns? Do you mean with respect to climate change?

Mr. Tabuns: I look at your specific functions. They're coordinating negotiation, developing proposals for funding, working with the federal government—although I have questions about what that would amount to right now. Do you monitor the rest of the provincial government operations to see if they're actually dealing with greenhouse gas emissions in their own operations?

Mr. Gunn: In terms of the efficiencies of government operations, like the energy efficiency of buildings and issues like that, very much so. The Ministry of Government Services coordinates us with all—I could give you an example. In our own building, our headquarters at 135

St. Clair, there have been some upgrades there. There are timers on the lights in the building so that after the close of business each day, late in the evening, the lights automatically go off and they're not left on. There have been new chillers and thermal controls put in place. We coordinate that right across the—

**The Chair:** Thank you very much.

We're going to continue the rotation now. To take us to the top of the hour at noon, I'm going to begin 25-minute cycles, starting with Ms. Scott—oh, I'm sorry. I forgot the minister's response. I apologize.

Minister, you have up to 30 minutes to do any kind of response that you would like out of that prior exchange.

**Hon. Ms. Broten:** I'm getting the signal that there may be some questions over here.

**The Chair:** The process doesn't invite government questions. The process is clearly defined as your time to respond with greater clarity.

**Hon. Ms. Broten:** All right. I'll try to read their minds as to what they might like to ask me about.

The Chair: It's going to be a long day and they're most anxious to get into their cycle, and they will get one this morning; it's just not right at this moment. We're in your hands now, if you'd like to—

**Hon. Ms. Broten:** Can you just recap for me, Chair? We will have cycles from each of the parties—

The Chair: I'll explain the process. It's a half-hour maximum opening statement for the minister. According to the standing orders, it goes to the official opposition for half an hour, then it goes to the third party for half an hour, then the minister is given up to a half-hour, which completes your total time of one hour. The purpose of that is for you to respond in more detail to the points raised.

Editorially, I will just say that in my 22 years on this committee, very seldom—well, it has been the common practice now that the members engage in statements. When I first arrived here, the opposition critic did their full half-hour and the minister patiently listened and then listened to another half-hour from the third party and then you had your half an hour to rebut or to respond. Those standing orders are structured that way because that was the way we used to do it. So I'm staying within the orders, but that's an explanation as to why it ended up evolving that way. You can waive that if you wish and go right into questions and then we can get to the government members, or you have that time. As the Chair, I hope that's clear, and we're in your hands.

**Hon. Ms. Broten:** Thank you very much, Chair. Do I need to use that time right now? Can I wait until later?

The Chair: Again, sequentially, it's required. I always, as a courtesy, afford the minister a few moments at the end to wrap up their estimates, if they choose to take it, but we don't stack the time unless there is a scheduling difficulty for a minister, and I've been known to do that on two occasions.

Hon. Ms. Broten: Okay. Let me take just a few minutes to speak about the two issues in particular that

the members opposite queried about. I won't take up that much time and then we can get into questions and continue with the rotation.

On the topic of climate change and clean air, I do want to spend a couple of moments talking about Ontario's integrated approach. I appreciate Mr. Tabuns's desire that the Ministry of the Environment do everything and that everything be contained in the Ministry of the Environment budget because, as I have said in the past, everything is about the environment and nothing matters if we don't tackle the environment.

With respect to clean air and particularly climate change, what we see is that to tackle this issue, many ministries need to be engaged and involved. So expenditures with respect to that work would come under many budgets other than our own. The Ministry of the Environment is not a funding ministry, we're not an infrastructure ministry, but it does not mean that significant dollars are not being spent.

I'll highlight a couple of issues, one to talk about the work being done across government. The Ontario government has committed to reduce its own electricity consumption by 10% by 2007. That's through innovations like deep lake water cooling and extensive energy retrofits across the government's real estate portfolio that would then fall within the responsibility of the Ministry of Government Services, of ORC, of PIR, of a variety of other ministries that would have responsibility for those portfolios.

Similarly, with respect to energy and tackling our energy challenges in the province, the Ministry of the Environment has a role, no doubt about it, and it was our regulation that required the closure of the Lakeview generating facility. But so too does the Ministry of Energy have a significant role, something like, for example, the standard form contract and the way we are purchasing or proposing to purchase electricity in the province to encourage conservation, encourage clean renewables, smaller-scale renewables. Investment is required by the Ministry of Energy to have those results, not demonstrating themselves through the Ministry of the Environment budget but certainly having significant impacts with respect to climate change and reduction of greenhouse gases.

Conservation is another key example where government dollars—establishing the conservation authority, the programs that that conservation authority would have, dollars coming into communities to encourage conservation, and collateral reduction in greenhouse gases, again through the conservation authority.

Transportation: Critical transit infrastructure—I know I had a moment earlier to speak about that—\$1.4 billion over five years to help municipalities across the province improve their public transit, some of those dollars being used for hybrid buses, biodiesel buses. I've had the privilege of participating in those many announcements right across the province. Ethanol and gasoline are examples of something that this ministry had regulatory responsibility for. Our regulation is going to lead the nation in having ethanol in gasoline, 5% by 2007, 10%

by 2010, five full years ahead of the federal government initiative that would have 5% by 2010. Again, a reduction in greenhouse gases of 800,000 tonnes—a coresponsibility with OMAFRA, which has the ethanol growth fund, to ensure that we are able to produce ethanol in the province to meet this new regulatory regime.

We're also learning, through the science of climate change, of the critical role that green spaces play in ensuring that we have a healthy and safe future, and so historic acts like the Greenbelt Act, the Places to Grow Act, the Bob Hunter Memorial Park which we recently opened—all of those initiatives from our ministry and others have a critical impact on what we're doing. I think it demonstrates the integrated, across-government approach that we're taking.

Our own initiatives—Drive Clean being one of those initiatives; work with the industrial sector; the MOU that we entered into with the steel sector to support the leadership of that Ontario-based sector in reducing greenhouse gases. So those are the types of work that are either done internally in our ministry or with our support and expertise in other ministries. That's how we are tackling this very complex issue on many fronts.

The Premier's new Ministry of Research and Innovation is looking at the type of work that they can do in support. The Centre of Excellence for Energy's new fuel cell innovation program is looking at the type of work that they can do in support. All of those will have an incredible impact on the reduction of greenhouse gases and will bode well for our future and our kids' future. That is a little snapshot with respect to climate change.

With respect to waste and waste diversion, I wanted to just point out that the municipalities, in supporting and agreeing with our initiative whereby we ensured that the border will stay open until 2010, signed on to waste reductions: 20% by 2007, 40% by 2008, 100% by 2010 in terms of waste not crossing into Michigan to be landfilled.

The municipalities that had leadership roles to play because their waste is the waste going into Michigan had clearly indicated to us that those 20% and 40% reductions by 2007 and 2008 will be met by diversion of that waste from landfill in its entirety. I think that demonstrates the importance and effectiveness of the work that the ministry has been doing to provide tools. Sometimes folks can think that the provision of tools to a municipality seems meaningless, but the meaningfulness of it is identified by the fact that municipalities that could not have entered into this agreement clearly committed to being out of Michigan by 2010 perhaps last year were able to do so this year because they had the comfort that they had what they needed to increase their diversion, and when they could not divert all of that waste, they have the ability to find meaningful solutions here in the province.

### 1050

I think the importance of waste diversion and the support by our ministry of the waste diversion initiatives also demonstrates itself in the support that the ministry has put toward Waste Diversion Ontario. It is that entity that does a great deal of the good work and the heavy lifting, so to speak, to develop how exactly programs will work, how the interaction between our IFOs and the Waste Diversion Act will take place, how the producers will pay, how the whole system will work. It is the WDO that does a great deal of that work, and the WDO has been financially supported by the ministry to ensure that they can continue to do that good work.

So those were two of the issues that I wanted to talk about.

One gaping area that we have not yet talked about and I hope we will have a chance to talk about later is what we are doing in this province with respect to water. Many in this room have had the privilege to sit and examine proposed amendments to the Clean Water Act. The Clean Water Act is a historic act that we look forward to finalizing when we come back to the Legislature in the fall. For the very first time in our province, as a result of the Clean Water Act, we will have an understanding of how much water we have and how safe it is to drink.

That act has benefited from the expertise and involvement of many groups. Some 300 consultations were undertaken prior to its introduction, with groups from municipalities to the agriculture sector having involvement and engagement and participation, culminating in the introduction of Bill 43. Once Bill 43 was introduced, I had the privilege to travel around the province and gain advice and expertise as to how we could make a good bill better. At the opening of committee and at the examination of the bill in clause-by-clause and committee hearings, I made it very clear that we were open to getting good ideas and making a good bill better and that the committee was doing important and valuable work. I think where we landed yesterday afternoon demonstrates that we did make a good bill better and that we listened to Ontarians and responded to their approach that there were perhaps many different ways to ensure that we had clean water in the province.

One of the important developments that I was pleased to announce last week, which is not reflected in the budget that is before this committee today, is the investment in Clean Water Act implementation dollars: \$7 million of new money coming forward to ensure that those implementation steps that can be made at the beginning are available. That's on top of an estimated expenditure of \$120 million over a number of years in terms of the science of clean water-How much water do we have? How good is it? What steps do we have to take to protect it?—for the first time working across municipal boundaries, working with conservation authorities. We have indicated throughout that we would be there in terms of implementation costs. We have now put in place in the Clean Water Act a financial assistance program that would initially, as I indicated, make \$7 million available in 2007-08 for early action to protect drinking water. It's important to know that our scientific exercise is under way right now but many communities across the province will not be undertaking that work for a couple of years yet.

For those who by 2007-08 are ready to undertake implementation, \$5 million is now available to support early action to protect land and water surrounding water wells—something that we often describe as wellhead protection areas—close-to-municipal water intakes, and an important additional \$2 million to support local education and outreach related to source protection planning.

Again, it's part of the first stage of our commitment to rural Ontario so that as they complete their source protection plans and we have a better understanding of the implementation costs, work that can be done and needs to be undertaken right away is not hampered or held back because of an uncertainty with respect to how we will fund, in a co-operative way, implementation.

I'll just share with this committee some of the responses we received as a result of this recent announcement.

From Ron Bonnett, the president of the Ontario Federation of Agriculture: "This first-stage financial assistance goes a long way toward addressing the concerns of the farming community. The government is clearly listening to the concerns of rural Ontario."

John Maaskant, the chair of the Ontario Farm Animal Council and co-chair of the Ontario Farm Environmental Coalition, which has done a lot of great work in this province, indicated, "This is an encouraging announcement and indicates that agricultural concerns have been taken into account. The government is demonstrating that farmers are effective partners in ensuring clean water."

Doug Reycraft, the new president of the Association of Municipalities of Ontario, indicated, "This initial investment of financial assistance will facilitate real action in smaller communities. It means municipalities and property owners can better work together to protect local water supplies."

And last, Dr. Rick Smith, a champion of clean water in the province, is the executive director of Environmental Defence. He indicated, "An investment in more local education and outreach is essential. This will encourage more property owners to take quick action to protect local water sources."

Those are a couple of instances where you see a crossing of funding between other ministries and our own. On the water front, \$23.7 million in nutrient management financial assistance will make farmers eligible. Up to 60% of those funds are needed to make environmental improvements. In the Ministry of the Environment, we view ourselves as the ministry of everything green, whether it falls directly within our estimates or not. We work closely with ministries across government to deliver on clean air, clean water, clean land and good waste management.

Interjection.

**Hon. Ms. Broten:** I'm getting some suggestion to just give a quick snapshot on the success on transboundary air. I indicated in my opening remarks that we had recently had success.

Transboundary air is an issue in Ontario that many of us may not have thought that much about, because most of us don't spend our days studying air-flow patterns that come up from the US Midwest to determine why we are having a smog or bad air quality day in Ontario.

What we learned as we put together a report in 2005 that culminated 30 years of research into a single document was that, unfortunately, much of our air quality challenges were not of our own making and would not be ours alone to resolve. In communities like Windsor, for example, 90% of their air pollution comes up from the US Midwest when those warm airflows come up from the Ohio Valley and through the US into Ontario. Ontario, too, does send air pollution into other provinces—Quebec—and into the eastern US, so it was important for Ontario to raise that issue in the US, raise that issue with the federal government and get others understanding the consequences of their decisions.

### 1100

We recently participated as a friend of the court and filing an amicus brief in a case called Synergy Energy. We've also filed comments before the US EPA. I have travelled to Washington to raise the issue with a number of senators and members of Congress and various Houses. It's an important issue for discussion in the US, because it is clear that it touches the global issue of climate change and air quality. We don't have a wall at the border that stops that air pollution from coming up. So those are a number of the new initiatives that the ministry has undertaken in recent years.

The fluidity of our management of resources in the Ministry of the Environment has allowed us to tackle important and timely issues, despite the fact that something may not have been identified some number of years ago as something we would be undertaking. I think that's what ADM Gunn was really referring to when he talked about how we will put resources where we need resources. Out of the budget that we have, we will respond to the needs of Ontarians to ensure that we protect the environment. And if something is a new issue, we view ourselves as sufficiently nimble to be able to realign, redirect and put necessary resources to respond to a need that exists. That's something that we're proud to have done in the past and will continue to do.

**The Chair:** Thank you very much, Minister. We are at the top of the hour, so I'm going to begin 20-minute cycles, starting with Ms. Scott.

**Ms. Scott:** Thank you again, Minister, for the opportunity for questions. I'll follow up on several different topics, I hope, so I'll try and keep the questions concise, and maybe your answers concise too.

You talked about the Clean Water Act—extensive consultations, you said before. I would have hoped you'd have made some of those changes before the bill was introduced for second reading, because the 240 amendments that we had to go through in the last two days was a lot. I think it's a signal that it was severely flawed legislation. You mentioned the Ontario farm environmental groups. I brought up many of their amendments—all voted down by your government side. So the jury is out on whether you're listening to the farm groups. My interpretation from clause-by-clause was not.

You mentioned, when we started the Clean Water Act committees, \$120 million, which is the first time we've heard that number. It was \$67.5 million to the conservation authorities, so where did the \$120 million come from? Is that in this year's budget? Did you spend any of the \$67.5 million before you introduced it on December 5?

Hon. Ms. Broten: Many, many questions in what was supposed to be a concise question. I'm not sure where to start. I'm going to start by, one, indicating that I'm proud that we did listen. I think the 240 amendments are evidence that we did listen to good ideas. Many of those amendments would have been consistent, as you know yourself, Ms. Scott, with a change in approach. Sometimes a word needs to be changed 25, 35 or 100 times in a document. That's not something that I think is not good public policy; I think it is good public policy to take good ideas and respond to those.

I indicated at the opening of committee a number of initiatives that we had been listening to and gave indication that we had continued to learn from those who are better. As a lawyer, I was never too proud to make amendments to my documents right up until the last moment to give my clients the best-quality product, a product that they deserved. That's the same approach I've taken as minister with respect to a piece of legislation. We'll make it the best it can be. Good ideas are good ideas. I think that we will see those Ontarians who participated in the dialogue share with us their support of this important initiative.

With respect to expenditures, \$120 million is proposed expenditures with respect to the science that I have spoken about many, many times. I'm going to ask Mr. Smith to review with you those expenditures that have been made to date. I'm proud that we got money out the door and communities working, because that is imperative. That responds to Justice O'Connor's call to have an understanding of our watershed mapping and planning. I'll just turn it over to Ian to give you some details with respect to that very, very significant investment that we're making in the science of water.

**Ms. Scott:** Just to clarify for him, I asked the question, was any of the \$67.5 million, the original figure, spent before the bill was introduced on December 5?

Mr. Ian Smith: Yes, thank you. For the record, I'm Ian Smith, the director of the drinking water program management branch at the Ministry of the Environment. I was quite fortunate to spend the last two days with a number of members debating the many changes to the Clean Water Act.

The minister referred to the \$120-million figure that she spoke to at the start of the hearings. I'd like to divide that figure up into three general pots. The first is capital funding that the Ministry of the Environment is providing for technical studies being carried out by municipalities and conservation authorities, most often in partnership. There will be \$31 million and change; roughly \$31.6 million we believe will be spent over the four-year period

starting in 2004—I'll check my numbers—leading through 2008.

The second pot would be water budget money that is being allocated from the Ministry of Natural Resources of roughly \$15.5 million. The bulk of this money is being used by the conservation authorities to hire water resources engineers to calculate the amount of water available in the province of Ontario, where it is, where it's moving to and where it's coming from. That will be important information not only for the Clean Water Act, but it will feed into a number of other ministry programs, including the permit to take water program.

The largest chunk of that money is roughly \$72.2 million that will be allocated, again, from the Ministry of Natural Resources budget to provide for capacity in staffing at the conservation authorities, so that they have the technical resources in order to provide support to the source protection committees when they are formed and to provide ongoing support to municipalities as they develop their local plans.

With regard to the second question from Ms. Scott, we had spent some of the \$67.5 million in the previous fiscal year. There was roughly \$10 million provided in technical studies money to municipalities in the last fiscal year. I don't have the exact figure; I believe it's \$16.5 million provided by the Ministry of Natural Resources out of that \$67.5-million figure to conservation authorities for their capacity-building in the last fiscal year.

**Ms. Scott:** So just to clarify, there was money spent of the \$67.5 million before the bill was introduced on December 5. When you say the last fiscal year, you mean 2004-05?

Mr. Ian Smith: Correct.

Ms. Scott: We've talked a lot about plans. Do you have any idea of the ballpark figure of how much it's going to cost for the implementation? I know you've said you have to do the assessments and that first, but a general plan. You've heard a lot of public discussion from communities. I think even Mr. Duncan knows the minimum cost of his energy plans. Mr. Smitherman knows the minimum costs of the LHINs creation. You said you brought \$7 million in. We've heard figures—needs 1,000 times that.

Laughter.

**Ms. Scott:** You laugh, but a lot of credible people came forward. Do you have any estimated cost impact of the regulatory compliance of Bill 43?

Hon. Ms. Broten: The best indication that we have as to the cost of implementation of the Clean Water Act and a new approach in terms of a risk management approach comes from those communities who are leaders across the province and who have seen work that they have done in Stratford and Waterloo. Perhaps Ian can correct me if I missed some of the communities. Those two communities in particular have been able to fund that work because they were out in front of other communities on their water rate, and they've seen minimal increases in their water rate, from 35 cents to about \$1.65 per household.

#### 1110

So the costs—those true approaches that we've seen—have not been on the scale of some, as you suggest, Ms. Scott, who would have this be something that we should not tackle in the province. We believe that a great deal of the cost is with respect to the watershed mapping and planning, and that is a burden we have not sought to impose on the water rate or on the water users. In fact, we have funded that from government, uploading that which would have otherwise been a municipal cost onto the province, to ensure that we could meet Justice O'Connor's recommendation.

It was critical to have money flow out the door to undertake that mapping and planning, because as you can only imagine, it's a very extensive and large scientific exercise. We wanted to have the information that we needed as quickly available as possible upon the passing of the Clean Water Act, to get on with the real work of ensuring that that water is protected and safe.

Ms. Scott: I don't think anyone disagrees with source water protection. You may be doing the assessment, but the implementation and the legal responsibility go down to the municipalities. It's the hugest municipal download, and I can tell you from my riding of Haliburton, Kawartha Lakes, Brock, there's up to \$30,000 or more per household right now for water infrastructure. So you do have figures for some communities; I'm just telling you it's a broad spectrum.

Hon. Ms. Broten: I think you need to have a better understanding of the challenges that your community faces in terms of that \$30,000 per household, and I think it would be critical for Mr. Smith to respond to the point that you've made.

**Mr. Ian Smith:** If I could just make a short point, during the standing committee hearings on the Clean Water Act, a representative of Conservation Ontario was asked on Hansard if he felt that the estimates that the minister referred to per household were within the ballpark for plan implementation, and his response was yes.

**Ms. Scott:** I think the municipalities that you quoted have a different response, but I won't go down that road any further, and that's on Hansard also from committees.

I'm going to switch over to tires, since I have limited time. Can you tell me what the status of the entire Ontario tire stewardship plan deferral is?

Hon. Ms. Broten: When I attended the WDO AGM—I believe, if I think back, that would have been in June—I asked WDO to initially spend their energies and efforts tackling two programs and to focus their energies. You may recall that WDO had been asked to produce a tire program, a household hazardous waste program, an oil program and an electronics program. In my opinion, that stretched the expertise and resources of WDO to the extent that if you focus on too many things, as my mom would say, none of them is going to turn out very good. I asked them initially to do two programs first: the household hazardous waste program and the electronics program, because those two programs build on the blue box program. They are programs that respond to household

goods and waste, municipal waste that Ontarians have in their homes. We've funded the blue box program, and let's build on that success.

The tire program is meeting a different response of need. I think about my own home. I know that I have paint cans and old computers. I don't have a whole lot of old tires sitting in my basement, and I don't see a lot of old tires in my community, in any event, out at the curb, with someone trying to do that. That's because about 40% of used tires are already recycled. When you go to a garage or Canadian Tire, whoever it might be, to have your tires changed, they charge you a fee and they manage the disposal of your tires for you.

What I asked of WDO was to focus their attention on those two other programs initially, and what we are doing at the Ministry of the Environment is considering our options for how we can increase the diversion of used tires and how we can better manage those sites that have tire depots on them.

You may know that you need a certificate of approval as a waste disposal site if you have more than 5,000 tires on your site. There are four sites in Ontario that have those certificates of approval. Part of that is also putting in place financial assurance to respond to anything that might happen. They are required to comply to the fire code and others. That is one mechanism of managing tires, by way of certificates of approval.

Obviously, there are illegal sites that exist in the province, and we—

**Ms. Scott:** Do you know how many illegal sites there are in Ontario?

**Hon. Ms. Broten:** I don't know that I have a complete listing. I'm going to get Michael to come up here and respond to that.

We are developing a regulatory proposal right now to prohibit used tire stockpiling. There's a further complication in that some of those sites that we are aware of exist on First Nations land that we don't have the ability to fully manage and regulate. So I will let ADM Williams respond to your specific query, because it's his group, the operations group, that would do a great deal of this management.

Mr. Williams: We work on this with both our district staff and our sector compliance branch staff. The list that we currently have orders outstanding on or enforcement and abatement action undertaken is about 12 sites across the province. Since we went out there a little over two years ago and issued the orders, we've gotten about a million tires removed from those sites. There are probably still in the order of 400,000 to 450,000 to go. The district staff are working very closely with them and monitoring the orders and, if necessary, we have on a few of those sites gone all the way to a prosecution. We'll continue to do that until we get the tires gone.

**Ms. Scott:** Could I ask the ministry to provide or table a report to the committee on how many sites, what the rates of recovery are etc.—the details for tire disposal?

Mr. Williams: I can certainly give you what's public information, what my officers have gone out and looked

at, the sites that we have orders against and the abatement action on them. Yes, I can do that. That's the information that I have in my division.

**Ms. Scott:** Okay. Maybe I'll ask the minister, what is your plan for rubber-to-rubber recycling? Do you have a plan? You said it was a low priority. Are you going to be producing a plan? Do you have a plan for rubber-to-rubber recycling?

**Hon. Ms. Broten:** I absolutely did not say it was a low priority, Ms. Scott.

**Ms. Scott:** Well, it's listed pretty low.

Hon. Ms. Broten: I said that two other items were more important priorities for WDO. As I indicated, rather than asking WDO at this point in time, at the ministry we ourselves are considering our options as to how we can increase diversion of used tires. I certainly will have more to say about that in the coming months. At the same time, we're looking at regulatory improvements and regulatory mechanisms whereby we can prohibit used-tire stockpiling.

We have in the ministry various tools available to us to manage situations. We have WDO, which can undertake its program, and it did do so at one period of time. We can internally undertake some of that work. That's what we're doing now to allow WDO an opportunity to manage two other files that I think are of critical importance. There's no doubt—and I don't want to leave you with the view that the management of scrap tires is not an important issue. It is absolutely an important issue and we are taking a very close examination, on top of the work that ADM Williams' group is doing, to see what other tools we can give those enforcement officers, how we can get at those illegal tire dumps, how we can help Ontarians themselves—communities, municipalities, industry—manage waste in terms of those tires.

**Ms. Scott:** We'll look forward to yet another forthcoming plan.

The Chair: Thank you, Ms. Scott. Mr. Tabuns?

**Mr. Tabuns:** Just following on Ms. Scott's questions, by what date will we have a used tire recycling program operative in this province?

**Hon. Ms. Broten:** I can't give you a clear indication of what date.

**Mr. Tabuns:** So you don't have a target. You don't have a goal to comply with regulation at this point. If you don't have a date, you don't have a plan.

**Hon. Ms. Broten:** I'm not sure what you're meaning when you're indicating "to comply with regulation."

**Mr. Tabuns:** Regulations require that we have used tire recycling in this province, we have a plan.

**Mr. Lieou:** No, we do not have regulations that require recycling of tires.

**Mr. Tabuns:** Or used oil, or blue box, none of that?

Hon. Ms. Broten: No. I think what you're confused about, Mr. Tabuns, is the designation of those products under the Waste Diversion Act and the requirement that Waste Diversion Ontario, an arm's-length entity to the Ministry of the Environment, produce programs with

respect to that. As I indicated in response to Ms. Scott's questions, under the former government they were given a responsibility to create four programs, in my view spreading WDO very thin in terms of their ability to put together programs. So what I indicated to them at their AGM was that I was going to assist them by prioritizing their program development, ask them to produce programs for household hazardous waste and electronics, which would assist the municipalities by providing dollars and supporting further enhancements of the blue box program—that they would not do tires at that instant; that we in the ministry would examine our regulatory mechanisms to crack down on illegal tire disposal, and we are doing that; that we would use our enforcement branch to locate those sites, clean up some of those sites, as Deputy Williams has indicated, and we're doing that; and that we would consider the options and tools we have available to increase diversion of used tires. As I indicated, I would have more to say about that in the coming months. So that's the work we're undertaking at the ministry in response to an issue in the province, but there is no regulation requiring us to do that.

**Mr. Tabuns:** Then I'll go back. Is there a date by which we will have a fully functional used tire recycling program that will divert all the tires in this province from either incineration or landfill?

**Hon. Ms. Broten:** As I indicated, I am not in a position today to give you that date.

**Mr. Tabuns:** So will you please give us that date—will you give us the undertaking right now that you will provide us with that date?

**Hon. Ms. Broten:** As I indicated, we are undertaking work. I will have more to say about this important initiative in the coming months. We are not in a position today to make an announcement as to this issue.

**Mr. Tabuns:** Just a question for the Chair for clarification: So on this committee, can we actually ask the minister to bring forward at a later date a report on when that tire recycling program will be in effect?

The Chair: Is the question in order? Yes. Is the minister impelled to respond to it? No. We will complete the estimates today. As to those items that we requested and agreed upon, it would be a courtesy on the part of the minister, and you have the access to questions on the floor of the Legislature about that. But it is in a policy area which she is indicating she's working on. She has no concrete plan to table with the committee at this moment.

Mr. Tabuns: Okay. Thank you, Mr. Chair.

Who funds the waste diversion office?

**Hon. Ms. Broten:** Who funds Waste Diversion Ontario?

Mr. Tabuns: Yes.

Hon. Ms. Broten: I'm going to see who out of my folks—let me just give you an overview, and then more specifics can come from ADM Lieou. Waste Diversion Ontario is funded by stewards of products. They establish various IFOs, and someone can remind what IFO—

**Mr. Lieou:** Industry funding organizations.

**Hon. Ms. Broten:** —various IFOs for various products to deliver on the various diversion programs. For example, with respect to electronics, one of the challenges with establishing an electronics diversion program is the vast variety of electronics. It could be everything from TVs to other—

**Mr. Tabuns:** I'm sorry, Minister. I had—

**Hon. Ms. Broten:** Those are the stewards that fund Waste Diversion Ontario.

**Mr. Tabuns:** I had a more narrow question: Do we fund Waste Diversion Ontario? Does the provincial government fund them?

**Hon. Ms. Broten:** We did. I provided this past year one-time funding to assist Waste Diversion Ontario. Waste Diversion Ontario is funded when their programs are complete. Given the—

**Mr. Tabuns:** Sorry; we do not fund them on an ongoing basis, then?

Hon. Ms. Broten: No, we do not. I'll let John—

Mr. Lieou: No. Waste Diversion Ontario is funded by stewards through approved programs. For example, the blue box program is approved, and through the blue box program there is funding that stewards provide to Waste Diversion Ontario to help run that program. As the minister pointed out, we did provide Waste Diversion Ontario with one-time funding of \$1.2 million, somewhere in that range, to help them because they were running short of money because of the number of programs they were trying to juggle, which is the point the minister made just now.

**Mr. Tabuns:** So we actually are in a position to tell them what their priorities are and are not, even though we don't give them money?

**Mr. Lieou:** Yes. The minister has the ability to give policy direction to Waste Diversion Ontario. It is, as you pointed out, an arm's-length organization from the ministry and the minister.

**Mr. Tabuns:** But we can still tell them what their priorities are or are not?

Hon. Ms. Broten: By designated product under the Waste Diversion Act. That is the mechanism for that. Those four products have been designated under the WDA. They were developing four programs, as ADM Lieou said. That was stretching them very thin. They weren't finalizing any of those projects. So as a result it was important, in my view, to sustain WDO, to ensure it's an important, viable organization. We provided one-time funding this past year to ensure that they could continue with their work despite the fact that none of their programs had reached completion.

Mr. Tabuns: Okay. We're in a situation where we have significant waste problems. Waste Diversion Ontario is putting together plans to deal with those problems but they don't have enough money to do what has to be done. Why are we not going to the tire manufacturers to say, "We've got a problem. Recently we had a fire in Toronto. A lot of tires were burning in that fire. We need you to put money in so that we've got a plan that will actually deal with this problem"? Are you doing that?

**Hon. Ms. Broten:** As I said, I'm looking at all options with respect to increasing tire diversion. The structure of Waste Diversion Ontario and the WDA: With tires continuing to be a designated product, we asked of Waste Diversion Ontario to do those other projects first, but we did not undesignate tires, and tire stewards are required under that structure to provide funding to do so.

**Mr. Tabuns:** So they're providing funding, but at this point not enough to actually produce a program for tire recycling. Is that correct?

**Hon. Ms. Broten:** Funding flows once programs are approved and completed, and that is the difficulty of the WDO-WDA structure. That is why it is imperative, and was imperative, in my view, to allow WDO to come to completion of their programs so that funding would flow. No funding flows to them while programs sit, not coming to completion.

Mr. Tabuns: It strikes me that if an organization does not have the resources to even put together a program, it doesn't have adequate resources to do what has to be done. We're looking at a situation, obviously, where we have a lot of illegal tire dumps. Ms. Scott pursued that. I've talked to people in eastern Ontario who are looking at a large tire incinerator coming into existence as the Lafarge cement kiln is transformed. We've got a big environmental issue here, and it's being held up because there's not enough money going to Waste Diversion Ontario to actually put forward a plan. What steps are you going to take to ensure that Waste Diversion Ontario has adequate resources to bring this plan forward before the next election?

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**Hon. Ms. Broten:** You've raised a number of issues and I'm going to go through them first. For the first time ever, this ministry provided \$1.2 million to Waste Diversion Ontario to ensure that they could keep doing their work. That's number one.

Number two, as I have indicated several times, we are examining all of our options with respect to the diversion of used tires. I don't have an announcement to make for you today. I know we're all anxious and I will certainly have more to say in the coming months. In the interim, in the Ministry of the Environment we are examining what regulatory enforcement we can undertake with respect to those illegal tire dumps. Deputy Williams indicated that we have knowledge of 12 sites. Four sites have certificates of approval. That's a mechanism by which we manage that. So those are the steps we are taking right now to manage this issue, and we are working on other options and considering all other options.

You raised the issue with respect to the Lafarge facility, which has made an application to expand the types of fuel that they would propose to use at their Lafarge Bath facility. As you know, that is an application by an independent business operator seeking approval from the Ministry of the Environment. Those with responsibility to do so in the ministry are examining the science of that application and are considering what would or would not be allowed to be undertaken.

It is important to simply put it in the context—and I can be corrected. I will ask Mr. Williams to correct me. I believe that they are seeking 30% of fuel replacement. They burn coal now and they want to replace 30% of that coal fuel with biomass, tires, plastic cellulose, animal bone—a variety of things that they have put forward to do. That is an application. They have a right to put forward an application to the ministry and we're looking at that application.

Mr. Tabuns: Okay. Just going back, though, are you going to provide funding to the waste diversion office or in some other way require provision of funding so they can actually put together the plan?

**Hon.** Ms. Broten: I think I've answered your question.

Mr. Tabuns: So you're not.

Secondly, Bath, Ontario, the burning of tires: Will you suspend that application until we see what we've got in terms of a tire recycling plan in this province?

Hon. Ms. Broten: As I just indicated, the ministry is reviewing the certificate of approval, which is an application for the use of alternative fuels. As well, there's an application under the Environmental Protection Act. Lafarge is proposing to replace 30% of its conventional fuel with a variety of sources of what they are describing as alternative fuels—municipal waste, plastic, tires, bone meal—and that is up to a maximum of 100 tonnes a day.

Mr. Tabuns: I actually heard that answer, but the question I'm asking is a different one. You are going to bring forward, or someone is going to bring forward, a used tire recycling program. I'm very hopeful that it will drain the pond, that it will get rid of these tires, that those tires won't be available as fuel. Are you going to suspend that application until we know how we're dealing with tires in this province?

Hon. Ms. Broten: The waste material—first of all, I don't want any of the answers that I'm providing to you today to indicate in any way that the ministry has predecided this certificate of approval. Certificates of approval are not ministers' decisions, but I'm trying to assist you to understand the process with respect to tires in the province.

I'll just answer one thing and then I'll let Michael Williams answer you. The waste material proposed by Lafarge to be used as fuel, in particular the tires, would be exclusively those tires that are not acceptable to recyclers and could not otherwise be recycled in any way. That is the type of tire product that they propose to use. Whether we allow them to do that is a decision that has yet to be made. But I do think it is really important to understand that there's a variety of uses for used tires. And we recycle many of them in the province. Many are retreaded, many are shredded, and various playground bases are made of them. We make lots of products, and the state of the tire determines what use can be made for it. Some tires are so—

**Mr. Tabuns:** So you're not going to suspend processing the application at this point.

**Hon. Ms. Broten:** —old that they cannot be recycled, and those are what they are proposing to use.

Mr. Tabuns: I think I have my answer, Mr. Chair.

**The Chair:** It's hard for Hansard to get both comments simultaneously. So you've indicated that you are satisfied with the answer—

**Mr. Tabuns:** No, but I've received—

**The Chair:** That you have received your answer. You do have four more minutes, Mr. Tabuns.

Mr. Tabuns: I do. Environmental assessment changes: I was present for the press conference about changes to the Environmental Assessment Act, and we were told at the time that the changes would accelerate or expedite the approval of energy-from-waste incinerators. At the time, you were asked, as were your staff: "How much will they accelerate the approval time? What's the standard time now and what will be the standard time after acceleration?" Can you tell us the answer to that question?

**Hon. Ms. Broten:** I am putting my mind back to that day to see if I share the recollection with you that that question was posed. I can't—

**Mr. Tabuns:** It was posed a number of times by reporters. But you don't have to worry about that. Can you answer it now?

**Hon. Ms. Broten:** With respect to energy from waste, one of the critical issues with respect to energy projects has been regulation 116. As you know, regulation 116 is not a full environmental assessment, but an environmental screening process. One of the challenges that has existed is ensuring that energy facilities that would be eligible for the streamlined process that is already in place under regulation 116 are in fact energy facilities and not waste management facilities. That has been an issue. Regulation 116 remains in place, and the efforts and steps that we were undertaking with respect to regulation 116 were to provide certainty and clarity with respect to regulation 116. On the whole, it is those facilities, those projects, that are subject to a full environmental assessment-waste, transit-which will receive a faster yes or a faster no, as I described it, because it's with respect to the environmental assessment process under the EA Act that many, many of our streamlined processes are being put in place.

**Mr. Tabuns:** So what will that mean concretely in terms of average times?

Hon. Ms. Broten: I'll bring up somebody to give you more detail, because we certainly have that type of detail. Average times are dependent on the size of a landfill, for example, the size of a recycling facility, a roadway, a variety of other aspects, as to how we will assist proponents to have the shortest process that they can—all the while, though, ensuring protection of the environment and recognizing that it is a proponent-driven system. Proponents move as quickly as they want.

**Mr. Tabuns:** My questions are, though, still, and I'll add dumps at the same time: What's the average time it takes to approve an incinerator? What's the average time it takes to approve a dump? And with these changes, how would those average times change?

**Hon. Ms. Broten:** Across the board, it's my best recollection—and I will get ADM Lieou or the deputy to

provide you with more detail—it's about a 30% to 40% reduction in time; some more reduction, and some less. Deputy?

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Mr. Kivisto: We did look carefully at the kinds of changes the government was proposing and what it might do on timelines. We averaged out historically what happens, certain kinds of projects like landfill, some of them taking 10 years or more to reach a conclusion, one or the other. We tried to guess, based on a good proposal by a knowledgeable proponent and with the policy changes, what kind of impact it would have. In some cases, if we create a regulation for waste along the lines of regulation 116 in the electricity sector, we've seen some electricity projects that have gone through an environmental assessment screening process in a year rather than 10 years. So it was very hard. Because the variety of projects varied so much and the nature of design and stuff, we couldn't give government a solid answer. There will be significant reductions in time, but still ensuring rigour of environmental review. We didn't want to in any way suggest that there wouldn't be a thorough technical review and canvass of opinion from the public and others who are

The focus here is to see a significant improvement and, through the facilitators, the guidance documents and policy changes, to improve the timelines for various kinds of projects, and it will vary a little bit, Mr. Tabuns, with the type of project that comes forward, but I would think from four to 10 years for things to one to two years would be the kind of outcome that we're hoping to see.

The Chair: Now I'd like to recognize Mr. McNeely.

Mr. Phil McNeely (Ottawa-Orléans): The chief drinking water inspector issues his first annual report in April this year. He indicated Ontarians can have confidence in their drinking water. Can you comment on that?

Hon. Ms. Broten: I'm very pleased to see the chief drinking water inspector's report. He is currently preparing a 2005-06 annual report, which will be released in early 2007. As I indicated in my opening remarks, 99.74% of water quality test results met Ontario drinking water standards. Those results were submitted by municipal residential drinking water systems. So that certainly indicates that Ontarians can be confident when they turn on their taps.

Seven hundred and twenty-nine municipal residential drinking water systems were inspected, and that's 100%. Fifty-seven licensed drinking water testing labs were inspected. That's 100% of the labs, and they were subjected to at least one planned and one unannounced inspection. We know that you need to sometimes have folks know that you're attending and other times you just need to show up on site, and we got to 100% of those. Seventy-seven municipal residential drinking water systems had orders issued. That's about 10% of them. Fourteen municipal residential drinking water systems were prosecuted under our legislation and were convicted with fines totalling \$100,504.

Things I'm proud of that we have accomplished over the last period of time: We've increased our drinking water inspectors by 25%, and I think that is demonstrating itself in the fact that inspectors have been able to get to every residential drinking water system, every lab in the province. It's imperative that we have the resources necessary to do that work, and we do have the resources. We've tackled the issue of the regulations for small and rural drinking water systems. Regulation 170, regulations 252 and 169, all of those numbers would be familiar to those of you who live in communities outside of greater urban areas, because it is those regulations that put in the requirements for your drinking water systems. Some of them were unworkable. We made recent amendments to those regulations that allow protection and assurance that water is clean, safe and healthy, but do so in a pragmatic approach that ensures we will see compliance with those regulations.

Mr. McNeely: I had a second question. In your opening remarks you mentioned using a risk-based approach to inspections. Could you explain how this type of approach ensures that the province's environment is protected and, especially with the industrial sectors, makes sure that they're in compliance with the environmental regulations?

Hon. Ms. Broten: Like any good manager of issues, we at the Ministry of the Environment think that we should spend our resources on those areas that need it the most, and that is exactly what you're getting at when you talk about a risk-based approach. We assess those sectors that are at higher levels, non-compliant, more risky—more concerns with respect to the safety and well-being of Ontarians—and that is exactly where Deputy Williams asks his group to investigate and do their work. So I will ask him, because he's passionate about this issue, to give you a bit more detail.

**Mr. Williams:** The types of examples that the minister is giving are exactly what my staff go through when they exercise their judgment in deciding what industrial facilities they want to inspect. We use a methodology. We've had it in place; we're into our third year in the ministry on it. The staff, in exercising their judgment in decisions on what we're going to look at this year, riskrank facilities and look at things like: What's the nature of the emissions coming from that facility? Where's the facility located? Is it in a community of industries? Is it in a community of residences? Are there some sensitive receptors to emissions from that particular facility? What's been the track record of the facility in dealing with my staff in the field in our offices? Do we get a lot of complaints? Do we have a good record of compliance? Have we had to take some more stringent action with them?

So we look at all of those kinds of criteria and then, in each of the 15 districts across the ministry, the district managers sit down with their staff and break the facilities in those communities into three categories: first, a category where the potential risk to human health, safety and the environment might be very high, for example, with emissions that might come from a coke oven in a steel plant. They take a look at more moderate-risk facilities, and in these cases it could be, for example,

pesticides operators and the application of pesticides or herbicides. They could have a potential moderate effect. Then they have a category that we call the lower risk. Basically, the lower risk might be things—for example, checking out to see if the paperwork is done on a certificate of approval if there's someone hauling a particular commodity in the province that's regulated, or new sectors that we haven't taken a look at before; for example, the application of the nutrient management legislation. We're starting to go out and design and develop our inspection program there. We haven't been out there before, so we don't automatically categorize that as to risk; we just say, "We're starting this fresh. Let's do some of them."

We do the inspection programs by districts. Each year, they're all broken into those categories and the inspectors then take some. Usually, they're assigned different areas in different communities and they go out and perform the inspections.

There is also another element besides risk, and that's performance. To make sure that we've got adequate protection in Ontario's communities, if a facility fails, with potential for a significant impact to health, safety or the environment—and I can tell you that, of all the inspections we do annually, there is about 10% or 11% that fit in that category where we get a significant failure they are automatically re-inspected and followed up on in the next year, and an abatement plan is requested from that facility. If we get an abatement plan and all the work is being followed and they're doing what needs to be corrected, then we don't need to put them on the list for a re-inspection. But it's that kind of rigour and discipline that we're bringing. We're factoring in both risk and performance to ensure, as the minister has said, that people in communities can have the assurance that our inspectors are out there and that they're providing appropriate regulatory oversight of facilities that have approvals.

**Mr. McNeely:** Thank you.

The Acting Chair (Mr. Jim Brownell): Mr. Wilkinson, just a reminder: We have about 10 minutes to the top of the hour and, for all practical purposes, that would complete the government caucus's time. We will have a half-hour recess at that point in time.

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Mr. John Wilkinson (Perth–Middlesex): Thank you, Mr. Chair. Minister, thanks for coming in. For the record, I have the privilege of working with the minister at the ministry. It has been very educational for someone with my background.

Since we have the ministry people here, I just want to ask one question of them and then ask one question of the minister. On the issue of tires, am I right to say that not every tire that has been used can be recycled? Is that correct?

**Mr. Lieou:** That's correct. Newer tires, for example, can absolutely be recycled. They can be shredded, made into playgrounds and things like that. But there are older tires that have been sitting out, for example, in open air

for way too long and are very oxidized. They're not good for recycling at all.

**Mr. Wilkinson:** Then I have a question for the minister. Minister, you've spoken quite clearly on this, but I want to be sure. You will not lower environmental standards to deal with this issue. If there is a solution that's proposed by anybody in this province, they have to meet or exceed the standards that you have out there. Is that correct?

Hon. Ms. Broten: Absolutely. I think it is really critical to understand how tough our emissions standards and our air standards are in this province. Last year, we toughened up and tightened up those standards for 40 harmful pollutants. I indicated at the smog summit this year that we are continuing to update those standards and we're looking at 15 more pollutants. We are toughening up our standards each and every day at the Ministry of the Environment, and industry needs to meet those toughened standards. We have certificates of approval that regulate and control what emissions are allowed to be emitted into our atmosphere. That's the type of application that's before the ministry right now: Can this company operate within our schema and can they meet our tough standards? So that is of critical importance. We will absolutely not reduce those standards in any way. We are working incredibly hard in this province to stop burning coal. We're not just going to start allowing some other fuel to be used that is a pollutant into the atmosphere. That's the work that's being done as ADM Williams's branch examines the certificate of approval.

**Mr. Wilkinson:** Just to provide clarity, just so I am sure: We do have cement that is produced in this province, and currently we provide certificates of approval to all of those cement kilns, and currently they are burning coal as their fuel, correct?

Hon. Ms. Broten: I believe so, yes.

**Mr. Wilkinson:** I just have a more general question, but I do believe that my friend from Mississauga West has a question for the minister.

Mr. Bob Delaney (Mississauga West): Actually, either you or your staff may wish to address it. In some of the discussions this morning, the implication in many of your dealings has been that the ministry has the ability to command that something happen. Could you expand a little bit on the process by which you work with the stakeholders in dealing with environmental issues and on some of the types of discussions that you would have as you consider legislation, consider policy, and on some of the means by which you could ensure compliance?

Hon. Ms. Broten: Sure. We have a regulatory regime in this province whereby we can regulate adherence to certain environmental standards, and we do that. We have enforcement, with a compliance branch that goes out into communities and goes into facilities and requires that compliance. It is always better, though, in trying to move the yardstick forward in terms of environmental protection in a province, to have industry go beyond compliance—"Let's have leaders in a certain area"—and we have seen that across this province.

I mentioned earlier a memorandum of understanding with the steel sector signed on to by the federal government and the provincial government regarding greenhouse gases. Our steel sector—obviously, a large energy consumer—moved aggressively in tackling their emissions and their greenhouse gas emissions and did so without a hammer hanging over their head. As we move forward on our initiatives in our province to tackle the issue of greenhouse gases, it's imperative to acknowledge the work that has been done. It's always easy to get low-hanging fruit if you have not been diligent in altering your business affairs to ensure that you are doing it in the most environmentally sound manner. If you've already done a great deal and moved the yardstick forward, it gets tougher and tougher to reduce those emissions and reduce greenhouse gases. We want to encourage Ontario industry to be leaders, as they have been, and to go beyond compliance, and we work with them to make sure that happens. It might be helpful if the deputy explained a little bit about our leadership program, where we encourage and work with business so they can be identified as a leader beyond compliance.

Mr. Kivisto: Actually, on a government-wide basis, the regulatory ministries—there are 13 ministries that regulate the province. They've worked hard together to start developing strategies to advance compliance in the province. Working on both ends, they proposed some legislation—it's in the House now—to improve the way the province deals with improving compliance. One of them is looking at high performers, encouraging high performers. As the minister mentioned, that means firms that go beyond the minimum standards. So there's some work under way through that initiative across the 13 ministries to bring out the best practices that are in use in various pockets across Ontario ministries on how we do that.

The Ministry of the Environment has an environmental leaders program. It's been in place for a while. There are several companies that have signed on. These are firms that are really committed to the environment and see an advantage in being recognized for doing that. We want to grow that program and rejuvenate it. I was meeting with one of our stakeholders a few months ago and he'd like to see us even enhancing it further and marketing it more. I think it's a really important area of work for governments to do.

The other side of it is dealing with chronic violators. So you've got to work with the firms and individuals who want to meet and exceed standards in the province and then, sure, you identify poor-performing facilities and target government resources—that was from an enforcement perspective. The Ministry of the Environment, I'm pleased to note, is doing leading work on both sides of that spectrum and always looking for opportunities to create innovation, to have people go beyond standards and lead the way. I think it does two things: It improves the environment, but it also creates new ideas and promotes the economic development of the province.

**Mr. Wilkinson:** Minister, just as a follow-up, because I know we have about two minutes left, I would say to

the deputy minister, as someone who has been working at the ministry, you're absolutely right. I refer to them as the angels and the devils, and we need to know the difference. We have some companies that are tremendous environmental leaders, and it's great that we're recognizing them. I know in their discussions with me, they feel that it is so important that we enforce our strict standards, because they are at a competitive disadvantage with a company that would be getting away with not being in full compliance with the tough standards that we have. So we want to commend our enforcement branch on doing that work. It's vital to make sure that we continue that.

My last question—we just have a brief time here. You were talking about your interaction with stakeholders. The philosophy you have at the ministry is one where you really do need to spend a great deal of time with stakeholders so that when we present and move the yard-stick forward, we can actually have plans that can be implemented in a practical way. Actually, I'd ask the minister.

**Hon. Ms. Broten:** I'm pleased to have a chance to talk about those the ministry learns from and works with. I think it's really important. We sit here and talk about the great work the Ministry of the Environment does. I'm really proud of the professional expertise and the dedication that comes out of our ministry. We have people who are so motivated and dedicated to protect the environment, and they do it every single day on all of our behalf. But we don't have exclusive jurisdiction on good ideas and wanting to ensure protection of the environment, and that's why our ministry establishes advisory committees; for example, the drinking water advisory committee. I have a committee that can provide me good advice. With respect to the funding for the Clean Water Act, we will be establishing a group of experts who will assist in how that funding should be provided.

On many fronts, we gain from the knowledge of others. I know Mr. Tabuns talked about David Suzuki. I've had the privilege of sitting down with David Suzuki on many occasions, talking to him about a variety of issues. We do that with many of those who are leaders in the fields of climate change and air pollution and all fronts. As I said at the outset, as with the approach we took with the Clean Water Act, good ideas are good ideas, and we want to gain and learn from and work with those who can bring those ideas to us. We will do our part and they will do theirs, and Ontarians will do their part as well.

**The Chair:** Thank you very much. We will take a half-hour recess. We'll reconvene at 12:30.

The committee recessed from 1201 to 1235.

The Acting Chair (Mr. Wayne Arthurs): In the interest of time, I think we'll start, and the Chair will resume the chair momentarily.

I believe we're back to Ms. Scott at this point on the 20-minute rotations. Is that acceptable?

Ms. Scott: Thank you, Mr. Chair.

Minister, I wanted to go back to the announcement last week surrounding the Beer Store taking LCBO bottles. Could you tell me what the request for proposal process was that was followed? Why was the Beer Store selected?

Hon. Ms. Broten: The Beer Store, historically in this province, has an absolutely fantastic track record with respect to the return of bottles. I believe the numbers are—and I can be corrected—a 96% return with respect to bottles and a 90% return with respect to cans, and thay have fully developed infrastructure right across the province. So it made absolute sense to request the Beer Store, which already has a proven track record and investment in infrastructure in place, to undertake this return program.

**Ms. Scott:** So there does not have to be a request for proposal program sent out to the public for comment, for other people to bid on? Is there no process? Does the minister have the ultimate decision without doing a request for proposal?

Hon. Ms. Broten: This ministry has responsibility for the policy and the increased diversion. Obviously, other ministries—for example, finance, PIR—would also be involved in the decision-making process. It will be a single-source contract, because it is absolutely clear that the Beer Store has the only possible avenue to be able to deliver this program. So it's a government decision, not a decision of this ministry. It was not my decision to have sourced that contract. The policy development, obviously the focus on increased diversion, the benefits of all that, fall within our responsibility of the Ministry of the Environment. We're really proud of this program that will see increased diversion and best use of glass across the province.

Ms. Scott: There's no question that the Beer Store does a good job. We're not questioning that. We're kind of interested that, when we were in government agencies last week and when the Environmental Commissioner came forward with his comments about recycling, obviously the next day, boom, we had an announcement. So with respect to the deposit program for the LCBO at the Beer Store, what's the cost of implementation of this program, and is it going to be out of the Ministry of the Environment's budget?

Hon. Ms. Broten: Oh, no, absolutely not. The cost is not out of the Ministry of the Environment budget. As the Premier said when I joined him the day we made the announcement, there's no expectation that the Beer Store would do this out of the goodness of their heart. There will be a negotiated agreement with respect to their taking and managing the return and infrastructure, using their infrastructure for the return of product, beer, which they already have, which is their own product, but now adding the return of wine and spirit bottles to that system.

I do want to just talk about the Environmental Commissioner. The Environmental Commissioner talked last week about the importance and the challenges that we face with the blue box system. I said myself earlier today that I saw that in fruition and in reality when I went to the York recycling facility yesterday. When bottles are put in our recycling bins, coloured and mixed glass and plain

glass get mixed, and we're not able to recycle and reuse that product to its highest and best use. That's what the Environmental Commissioner spoke about. Obviously, that's not the first time that this issue has been raised, and as you would know, AMO has stated for a long time that they wanted to see a bottle return, and I think your leader had supported that initiative.

Ms. Scott: You're saying there's no contract signed with the Beer Store. Boom, it's them. It's the Beer Store that's going to recycle. We don't have any details of how much increased staff is going to handle the recycling program at the Beer Store, and how much the government is going to pay the Beer Store?

Hon. Ms. Broten: First of all, if you want to know the details of the contract, you would know that that's a responsibility of Public Infrastructure Renewal. They're responsible for the contract, so you should ask them. Maybe they're coming to this committee and you'll have an opportunity to do that. If you want to know about the cost to the Beer Store, I don't run the Beer Store, and you'll need to speak to them.

**Ms. Scott:** But it's multi-ministry-involved, as you said. The Ministry of the Environment is recycling the bottles. I would think that you would have some idea, even related to the \$5 million that's going to be missing out of the blue box program. They're pretty concerned about the survivability of the blue box program. Is the Ministry of the Environment going to make up that difference to the blue box program?

1240

Hon. Ms. Broten: As I indicated earlier, the LCBO contribution to the blue box program is one that those with responsibility for management of the blue box at the municipal level have clearly indicated does not compensate for the burden that the management of those bottles places on them. They didn't want to have the LCBO product in the blue box anymore, so those municipalities have called for the removal of that product. There is no doubt that we will ensure that there is a good transition.

LCBO pays in arrears, and so funds are still owing for bottles that already are in that system. We have to assess how many LCBO bottles might still make their way into the blue box despite the deposit return. Some may choose to still put that product in the blue box, and as a producer of that product, LCBO will continue to have a responsibility. We are currently evaluating what we anticipate to be the cost to the blue box program in terms of the product that they will continue to manage. We will make sure that there's an orderly transition and that municipalities, which we're working with really closely, will have the resources that they need to see the highest diversion rate possible.

**Ms. Scott:** When will we be able to see the rules and regulations for the new LCBO recycling program? When is your ministry going to produce them?

**Hon. Ms. Broten:** Perhaps I haven't been clear, and I will ask ADM Lieou to recap what I've indicated. The responsibility for policy development is with this ministry. The responsibility and decision-making is one for

the entirety of government. The sourcing of the agreement, the contract with the Beer Store with respect to this, will be managed and negotiated by ministries other than mine. So perhaps we will not have, in this ministry, all that you're looking for.

What we are going to be determining is—for example, we need to set the deposit price. We need to indicate to Ontarians the range that exists in other provinces and what we believe is the appropriate deposit price here. That's with respect to the conclusion of the policy and the exact details of it. That we will have entirely in place, ready for the launch of this program on February 1.

**Ms. Scott:** So rules and regulations will be coming from the Ministry of the Environment, though?

**Mr. Lieou:** Yes, we expect that the regulations affecting the program will probably be made under the acts from the Ministry of the Environment.

**Ms. Scott:** They would be coming with what timeline, do you think?

**Mr. Lieou:** We will be consulting on them, certainly, and we expect over the next few months, long before February 1, we'll draft something for consultation purposes.

**Ms. Scott:** Within those rules and regulations, are you going to put in, then, how much you're going to be costing? We've heard everything from it has to be over a dollar to be effective—

Mr. Lieou: No. The commercial side of the program, as the minister said, is not ours. We are certainly responsible for the regulatory part of it and the general diversion policy part of it. We'll work closely with all the ministry colleagues on the entire program, but some other ministries, as the minister indicated, have carriage of the commercial aspects of the whole program.

**Ms. Scott:** So we have a program announced, no contracts signed, no details. The ministries have got to come together and get it all up by February 1, 2007, isn't it?

**Mr. Lieou:** February 1, 2007, is the intent. That's right.

**Ms. Scott:** Sounds like a knee-jerk plan to me, but I guess the details will follow.

Will you be pursuing other bottle returns, can the minister say, such as soft drink bottles?

Hon. Ms. Broten: No. As I indicated on the day of the announcement when we did provide quite a few details with respect to the program, and perhaps I'll share some of them with you now, starting February 1—I think that's key information that Ontarians need to know—they will pay a deposit on all wine and spirit containers purchased in Ontario at the LCBO, agency stores and retail distillery stores. They will not pay a deposit on containers used in U-brew or make-your-own-wine operations. Those are some details that we have provided and I think are important from the policy of this ministry. A deposit will be on all wine and spirit containers—glass, plastic bottles, Tetra Paks and aluminum cans. That's the type of detail that was provided on the day of the announcement.

The program will divert, it's our expectation, about 80 million bottles a year. Details of the precise deposit rate structure are going to be comparable to other jurisdictions. We will consult on that and put that in place. That's the information that has been provided. That's clear policy indication and a clear structure for this return program. The reason that I started my answer with "no," and the Premier and I both clearly indicated that on the day of the launch: We are undertaking this deposit return system at the request of AMO and others who find it challenging to manage this volume of recyclable product in their blue box programs and use this type of product to its highest and best use. Distillery alcohol sales are sales of product within provincial responsibility. That's an area of responsibility to us as the province, and we are going to lead increased diversion in areas where we have direct responsibility.

**Ms. Scott:** You speak of waste diversion. Is this going to help you get to your goal of 60% waste diversion by 2008? It will help, but will it get you there?

Hon. Ms. Broten: Every step that we take gets us closer. There's no magic bullet to increase waste diversion in this province. We need to do the work that we've indicated we're doing in the ICI sector. We needed to ensure the border would stay open so municipalities could properly manage their waste. We need to give them the tools that they need, and this is yet another tool that will see increased waste diversion rather than what I saw with my own eyes yesterday in York region: a big pile of broken glass which ends up in a landfill because it's mixed up with coloured glass and paper and tin. That's not what Ontarians expect when they make their way to the curb with their recyclable material. They expect that it's really being diverted, not that it's going to landfill.

Ms. Scott: The Beer Store is a foreign-owned company. The problem has been around for a while, as you've said. I hoped the Liquor Control Board of Ontario, a government agency, would deal with this before three years into your mandate. But when the LCBO got taken over into public infrastructure renewal, the Environmental Commissioner no longer had the ability to purview the results for recycling. Do you agree that it should be open to the Environmental Commissioner under the Environmental Bill of Rights?

Hon. Ms. Broten: I'm not going to speculate as to what shouldn't and should happen in what other ministries should make available for examination. What I can tell you is that it's absolutely crystal clear and beyond doubt that this new bottle return program will see increased diversion. We will divert some 80 million bottles per year from landfill, 30,000 tonnes of glass that, in my view and I think in the view of Ontarians, needs to be put to its highest and best use. When I put my recycling at the curb I expect that it is recycled. Ontarians share that view with me. This new program will ensure that that is the reality and that we don't simply see blue box recyclables ending up in landfill. It is imperative that we do all of our diversion in the most efficient and effective way possible. With an infrastructure readily in place, I

think Ontarians would expect us to use that infrastructure rather than request that a secondary, duplicate infrastructure be constructed.

**Ms. Scott:** So do you think the LCBO should be a prescribed agency under the Environmental Bill of Rights?

1250

Hon. Ms. Broten: I'm not going to speculate as to what should be included in the context of a variety of agencies. We respect very much the comments of the Environmental Commissioner, as I indicated a couple of weeks ago. I indicated that I took every criticism that he brought to us in a constructive way, and we took it very seriously. I think my words were very clear when, soon after that fact, we responded to his call in a very concrete way, establishing, for the first time ever, a significant deposit return program in the province.

Ms. Scott: How much time do I have left, Chair?

The Chair: Just two.

**Ms. Scott:** Two more minutes. I would think that if the LCBO was recognized as a prescribed ministry—more openness and transparency—with the bill of rights, you'd have much more accountability. That's what the Environmental Commissioner was asking for.

He also brought up the \$65-million environmental levy. I just wondered, could you tell me about this \$65-million environmental levy?

**Hon. Ms. Broten:** Can you give a bit more detail as to the context of the question?

Ms. Scott: Sure. I'll just look at the Hansard here. It says, "The Ministry of Finance has an environmental levy levied against the non-refillable containers that amounts to about \$65 million a year." It has been in place. We just wondered—it goes under the Ministry of Finance, I know, but it's an environmental levy: Is that put into more recycling programs? Could that be directed? He suggested that that would be one way of facilitating the LCBO to recycle their products, as opposed to going to the private, foreign-owned Beer Store.

Hon. Ms. Broten: You yourself indicated, when I asked for details of your question, and I was of the view that the question you were posing is one that would be properly posed to the Ministry of Finance, and you should do that.

**Ms. Scott:** So the environmental levy has nothing to do with the Ministry of the Environment? You don't have any accounting of where those revenues may go?

**Hon. Ms. Broten:** You should pose your questions with respect to something in the Ministry of Finance estimates to them.

Ms. Scott: I realize the environment is kind of multiministry—there are all ministries involved. You've mentioned MNR; you've mentioned Ministry of Transportation. If you can't answer it here, you could report back to the committee: What is the true amount of money the government is spending on the environment, then, because you've mentioned the multi-ministries? The Ministry of the Environment, that line that we see, doesn't seem to be accurate, because you're saying that all of the

other ministries are involved. Fair enough. I just wondered, could you report back to us or undertake to provide the committee with a clearer understanding of how much money the government is spending on the environment?

Hon. Ms. Broten: Sure.

**Ms. Scott:** Okay. Do I need to put a timeline on that, Mr. Chair?

Hon. Ms. Broten: We'll do it as quickly as we can.

Ms. Scott: Okay. Do I have any more time left?

**The Chair:** Not really.

**Mr. Tabuns:** That's always a dangerous question to ask.

**The Chair:** Yes, but thank you for asking. Mr. Tabuns, please proceed.

**Mr. Tabuns:** Minister, so I'm clear, this announcement means that wine and liquor bottles are going to be recycled or reused?

Hon. Ms. Broten: This announcement means that wine and spirit containers—glass, plastic bottles, Tetra Paks and aluminum cans—will be returned to the Beer Store and put to their highest and best use—most likely, at this point in time, recycled. We would work towards the reuse of that product in the future, and if that is possible, it is certainly part of a structure of ensuring that those products are put to their best use.

At this point in time, the biggest critical issue that needed to be responded to was the fact that glass, through the recycling programs in the blue box, was being broken and was not ending up recycled at all. It was being landfilled. That's what we're taking a crack at.

Mr. Tabuns: I got that.

Okay. In the course of putting this proposal together, did the establishment of a reuse system come under consideration?

Hon. Ms. Broten: The goal of this program, as I indicated, is to ensure that Ontarians are truly recycling their material when they put it in their blue box, that they don't find out—as they have, unfortunately—that it is, at the end of the day, landfilled. That is the problem that was identified, and that is the problem that has been resolved by this bottle return program.

Mr. Tabuns: Okay. So they aren't going to be reused. They will be recycled. Essentially they'll go into large blue bins, figuratively speaking, in the back of the Beer Store, they'll be picked up and trucked out to recycling facilities. Given that level of processing, why not simply return them to the LCBO, which is owned and controlled by the government of Ontario? It's simply a question of taking in the bottles, putting them in bins, making sure the colours are separate. Why not the LCBO?

Hon. Ms. Broten: As I indicated in questions posed by Ms. Scott, a proven infrastructure that has a very high success rate exists with the Beer Store. They have some of the highest return numbers that exist anywhere as to the number of beer bottles and cans that are recycled through their system. I believe Ontarians share our government's view that if you have a proven system in place that can receive that product and recycle it, it is not fiscally prudent or managerially sound to create a whole

new system that may or may not have as high a success rate.

**Mr. Tabuns:** You know the Beer Store doesn't recycle; it actually reuses?

Hon. Ms. Broten: Yes, and that is because the beer manufacturers reached consensus as to a size and shape of bottle that would be used. That is something we may see the wine sector move into, but as you would know, Mr. Tabuns, much of the wine sold and consumed in this province comes from areas well beyond my area of jurisdiction, influence or otherwise. We will always have bottles coming in from wine chateaus around the world and we would not be able to control the type of bottle they chose to put their product in.

Mr. Tabuns: Madam Minister, on another tack, Ontario has specific obligations under the ozone annex to the 1991 US-Canada air quality agreement. The annex states, "By 2007, cap the annual total emission of  $NO_x$  (as  $NO_2$ ) from fossil-fuel-fired power plants with a capacity greater than 25 megawatts" within the pollution emissions management area, and it goes on. Can you provide us with a progress report today, an assurance that even with the broken promise to shut the coal plants, we're on track to meet the important international commitment under the ozone annex?

Hon. Ms. Broten: Obviously, abiding by our international commitments and ensuring that we have clean air in the province is a significant area of responsibility of this ministry and one that we devote a great deal of resources to. We are currently working very closely with the Ministry of Energy concerning options with regard to the ozone annex, the Canada-wide standard on mercury emissions.

In light of our recognition that we would not be able to close the coal-fired plants as quickly as we might have liked—but we are going to replace coal as soon as we can—we are working very diligently toward meeting our standards and meeting very stringent environmental criteria here in the province. Perhaps ADM Lieou could provide you with some more details.

**Mr. Tabuns:** Before we go to ADM Lieou, are we going to meet that commitment or are we not?

**Hon. Ms. Broten:** As I indicated, we're working very aggressively to meet—

**Mr. Tabuns:** I know you're working aggressively, and I'm very encouraged by the fact that you have great energy for this. I want to know, are you going to meet the commitment or not?

**Hon. Ms. Broten:** We're not at the deadline date yet, are we?

**Mr. Tabuns:** No, we aren't, and you have a few months—

**Hon. Ms. Broten:** We're working diligently toward that goal.

**Mr. Tabuns:** And you will meet that goal?

**Hon. Ms. Broten:** It is a challenge, there is no doubt.

**Mr. Tabuns:** Do you expect to meet that goal?

**Hon. Ms. Broten:** I'm not going to speculate as to where we will be at a certain time frame. I can tell you

that we are cognizant of our responsibilities and we're working very diligently to meet them as best we can.

1300

**Mr. Tabuns:** So are we three quarters of the way to our goal?

**Hon. Ms. Broten:** As I indicated, ADM Lieou has some additional details for you. He has responsibility for this file and I think you'd find he'd do a very good job answering your questions.

**Mr. Tabuns:** Okay. ADM Lieou, how close are we to meeting this goal?

Mr. Lieou: As the minister indicated, we are working with our colleagues in making sure—notwithstanding the fact that we can't close coal plants per our original schedule, we still need to examine what kind of abatement technologies and so on we need to install while they're operating in the interim and so on. So notwithstanding all the work that's going on, based on our current information, we do believe that we will still be able to meet, with the help of our current policy instruments in place, the requirements of the ozone annex.

**Mr. Tabuns:** As of 2007?

Mr. Lieou: Yes.

Mr. Tabuns: Good. Thank you.

The next question, then, is on mercury. Where do we stand in terms of taking action on mercury comparable to what we were going to commit to with the Canada-wide standard?

Hon. Ms. Broten: As you know, the Canada-wide standard for mercury emissions from coal-fired electric power generation plants is something that my predecessor, Minister Dombrowsky, approved in principle in June 2005. Our province went far beyond any other jurisdiction in the country, whose targets range from 60% to 90%. Our target was 100% by 2010, and that is absolutely aligned with a commitment to close coal by 2010.

**Mr. Tabuns:** Are you going to close the coal plants by 2010? Is that what you're telling us here today?

Hon. Ms. Broten: As ADM Lieou indicated, on this front, as with respect to the ozone annex, we are currently working very closely with energy, as I said before, to determine what type of abatement equipment, what type of options exist to get us to as tough a standard as we can. Just as you want to see a reduction of mercury being emitted into our atmosphere, so do I, and I have two little guys at home who motivate that decision. We can't close coal as quickly as we might have liked, but that does not mean we will not tackle this mercury challenge before us. That will be a topic of discussion at the CCME meetings in Yellowknife, which I'll be attending in October, and Ontario will be putting its position forward at that time.

**Mr. Tabuns:** So by 2010, are we going to meet those commitments?

**Hon. Ms. Broten:** I may ask Deputy Minister Lieou to give more detail, but I think it's important to understand that the Canada-wide standard on mercury emissions is one where each province established their

own goal. We will meet a standard absolutely consistent with any other jurisdiction. What we had committed to was well beyond what many other jurisdictions were doing. We are pushing to our stretched goal to reduce our emissions and continue to lead the country in the reduction of emissions. As I indicated, at the CCME meetings in October, Ontario will be putting its final position forward with respect to where we intend to be by 2010. But we will absolutely be consistent with or go beyond other Canadian jurisdictions.

**Mr. Tabuns:** Madam Minister, when we get to the question of the nuclear industry, your government brought forward a report on the impact of coal—an interesting report. Are you going to be doing a similar report on nuclear power and its impact on the environment?

**Hon. Ms. Broten:** There are no plans in this ministry to undertake such a report.

Mr. Tabuns: We store an awful lot of nuclear waste here in Ontario. Generally in the House, when we talk about nuclear waste, people think about the high-level waste from the fuel rods and the reactors themselves, but there's a lot of other waste that gets generated: medium-level waste, low-level waste. What do you see, what does your ministry see, are the implications of adding many, many thousands of tonnes of nuclear waste to our storage responsibilities here in Ontario?

**Hon. Ms. Broten:** I'm sure you know, Mr. Tabuns, that the responsibility for the governance of the management of nuclear waste falls to the federal government. The nuclear waste agency and others who have expertise in this field are currently undertaking a great deal of work. It will fall to those agencies to ensure that that storage of waste is done in a safe and prudent manner.

In the province, we have had an approach of storage on-site for many years. We have successfully assured that Ontarians were safe in that that waste was managed in accordance with the expectations of that agency. John?

**Mr. Lieou:** I don't have anything to add to the minister's statement.

**Mr. Tabuns:** So the province doesn't store any nuclear waste itself, outside of the swimming pools where the used, spent fuel rods are kept?

**Hon. Ms. Broten:** I'm not sure. Mr. Tabuns, you would know that there is a variety of nuclear facilities in the province, whether it be Darlington or Bruce. The Ministry of the Environment doesn't operate those facilities. The province of Ontario doesn't operate those facilities. They are operated by OPG. They abide by very stringent requirements with respect to how they operate and store that waste.

**Mr. Tabuns:** So you have no concern about a substantial increase in the amount of nuclear waste that will be generated in this province if the supply mix plan that's been presented goes forward.

**Hon. Ms. Broten:** As I've said in the past, Mr. Tabuns, obviously every mechanism by which we generate electricity has benefits and has issues associated with it. There is no doubt that the production of nuclear waste is not a positive element out of the generation of

electricity by the mechanism of using nuclear technology. On the other hand, the greatest challenge we face as a society, and I think you and I both agree on this, is the issue of climate change. So generating electricity in a way that doesn't expand our footprint of GHGs into our environment is something that I think brings forward very significant benefits to the province. I'm proud of the supply plan this province has put forward. We're holding the line on nuclear to the capacity—and reducing the capacity we have had in this province for many, many years. We're increasing the amount of renewables, increasing the amount of conservation and getting rid of coal. At the end of the day, that's a good supply mix.

**Mr. Tabuns:** Are you saying we're reducing our nuclear capacity in this province?

Hon. Ms. Broten: Absolutely. If you take a look at how much nuclear electricity has been generated in this province over the last number of years, our fleet is getting very old, and what can be generated from those nuclear facilities will go down each and every year. Building new capacity in the province is to replace that aging fleet. At the end of the day, by 2025, we will be staying at the same amount of nuclear capacity as we are right now. We're not expanding the fleet; we're replacing the fleet.

**Mr. Tabuns:** So you're actually telling me that we will be generating the same number of megawatts from nuclear in 2025 as we are now?

**Hon. Ms. Broten:** We're staying at the same level of capacity as we have now, yes.

**Mr. Tabuns:** I'll ask, through you, Chair, if you could just send us a report telling us how many megawatts of nuclear capacity we have now and how many we will have in 2025.

1310

**Hon. Ms. Broten:** This is publicly available information, Mr. Tabuns, provided by the Ministry of Energy. The questions you're posing were about my opinion with respect to the energy fleet and I was giving that to you.

**The Chair:** That's why we have a researcher here. He's made a note of your request, and he will make the inquiry on your behalf to the Ministry of Energy and attempt to get it.

**Mr. Tabuns:** That would be great.

**The Chair:** Sorry, I should have explained that that's part of why David is here and why he does such a good job for us.

Mr. Tabuns: I look forward to his numbers.

I'm going to leave, because I'm going to pursue another line of questioning when we come back. I don't want to start it off too early. I'm giving up a minute, Mr. Chair.

**The Chair:** Okay. That's very good. I would like to now recognize Mr. Arthurs.

Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge): Minister, I'm going to take a couple of our minutes and tell you a little bit of a story and then maybe give you a chance to respond to it or engage in it a bit.

I have the pleasure of having come from the municipal sector, and during that time frame I was a volunteer board member and the chair of Durham Recycling Centre incorporated. Before regional government in Durham engaged in recycling, we had a volunteer operation, a volunteer board. We actually negotiated the first contract for the staff of the day as unionized and negotiated with the region to turn the facility over. That was the mid-1980s, so I come with some background, in addition to my municipal activity, on a volunteer basis. That's not the story. It kind of sets the stage a bit that there's a long history of activities and they come together at various points.

I had the opportunity for the first time in my life to visit Arizona last winter for about 10 days. There's a little town down near the Mexican border. We were out driving about, during that time frame, along some of the side roads and side highways. I was absolutely astounded by the number of broken and discarded bottles, whether it was beer or liquor. You just had to drive along, let alone stop. The roadsides and fields adjacent to the roads were littered with glass. It's an experience we don't have here in Ontario to any great degree. There's obviously littering, but we don't have that experience here, and to a large extent that's directly attributable to two things: the Beer Store and the recycling returnable program that they've had in place now for some considerable years, as well as the municipal efforts in general waste management, from landfilling to blue boxes.

I happen to have the pleasure of owning a small piece of waterfront property, actually, in your predecessor Minister Dombrowsky's riding. The local municipality established a couple of years ago now a pay bag tag program at the local dump. The local dump probably is about half a kilometre, if that, from our lake, literally from the lake shoreline. It's a bit of a valley. It's very wet, obviously. It drains towards the lake. It's not something that you would want to use on an ongoing basis. As a matter of fact, the good news is that it's going to close imminently, and we're going to have some transfer facility there and transfer to a little more appropriate site, with some more capacity, probably not much more appropriate but certainly more appropriate than what we're currently using.

The bag tag process has worked because they trade. If you bring in a blue box or equivalent of recyclables, whether it's cans or glass or plastic, they'll give you a free tag that you can use for your waste. So there's a bit of an incentive for cottagers and the local community to ensure that they take advantage of the recycling opportunity that exists. Effectively, they can offset the cost of depositing their waste in the local landfill, where you throw it over the edge of the bank, and at the end of the day or a couple of days they come in and dump a load of sand and kind of push it back over the edge and just keep pushing the landfill back a little further.

The recycling that's available—and this is rural Ontario. We don't have the blue box at the edge of the cottage row. We take our plastic bags, normally, and the

blue bags with stuff. It's kind of a measure: Do you have a bagful for your free tag? And we'll put some in a bin. We've got a bin for plastics, a bin for metals, a bin for paper, but we take the glass down to the edge of the dump, in an area that's kind of cordoned off by the corner, and we just toss it all over the edge of a plastic fence. So it's collected in one area. It doesn't matter whether the glass is clear or coloured. It breaks up nicely as people toss it on. We get our tag to offset our garbage but we're not doing anything very effective with that glass. As a matter of fact, I think they just use it as part of the fill cover. I'm not sure whether they use it as part of the fill cover and then cover it with sand and gravel later or whether they're discouraging the bears by pushing it down over the edge of the garbage. I'm not sure, when the bears walk through and put their paws in that stuff, whether they want to hang around quite as readily. We've had a little bit of a bear problem this spring. When you go to the dump, the first warning is that there are a couple of bears down at the end. As you're walking from the car, you watch your step in a couple of places because they know you're going to have-

The Chair: I have to warn you that MNR may want to review these estimates at some point, but please continue.

**Mr. Arthurs:** I know. I'm a little bit cautious about the cruelty-to-animals kinds of procedures.

**The Chair:** A whole other group of bureaucrats wincing at that.

**Mr. Arthurs:** I'm sure there are.

I'm not quite sure what they're doing with that glass, whether they're using it for fill or whether they're using it as a deterrent. Nonetheless, the glass in particular is certainly not being put to any functional use.

I was ecstatic to hear the announcement that we were moving to a deposit-return system. It's one that I as a municipal politician, along with others, have been advocating for a long time. It's clearly the right thing to do. There's no question about that.

My question is, will the deposit-return be a full return on the deposit amount or will it be a portion thereof, or has that been determined yet? In the case of the Beer Store, I think it's 10 cents per beer bottle and the return is also 10 cents. There's a full recovery on your deposit when you return the beer bottle. That's the specific question.

Secondly, we've talked a lot about the blue box. In this consideration of the return strategy, how much thinking went into what's happening in rural Ontario, where folks may not have a blue box at the end of the farm lane and as a result have more limited options: either hauling the waste themselves to the local landfill or local transfer station or simply dumping it?

**Hon. Ms. Broten:** I think those are very good questions. They identify in a crystal-clear way why we need to see this program in place. It's my understanding that other landfills, perhaps like the one near you, use some of this glass to construct roads because it's cheap and it's there. But that, we all know, is not the highest and best use of a good-quality product such as glass that can be easily recyclable.

ADM Lieou wanted to comment more specifically on some of the questions that you posed.

Mr. Lieou: I'll speak specifically to your question on whether we're talking about a full refund in this case or a partial refund. You may or may not know that both types of systems are used in other jurisdictions within Canada. I think the western provinces—for example, Alberta and BC—have a full refund program. Our Atlantic provinces have a half-back program in which you may pay a deposit, and when you bring the containers back you get a half refund. So both are used.

In coming to a decision, ultimately, on which program, I think it will depend on the final program design to achieve the objective: increasing waste diversion. In the end, I think that's really what will be the major consideration in the final decision on how to structure the deposit-refund program itself.

**Mr. Arthurs:** The question has been raised with regard to whether the glass will be recycled; i.e., put in a bin and separated at that point, and taken to a location where it could be used for recycled product.

The other question that has been raised on a number of occasions is whether or not there will be a reuse program. Is there any reason why—and I can't imagine there would be-the Beer Store couldn't negotiate with wine producers, particularly where there's a reasonable consistency in shape and size of bottles? I think a lot of the Ontario producers tend to use a similar size and shape in the dark glass and in the clear glass as well. Is there any reason why they couldn't or wouldn't-or has that already been contemplated in the discussions with them—negotiate with the suppliers, with the producers of wine, to effectively source and separate the bottles based on those that have the highest capacity for immediate reuse and thus do that at that stage and cull those that aren't as ready to be reused, i.e., the offshore in particular, items that may come in? I would think it would probably be less so with the liquor bottles, the hard liquor, but I'm not sure whether that's the case either.

I would think there would be some opportunity for direct reuse, particularly on the wine side, particularly in the domestic marketplace. Has that been contemplated, discussed? Is there any indication from the Beer Store of those capacities, and is there any interest from the wine industry in being able to recapture bottles? It seems to be a far more cost-effective way for them, as well, rather than purchasing new product, to be able to recapture, at a nominal value, bottles that are already in the system.

Mr. Lieou: Let me try and address your question. In the short term, we will certainly drive for the vast majority of the bottles or containers to be recycled toward high-end uses, high-value uses, such as recycling the glass into glass containers, using the material for high-end, high-value products such as ceiling tiles, fibreglass insulation material, for example; so very high-value end uses of the material.

You mentioned the possibility of refilling or reusing the containers. It's certainly possible, but, as the minister pointed out earlier, the challenge for wine and spirit containers is that, unlike beer products, those products come from far and wide in the world. We get wine from Australia, Chile, France, Italy, Germany, and so on and so forth. That's inherently the challenge in having containers refilled.

We don't have carriage, as I said, of the business side of the program, but I'm sure that our colleagues will explore all options possible that lead to maybe even some programs for local producers of wines, spirits and so on. That's certainly part of the mix of the thinking in going forward with the program.

In the short term, certainly we'll drive maximum diversion, maximum reuse of the material toward the highest value possible.

Mr. Arthurs: In addition to the rather intrinsic value that we all find—or most of us find—in being able to recycle product or not put product into the waste stream, how much incentive by virtue of the value in the deposit, i.e., the quantum of the deposit, is there likely to be to encourage the diversion? A 10-cent deposit is not likely, in my view, to encourage the return of those if you're not a frequent user of the Beer Store, regardless. I think there has to be, in addition to the intrinsic incentive of doing the right thing, some financial incentive built into this process as well.

**Mr. Lieou:** That will certainly be part of the calculus in designing the ultimate deposit amounts to maximize the recovery of the containers. We will certainly look very hard at the experience in other provinces such as BC and Alberta and so on to design that deposit quantum.

Mr. Arthurs: I would think, as well, in capturing the value upfront at the liquor store—I'll use a number just for my purposes—it's round, it's a dollar, a loonie. The LCBO or whomever else—there were a number of organizations mentioned, whether it's the small single operators or the grocery store operators, the kiosks—will have in their hands early on the deposit value, and it will be available in the cycle for a period of time, until such time as that product is actually returned to the store. Is there thinking on what the value of that will be? It's like Wal-Mart; it's a turnaround. If you can turn your product around in two weeks and don't have to pay your bills for 30 days, you're using someone else's money for two weeks kind of thing. Not unlike that, you will be using money from the deposit for a period of time. Is that being considered as part of the overall financial negotiating package, a value incentive?

Mr. Lieou: You're referring to the provincial casual benefits from being a collector of the deposit money. Again, we don't have carriage of the commercial side of the whole program, but that certainly will be part of the considerations when our colleagues at PIR—public infrastructure renewal—and finance go forward on finalizing the commercial side of the program. Certainly that is part of the mix of considerations.

**Mr. Arthurs:** How is our time, Chair? **The Chair:** You have six more minutes.

**Mr. Arthurs:** Let me pass.

The Chair: Mr. Wilkinson?

Mr. Wilkinson: Since we do have some of our experts here from the MOE, I was wondering, Deputy Minister, if we could have some people help us explain both the nature and the significance of transboundary pollution. I've had people in my riding come to me and say they're not sure about the science of it. I know from my own experience working at the ministry that we have some of the leading experts in the world on this issue. I was wondering if they could help our committee get a sense—because we are allocating money to this work—of the work they are doing.

Mr. Kivisto: Yes, certainly. I would perhaps call on Ed Piché, our specialist on air and air movement. I joined the ministry just last November and have had the pleasure of getting deeply into transboundary air issues. The depth of knowledge in the ministry, working jointly with the federal government and the US government, actually, on this issue—he can talk a little bit about the science behind what we know about air movements and the work we've done in Ontario.

**Mr. Wilkinson:** And specifically how we've been able to agree on a common set of data, I believe, so we can track this cross-border.

Mr. Edward Piché: My name is Edward Piché. I'm currently director of the environmental monitoring and reporting branch, Ministry of the Environment. It's a pleasure to be here today. I've been in the ministry in one capacity or another for 32 years and during most of that time I've worked in one position or another that has either direct or indirect relevance to transboundary issues.

A little bit of context: Obviously, I'm very proud to be an Ontarian and a Canadian. Ontario is a very powerful socio-economic jurisdiction within the context of northeastern North America. There are comparably powerful US states—Illinois, Indiana, Ohio and Michigan—but to get the picture, there are many of them. It's very important to keep that in mind when we look at transboundary issues

With respect to air quality, I guess there are two major or significant parameters when we look at the quality of air. The first is the sources of the materials that contribute to air quality and the second, somewhat capricious, variable is weather or meteorology. We don't have too much control over that and it does have an overwhelming impact on it. We'll come back to that perhaps in a moment.

With respect to sources, the significant categories of sources are power generation and transportation, and Ontario is not unique in either of those areas. In fact, it pales in comparison to the eastern US in terms of the number of coal-fired power plants, for example, although we do have a significant one. If you were to look on a map—I would be more than pleased to provide that for anyone who is interested. I call it the famous measles map. It looks like measles on the map of North America—you'll see a few of those little dots in Ontario; you'll see a very large number of those dots in the United

States. Unfortunately, many of those states are in a position so that their emissions impact in Ontario.

Of course, with respect to vehicles, like the Americans, we have a strong penchant for vehicles. Our economy is very strongly related to it. We have a lot of cars and we travel a lot of miles.

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Ontario has been working on this issue for a long time. It's been working in co-operation with academia, with municipal governments, with other states and, as importantly, the federal government. We've always been a leadership jurisdiction in my opinion, not only in our regulatory initiatives but in our standards, in our monitoring, in our capacity to model, to measure and to quantify and metricize who's contributing to whom. As you would expect, we do have an impact on Quebec, on eastern provinces and on some of the eastern states, but the states to the south and to the southwest of us have a very significant impact on us.

I'm just going to give you a very brief summary of statistics, because I know that smog advisory days are something that everyone is interested in. I've heard recently—the summer's not over officially, but apparently our federal colleagues tell us this is going to be the second-warmest summer in recorded history. I think last summer was the warmest, or one of the warmest anyway. It certainly was a record for smog advisories and smog days. Last year for Ontario, there were 12 events covering 42 days and there were 11 of them in Toronto covering 38 days. This year to date—September 5 is when I have my statistics up to-there were six events covering 17 days, so that's half the number of events and considerably less than half the number of days. Similarly for Toronto, there were five events, which is less than half of 11, covering 11 days, which is significantly less than half of 38.

I did say earlier that weather was a contributing factor, but I'd like to think that with some of the policies that have been implemented, some of the actions that have been suggested and through government-led co-operative initiatives with the Americans, it's not unreasonable to suggest that they've had an impact. One couldn't say definitively—it would be difficult to absolutely and unequivocally demonstrate the causality beyond reasonable doubt, but it certainly is promising and it would be indicative of the right direction. If you ask me to come here next year, I may have to revise my story slightly, but certainly today it's a good storyline.

Ontario is a leader. Ontario has a great and colourful history. With an outstanding number of individuals working together with a large number of talented people in this area, we have much to teach others, and last year we produced a very seminal document on this issue which received wide acclaim in North America.

Finally, Ontario has, under the leadership of this government, pulled together a committee under the very able leadership of Dr. David Balsillie. It's composed of Ontarians, Canadians and Americans, representing stellar leadership in the area of transboundary science provincially,

nationally and internationally, to give us and the government advice on where to go and how to get there.

**The Chair:** Thank you very much. Ms. Scott?

Ms. Scott: Following up some more on the blue box/LCBO/Beer Store deal, the levy of taxes that is going to be on the liquor store products, is that going to be through your ministry? Where's the alliance going to be? Is it going to be in the environment budget—say, this is going to be \$1 per bottle? Can you explain a little bit maybe? Has the Minister of the Environment ever met with the Beer Store to discuss this?

Hon. Ms. Broten: I'm going to let ADM Lieou jump in because I know that he will want to, but I wanted to clarify that what you're talking about in my opinion is not appropriately described in the way of a tax. It's a deposit. It's returned to the purchaser when they return that product. So if we're focusing on a deposit, as I indicated before, we will be structuring a deposit system in line with other Canadian jurisdictions, which range from 10 to 40 cents per bottle. The various considerations that come into effect are some of those that Mr. Arthurs raised. You need to motivate them to return the bottle to the system. We don't want to set up a system where no one brings their bottles in. So you're looking for the best price point to have someone come in and return that product into the system. I think it's best described in most of the provinces as essentially a flow-through system. You pay your money and you get it back when you bring your product in, so there's no net gain to the province on that.

**Ms. Scott:** So it will be the same amount. If it's a dollar in, it's a dollar out.

Mr. Lieou: Most likely. Ms. Scott: Go ahead, please.

**Mr. Lieou:** Your second question was whether the ministry would be involved in collecting or would be part of the flow of that money. The answer to that is not likely. The system is designed so there's a loop, so that the money, the containers and so on operate within the certain loop, and the finances won't flow through our ministry itself.

**Ms. Scott:** It's not going to be the Ministry of the Environment, but there is a \$65-million environmental levy right now, and you don't have any jurisdiction. It's not coming back to be used for environmental projects, programs or anything that you know of right now?

Mr. Kivisto: That money goes into the consolidated revenue fund. The government then decides how to do it. The ministry gets its budget from the consolidated revenue fund. I have no way of tracking what the Ministry of Finance does with the \$65 million, what pocket it goes into, where it goes. They would be the best ones to position it, but I would presume that's part of our funding for the Ministry of the Environment programs. We get it from the taxpayers in terms of the broader consolidated revenue fund of the province of Ontario.

**Ms. Scott:** So we can assume that there's no really direct line of accountability—the environmental levy goes into environmental programs—as it stands right now, just for clarification.

**Mr. Kivisto:** You have to ask the Ministry of Finance. We don't manage that.

Ms. Scott: That's fine. There's nothing that comes in there

I wanted to go over to the so-called Michigan waste deal that you have. Recently, you went over and brokered a deal with the Michigan representatives. Did the cabinet give you authority to begin discussions with Michigan regarding the waste deal?

Hon. Ms. Broten: Obviously, work that is undertaken in every ministry is done with the approval of your colleagues, and as a government initiative it was a government-to-government transaction. I, on behalf of the province, entered into discussions with two senators, the only two federal-level senators in Michigan.

I think it's important—and you may get to this—to have an understanding of why a transaction and an agreement with the senators, which is the highest level of government at the state, was critical. It is because of the structure in the US whereby that Senate legislation was required to empower any legislation coming out of the state itself.

From our perspective, it was a way to reach out to two knowledgeable individuals who had championed the cause on behalf of their constituents and established a structure whereby municipalities could operate in a rubric with greater certainty as to how long they could continue to send waste to Michigan. Certainly I have said on many occasions that it wasn't a long-term, sustainable solution to do that. We needed to manage that waste in ways other than shipping it to a foreign country. And that is by way of an exchange of letters. That's the way senators do business.

Ms. Scott: You went over, you met with the senators. You've had a long-standing government policy that waste is a municipal responsibility. You don't get involved in the day-to-day issues of waste management. That's what you've said many times. Is municipal waste now going to be a provincial responsibility again, since cabinet authorized you—or you discussed, and then you went over to Michigan and discussed with the senators and came back?

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Hon. Ms. Broten: I'll just correct some conclusions that you're jumping into. In an efficient way of doing business, I spoke to the senators by telephone from my office at St. Clair and Avenue Road. We did have to have some of our very experienced and knowledgeable staff attend to find out from the senators in Michigan what they could live with.

Essentially, the other conclusion you're jumping to is that the province is managing municipal waste. The agreement was one that was structured between the Senate, the province and the municipalities. Senators would not deal directly with a variety of municipalities, but by way of obtaining a commitment from those large GTA municipalities that do ship waste to Michigan that they would reduce their waste 20%, 40%, 100% by 2010, we secured an agreement from the senators not to pursue amendments to their homeland security legislation.

I do think it would be great if we could have Mr. Keith West, who did a lot of great work on this file, give you a little bit more of a snapshot of the exact agreement and the steps that took place.

**Ms. Scott:** So there is an actual written agreement? Is there an actual contract?

Hon. Ms. Broten: A letter.

Ms. Scott: Just a letter. Okay. Go ahead.

**Mr. Keith West:** There's actually an exchange of letters between the minister and the two senators outlining the commitments that have been made on both sides.

On the municipal side, the minister reflected the commitment of the key municipalities that were shipping their waste to Michigan—the city of Toronto, region of York, region of Durham and region of Peel—to eliminate by the end of 2010 all of those municipally managed waste shipments to Michigan.

Then there were interim targets collectively that were put in place as part of the commitments as well: 20% in 2007, an additional 20% in 2008 and then the total elimination of all that municipally managed waste by the end of 2010.

**Ms. Scott:** Will this agreement, for lack of a better word, address the possibility of the border closing for reasons such as security? That's what we've heard the most about from Michigan, the fears of security in that country. How will that come into play?

**Mr.** West: I think there are two parts to that. One is that this gives a logical phase-out strategy for our municipalities that are currently shipping waste to introduce the plans they have been putting in place to end those shipments.

The other part of the answer to your question is that there is a program that is run through homeland security within the United States. It's called the customs trade partnership against terrorism. It is a voluntary program where any waste company or municipality that is the importer of record into the United States can submit an application for meeting the requirements of this program. It's basically a tracking of the waste, from the time it gets put through to the transfer station to the time it gets to its final destination, to ensure its security. I think there are municipalities such as the city of Toronto that are certainly working towards that. We're going to continue to work with homeland security in terms of facilitating that work. We expect that part of the solution is related to this voluntary program that we call C-TPAT.

Ms. Scott: If they decided in Michigan, for whatever reason—I use security as one of the reasons—to shut down the borders—we saw them with sludge; they shut it down quickly—do you have a backup waste management plan from all your municipalities to ensure that they have plans in place in case the border suddenly closed tomorrow?

Hon. Ms. Broten: Let me put out some factual information, and perhaps Keith will give you a greater description of what is taking place. There are seven municipalities that ship waste to Michigan. Four of them

are the larger municipalities. York, Peel, Durham and the city of Toronto are those that send a significant amount of waste to Michigan. Those are the four signatories who committed to the reduction strategy: 20%, 2007; 40%, 2008; 100% by 2010. No more municipal solid waste from those municipalities being shipped to Michigan.

The very two senators with whom the deal was brokered have been the proponents of many of the issues dealing with security concerns that you have raised. They are the drafters of the amendments to the Department of Homeland Security appropriations bill, which is HR5441. The agreement that was reached was that those senators would not pursue amendments to the homeland security appropriations bill—either of the bills that exist currently, and there are only two Michigan senators at the federal level. Also, Governor Granholm indicated her support of their agreement to phase out municipal solid waste from coming into Michigan.

So yes, it is possible that someone else out there may raise concerns. Our agreement is with the senators, the only two senators from Michigan, and the governor of Michigan has supported that initiative after that time.

We have always held the view, as have the municipalities—and we've supported them in that view—that the shipment of municipal solid waste from any of the Canadian municipalities does not cause security threats in the US, because we believe that the Ontario waste managers have been working very closely and co-operatively with the US to address those concerns, as Mr. West was indicating. So that is the basis for the brokering of a direct rapport between the municipalities and the senators. Perhaps Mr. West might have more to add.

**Mr. West:** No, I think you've covered it, Minister.

Ms. Scott: But the border could close tomorrow if some security reason happened, which none of us can control, and then all of a sudden we have to deal with all of our garbage quickly, not in the timed manner that we're trying to phase it into. We have seven municipalities that ship their garbage to Michigan, but if the border closes, it's going to affect all of our municipalities. Do you have a plan or can you table a plan that you've received from the municipalities in the case that the border does close tomorrow? Do you have a backup plan?

**Mr. Kivisto:** Just to clarify, is the question if the border closes to municipally managed waste or is it border closure to trade generally?

**Ms. Scott:** Border closure to waste is what I'm asking specifically of the Ministry of the Environment.

**Hon. Ms. Broten:** I guess, Ms. Scott, you are speculating that there is some crisis in the United States and essentially—

**Ms. Scott:** Something triggers the border to close.

Hon. Ms. Broten: —the way the border closes to waste is if the border closes to trade, and then we have NAFTA engagement issues, the embassy involved, trade disputes and a variety of other challenges. We're not getting product here for our assembly lines. Certainly no one wants to see that circumstance evolve. In the instance

of an emergency, you would know that the Ministry of the Environment has mechanisms to assist municipalities in that time of emergency. That is not something that we anticipate at this point in time.

**Ms. Scott:** No, but you have to have a plan in case it does happen.

**Hon.** Ms. Broten: We have mechanisms under legislation to assist, yes.

**Ms. Scott:** So do you have a plan, and could you table the plan, in case the border closes?

Mr. Kivisto: If I may, each municipality was asked to make sure they had contingency plans. They would inform the ministry of what those plans might be, and the ministry would need to facilitate certain approvals, whether it's extending storage capacity and transfer stations—a lot depends on what the nature of the closure might be, how long it would be, all the way to a complete border closure, all trade stopping. It becomes a much bigger issue than municipally managed waste. We know that the municipalities we've talked to have developed their contingency plans, and they know when they need to come to the Ministry of the Environment for any approvals to implement those.

**Ms. Scott:** Have they all submitted contingency plans, and do you have them approved already in case of emergency?

Mr. Kivisto: They don't need approval from the ministry for their contingency plans, but good management tells you, whether you're in the private sector or the public sector, that you have emergency plans in place and you have contingency plans, as the Ministry of the Environment does, for office closure, power failures, all manner of events that might happen. Those municipalities have developed their plans, and the ministry has indicated that, in the case of those kinds of eventualities, it would be available to process approvals and requests that are brought forward to it.

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**Ms. Scott:** So all the municipalities have their plans submitted? They don't have to submit them, but they have to have plans, so who checks to see if they have a plan? What happens if they don't have a plan?

Hon. Ms. Broten: Management of municipal solid waste is a municipal responsibility. Should a municipality have the need for approvals or a variety of other requests from the Ministry of the Environment, they would bring that to our attention, and we would respond to their requests.

**Ms. Scott:** Do you have Toronto's backup plan?

Mr. Kivisto: Toronto has its backup plan, but the ministry doesn't keep a file. There's no law that requires them to submit files to the Ministry of the Environment. We talked to the municipalities months and months ago about contingency plans, and they assured us they'd developed them. They're aware of when they need to come to the ministry for approvals, depending on the nature of issues they have around waste storage and handling.

**Ms. Scott:** So all the municipalities have a plan. You mightn't have seen them, but—

**Mr. Kivisto:** The ones we've talked to have assured us they have plans. We haven't talked to every municipality, because they aren't part of a Michigan border issue. It's the seven municipalities that are.

**Ms. Scott:** It's just the seven municipalities that would have to have the backup plan, and you have Toronto's backup plan.

Hon. Ms. Broten: No, Toronto has Toronto's backup plan. Toronto is responsible for the management of their waste. Should they need assistance from us, we would be there to assist them. In this instance, we understand, because they made a firm commitment to me in order to enter into the negotiations with Senators Stabenow and Levin, that they would meet a reduction of waste crossing the border: 20% by 2007, 40% by 2008, 100% by 2010. How they meet that and how they manage their municipal solid waste is their responsibility. I don't negotiate contracts for them. I don't find landfill space for them.

We respond to applications that come forward to the ministry, and we provide municipalities with the tools that they need to manage their waste. The tools that we've provided them have allowed them to be in a position to reduce and divert more of their waste and have a clear indication that they will be fully out of Michigan by 2010.

The Chair: Thank you very much.

**Ms. Scott:** Is that it?

**The Chair:** I'm afraid that's it. **Ms. Scott:** Oh, sorry. That's done.

**Mr. Tabuns:** Minister, seeing as Michigan has been successful at keeping our municipal waste out of their state, when are you going to start negotiations to keep American hazardous waste out of Ontario?

**Hon. Ms. Broten:** We have undertaken a great deal of work with respect to tightening up rules associated with the management of hazardous waste. Perhaps John might have more details with respect to the specifics of the work that we've undertaken with respect to hazardous waste.

Mr. Lieou: Each jurisdiction ships certain types of hazardous waste to the other jurisdictions, so they ship some to Ontario. Ontario also ships some to the US. Last year, our minister introduced a new land disposal restriction program, which is implemented by regulation, that basically sets the standards at the same level as US requirements so that we're now on a level playing field in terms of the tough requirements needed before you can actually put waste into our disposal facilities.

**Mr. Tabuns:** That's interesting, but our municipalities can't ship waste to Michigan. Why should we accept American waste in this jurisdiction?

Hon. Ms. Broten: As Mr. Lieou has just said, our municipalities do ship hazardous waste to other jurisdictions, and some jurisdictions ship to us. The new hazardous waste treatment requirements that we recently put in place are to act as a disincentive for US firms to send it here. That's the regimen that we have established now. We don't want to be the host site for waste.

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Our municipalities do send municipal waste into Michigan, and they will continue to do so until 2010. ICI waste will continue to cross the border. It has, at this point in time, no restriction.

Waste—especially ICI waste, but all waste—is defined as a commodity. Commodities freely trade across the border. Parts, goods and services cross our borders. The key perspective from our ministry is that we don't want to be recognized as a jurisdiction that willingly wants to be a host jurisdiction for hazardous waste. That has occurred in the past. We have turned the dial on that. We believe that our new regulation will be a disincentive to the transport of hazardous waste into Ontario.

**Mr. Tabuns:** Why is it that in the negotiations it was possible to keep the ICI waste flowing into the United States but not the municipal solid waste?

Hon. Ms. Broten: If you speak to those who have acted on the benefit of their constituents, the constituents in Michigan, and the senators who have championed the cause that they don't want to be, just as we don't want to be, the location for the placement of someone else's household waste, the critical component has been the household waste, the municipal solid waste.

As I indicated, ICI—industrial, commercial and institutional—waste has crossed the border for many, many years. Those politicians at all levels in Michigan have repeatedly indicated that that did not cause grave concern to their constituents. The waste was, and continues to be, less odorous, less obvious, perhaps, and really recognized as a commodity. They do not see fit to interfere with those contractual arrangements that landfill operators may have in their state. They don't want to put them out of business; they just don't want to take municipal solid waste from another jurisdiction. I have repeatedly said, as others have said, that it wasn't viable or long-term or a sustainable solution to continue to send our municipal waste into Michigan.

**Mr. Tabuns:** The Bath incinerator will be burning pelletized American municipal solid waste. We can't send our solid waste across the border. The Americans are sending their municipal solid waste here for incineration. Will you act to prevent that pelletized municipal solid waste coming from the United States to be burned in the Bath incinerator, if that Bath incinerator is ever approved?

Hon. Ms. Broten: We spoke about the Lafarge Bath cement facility earlier today. As you know, I indicated at that time that that is an application currently before the ministry. Mr. Williams may have more information to provide you in response. The proponent, Lafarge, can propose to do whatever it wants; it is its application. It is asking to receive waste from Ontario and Quebec as well as various states. It's asking to have 30% of its fuel from alternative sources. We're looking at their request, and those at the ministry will be making decisions with respect to the appropriateness of that request.

Mr. Williams: There are two applications before the ministry presently, Mr. Tabuns. One is a certificate of approval application for waste, which is handling the

30% that Lafarge's proposal has to move through the kiln as an alternate fuel source. The other application before ministry staff is for an air approval, for the air emissions that would come from the processing of that particular waste as a fuel source.

Both of those applications are under review. There has been, as I think people are aware, a significant amount of input that the ministry has received, both with respect to the fuels—we talked a little bit earlier about the tires and you've mentioned pelletized waste. The community in that particular area has made a number of submissions to the ministry staff. Ministry staff, as the minister has alluded to, are delegated the authority to make the decision under the Environmental Protection Act and the Ontario Water Resources Act.

Ministry staff, my staff, have been out in the community to Loyalist township to some of the meetings, to gather information, to better understand the nature of the concerns that are there. We've spent many, many months going through those applications very diligently and rigorously. We've sent a large number of information requests back to Lafarge with things that we want clarified to make sure that our scientists, our professionals and our engineers clearly understand what's in there.

We also have before us a request from the community for a public hearing, which could be provided for at the director's discretion. All of that information is actively under consideration now. It will be some time before a decision is made on those two particular applications, but I want to assure you that the directors and the scientists and engineers who are reviewing that are absolutely holding that proposal to the most stringent of environmental standards as we go through our review. That's not to presuppose what any decision or outcome would be at this point.

Mr. Tabuns: I appreciate all the information, but I go back to my earlier question: We have been blocked from sending municipal solid waste to Michigan and yet we're going to allow municipal solid waste to come here if the Bath incinerator is approved. Are we going to block that or not?

**Hon. Ms. Broten:** As I think Mr. Williams indicated, that is a decision that will be made within the context of the examination of the waste certificate of approval.

Mr. Tabuns: There are two questions, though. There's the question of that facility and whether, environmentally, we go ahead, because there's more than just municipal solid waste that would be burned there. The municipal solid waste portion: Are we going to block it, just as our municipal solid waste was blocked from Michigan?

**Hon. Ms. Broten:** All the municipalities that sent municipal solid waste to Michigan have agreed not to send waste to Michigan by 2010. Our waste has not been blocked. We have always taken the position that NAFTA would not allow the closure of the border to a commodity. Waste is defined as a commodity.

The Michigan agreement is an agreement to provide clarity, to provide certainty, to allow the municipalities to know when they will do that phase-out, and it is a voluntary phase-out. So I think it is inaccurate to say that it is being blocked. It has not been blocked. Attempts were made to block it. Those attempts have not been pursued to the end, to their fruition, and the senators have agreed not to do so.

The fact that we've held it to be inappropriate to send municipal solid waste into another country is something that is consistent, but again, the certificate of approval with respect to waste in this facility will be examined in the context of the director's decision on the certificate of approval, and these questions will be considered and answered in that context.

Mr. Tabuns: As I read the speeches of the American politicians involved, they quite creatively decided that they were going to charge an inspection fee for the trucks coming across. They weren't going to block anything; they were just going to crank up the cost. I would say that we deserve just as much inspection as Michigan does. Are you going to assess and come forward with a proposal for an inspection fee for American municipal solid waste that some want to send across our border after 2010?

Hon. Ms. Broten: I may get expert information for you, but let me just make clear one very critical distinction between what would be used or is proposed to be used in the Bath facility—again, caveat: not yet approved, but proposed to be used. That is pelletized municipal solid waste. So I don't know if you've seen those pellets, but I would say it can be best described as looking like dog food or something like that. It's little bits of waste in a pelletized dry form—no smell—and that clearly meets the definition of "commodity." So that's one clear distinction.

What we were sending to Michigan was garbage trucks of waste, of true waste in its waste form, crossing the border. So I think that's a clear distinction that's important just to understand for the framework and the reference of the balancing of interests that you're making.

**Mr. Williams:** That's my understanding of it, too: that it's pelletized municipal solid waste that's proposed for Lafarge. I'm sorry, I don't have any further details on that, but it's exactly as the minister has said.

Mr. Tabuns: Okay. So—

Mr. Kivisto: I would suggest that in terms of the movement of waste across the border between Ontario, Michigan or any other state, any other province, one objective of this agreement was not to make a trade dispute between Michigan and Ontario. It helped defuse an issue that was becoming potentially just the start of that. So the fact that the ICI waste is not part of the agreement is very helpful to Ontario and Ontario industry and the economy. It's also good for the environment in the sense that you can ensure you have effective waste management plans in place that aren't subject to any kind of unplanned landfill solution.

I'm not convinced, as a public servant, that us starting a parallel campaign on the Ontario side for the movement of commodities, whether it's pellets or otherwise, between the US states and Ontario is in the interest of the province. We needed to de-escalate this issue and I think the agreement on municipal waste satisfied the political need on the Michigan side. At the same time, it has allowed an orderly transition to a better waste management solution for the municipalities involved, and that's a good thing.

Hopefully we don't see further action in the US somewhere that is disruptive to trade and movement of people and goods. Obviously, security issues in the US continue to be paramount. They are into elections at certain times, so there's a lot of politics at play. To be victim to that as a province on some decisions that could arise would not be helpful to Ontario.

Hon. Ms. Broten: I'll just add that it's important to acknowledge the division of responsibility between the provincial and federal governments, because border issues, trade dispute issues, are federal issues. At the provincial level, we don't have the ability to stop the flow of a specific good at our border that is defined as a commodity. I might sound like a broken record, but waste is defined as a commodity, so it does allow free flow.

What we have the ability to do here in the province is set standards, as I indicated we did with respect to hazardous waste, so that we don't become a jurisdiction where there's an incentive to come to that jurisdiction, and make sure that Ontarians and the environment are protected when those commodities flow through. We also have the ability to determine whether or not to approve certificates of approval, and that's something that is currently under examination.

Mr. Tabuns: Thank you. In 2003-04, this ministry had a budget of about 256 million bucks; in 2004-05 your budget went to \$317 million; 2005-06, \$326 million; and now a drop down to \$302 million. I don't think it's a good trend to be dropping in this year. Do you, Minister, have all the resources you need to enforce the environmental laws on the books?

The Acting Chair (Mr. Wayne Arthurs): Mr. Tabuns, five more minutes.

**Mr. Tabuns:** Yes, thank you.

**Hon. Ms. Broten:** We are, in the context of our \$302-million budget, absolutely able to protect the health and well-being of Ontarians and ensure our environment is protected, yes.

**Mr. Tabuns:** So you have adequate funds to monitor, enforce and ensure that your mandate can be carried out?

Hon. Ms. Broten: Yes.

**Mr. Tabuns:** Great. Next question: water. In 2003, Dalton McGuinty promised water-taking fees. He said that the resources of this province were not going to be given away. I haven't seen any evidence so far of action on water-taking fees. When will you be bringing forward a proposal to implement water-taking fees?

**Hon. Ms. Broten:** As I think I've indicated to you on a previous occasion, we're considering those changes in conjunction with the SWSSA. Under the Clean Water Act—

**Mr. Tabuns:** I'm sorry. What is the SWSSA?

**Hon. Ms. Broten:** Sustainable Water Systems and Sewage Act. Right?

Mr. Lieou: Close enough.

Hon. Ms. Broten: Close enough?

Mr. Tabuns: I'll take it. 1410

Mr. Wilkinson: SWSSA.

**Hon. Ms. Broten:** SWSSA. I know there are many, many acronyms in the Ministry of the Environment. Perhaps we should just say, in the MOE we love acronyms, as we do across all government. Never have I lived in a world where more acronyms exist.

In any event, with respect to water-taking fees, the first step was a step that Minister Dombrowsky undertook with respect to the permits. She undertook an examination and some work early in her mandate with respect to examining and restructuring the permit system. That's been undertaken.

The second stage, in my view, with respect to the Clean Water Act, is to put in place the science and examination of how much water we have, how good it is and that undertaking. We are absolutely committed to putting in a system with respect to water-taking fees for consumptive purposes, and we're considering those charges, in conjunction with SWSSA, as a fundraising mechanism, both for the crown and municipalities. So it's a work in progress.

**Mr. Tabuns:** When is the work in progress supposed to come to fruition?

**Hon. Ms. Broten:** I can't give you a specific time frame of the fruition, but I can tell you it's a work in progress right now.

Mr. Tabuns: So this term?

**Hon. Ms. Broten:** We are working on water-taking charges and a water-taking regime right now.

**Mr. Tabuns:** I assume I won't get an answer. Okay. Do I have more time?

**Hon. Ms. Broten:** That was a good answer. You should have liked that answer. We're working on it right now.

**Mr. Tabuns:** No, I like timelines. I like to know when it's going to happen.

**The Acting Chair:** Another minute or two, Mr. Tabuns.

**Hon. Ms. Broten:** These people should get back to work. We should get out of here.

**Mr. Tabuns:** I'm sure many in the room feel the same way, Minister.

**Hon. Ms. Broten:** I love it here, Peter; I'm ready. What else do you want to talk about?

Mr. Tabuns: I can tell that.

It was very clear in the course of going around in the hearings that municipalities did not feel they could implement the Clean Water Act within the resources already at hand. I want to know when financial resources will be made available to those municipalities and at what level so they can actually carry forward, monitor and enforce the act as it is meant to be enforced.

**Hon. Ms. Broten:** I think there are three answers, three elements of the answer to your question.

Under the Clean Water Act, as I have said, \$120 million was provided to both conservation authorities and municipalities, and often conservation authorities and municipalities working in conjunction with respect to the undertaking of the scientific work that was necessary. That is, as I have said, an upload of a responsibility by payment of the work to be undertaken by the province, as opposed to leaving that burden on municipalities to manage. That is funding that has been made available, is out the door, is coming out the door and will flow to a total of \$120 million for that work. So that's with respect to the science, the planning, the plan development, and at least some communities will continue to be doing that work a couple of years from now. That money will flow until that time.

With respect to implementation of the plans, we talked about that a little bit earlier this morning. With respect to the information that will come back to us that will allow us best to determine what the implementation costs will be, we do have some indication from some municipalities who have undertaken the work. As Mr. Smith said earlier, representatives from various municipalities indicated that that was in the ballpark with what they expected to be the cost. We're flowing, as the amendments indicated and as our announcement last week indicated, \$7 million for early phase right near the intake, right near the wellhead, for implementation measures.

On top of all of that, which is our responsibility in the Ministry of the Environment, we are, as a government, examining the entirety of the financial arrangement between municipalities and the province. That will, on another end, perhaps, assist municipalities by giving them the resources that they need.

Mr. Tabuns: I know I'm out of time, so I'll pass this on to the minister while the others are taking their shot at this. Perhaps the staff could give me a sense of this, or you could ask your political staff: Are you making a commitment today to provide funding for the implementation, monitoring and administration of the act at the municipal level when it's fully in place? You've talked about the history; I'm asking about the future.

It's their turn to ask questions, but just keep in mind that I'm coming back for that.

The Chair: Thank you, Mr. Tabuns.

**Mr. Wilkinson:** I have a question about the drinking water. But just for clarity, for my colleagues around the table, I have a couple of very simple and direct questions for my minister.

One: Minister, are you the Minister of Finance?

Hon. Ms. Broten: No, I'm not.

**Mr. Wilkinson:** Are you the Minister of Energy?

Hon. Ms. Broten: Unfortunately not.

**Mr. Wilkinson:** Are you the Minister of Public Infrastructure Renewal?

Hon. Ms. Broten: Nope.

**Mr. Wilkinson:** Are you the Minister of Natural Resources?

Hon. Ms. Broten: Nope.

**Mr. Wilkinson:** Are you the Minister of Agriculture, Food and Rural Affairs?

Hon. Ms. Broten: No.

**Mr. Wilkinson:** But you are the Minister of the Environment?

**Hon. Ms. Broten:** Of everything green.

Mr. Wilkinson: And I believe we are in estimates for the Ministry of the Environment. I appreciate the fact that there are some around the table who would like to question the minister about other ministers' estimates, but last time I checked, we were here for our minister's estimates. We'll leave policy discussions to their appropriate venue. What I'd like to do is talk about the ministry's estimates.

Specifically, Minister, I want to let you know—and colleagues around this table were out doing hearings after second reading of Bill 43, the Clean Water Act—that we heard particularly compelling and, I think, memorable testimony in the community of Brockton in Walkerton. I know, Minister, that you have been there a few times now. We have discussed those visits.

I know the great work of Justice O'Connor that came out of that tragedy was his report. One of the things he called for was a chief drinking water inspector. We have a commitment to the multi-barrier approach. I was wondering whether you or the staff, perhaps even the chief drinking water inspector himself, could come forward and help us get a handle on where we are in fulfilling Justice O'Connor's recommendations, because I know the cost of that runs throughout the estimates of your ministry.

**Hon. Ms. Broten:** Certainly, and I see that I have been joined at the table by the chief drinking water inspector.

Before I invite him to answer your question, I want to acknowledge the excellent work he does on behalf of all Ontarians to ensure that we deliver on clean, safe drinking water. His group does very good work right across the province, and I would certainly invite him to provide you with some details with respect to that work.

The Acting Chair (Mr. Wayne Arthurs): Sit here. Pull the microphone up, and please introduce yourself as well.

**Mr. Jim Smith:** Thank you, and good afternoon. I'm Jim Smith, and I'm the chief drinking water inspector for the province. I'm also the assistant deputy minister for the drinking water management division.

I'd like to take the opportunity to answer that question along two themes. One, when you looked at both of Justice O'Connor's reports, at the end of the day he said, "When people turn on their taps, they should feel safe." For the informed person, a reasonable person, that system should be able to deliver water at a negligible risk level. The challenge was taking those recommendations and turning them into a framework that works for Ontarians.

Part of my job—I'm one of his recommendations, in terms of my position—and certainly one of my responsibilities is to provide the minister for the public with a report on the performance of Ontario's drinking water

systems. The ministry worked very hard at considering what information—what do you need to do to be able to tell people so they can make up their own minds? "Am I safe? Is my water safe? Am I being protected?"

We took Justice O'Connor's recommendations and turned them into a framework for drinking water. I call it, as chief inspector, when I speak to the regulated community, the public and interested stakeholders, the "drinking water safety net." I want to just talk about that for a few minutes, because it is really important for me.

My first annual report, which came out in late April this year, spoke to that. It has eight elements. The first is strong legislation. The Safe Drinking Water Act has all of the regulatory requirements and the regulations to provide an effective framework for training and ensuring operators have the right credentials to ensure that drinking water standards are in place and are being used, to provide approval processes, and the compliance and enforcement abilities as well under that act. In addition, the minister talked about the Clean Water Act and, if passed, that certainly provides the entire source-to-tap framework that Justice O'Connor talked about in his 121 recommendations.

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I also had the pleasure of speaking to the federal expert panel just a month ago. They're looking at what regulatory frameworks could work for First Nations. I certainly talked about our framework and the legislation. The chair of the panel, Mr. Harry Swain, was very interested in that, of course.

The second element is timely, reliable testing, and you heard the minister provide the results in my report. We have a million or more tests that are done in the province. We have over 5,000 regulated systems, just to put that in perspective. Those tests are defined in regulation, and they have a frequency and requirements around them that are prescribed by the level of the risk for that system, be it a small public system or a large municipal system. We also have the benefit of over 160 health-based standards in the province that let us make decisions around the safety of drinking water.

Very importantly, we have notification systems in place. This is all about making sure that the regulated community, the operator, the owner and the laboratories that are licensed in Ontario that do the testing for many of these parameters notify our 24/7 Spills Action Centre immediately when they see a result that exceeds a standard or they believe there's a risk in terms of the drinking water. That system is working well in Ontario.

In my annual report, I talked about a very serious incident that happened, and that was in Stratford. There was an incident where there was material from a carwash that entered the city's distribution system. It led to a water advisory, which was a prohibition from using that water, then it went to a boil-water advisory, and then it was lifted. That disrupted that city for a number of days. What was important, though, was the rules and the requirements were met so that actions were taken swiftly to correct the situation and ensure the public wasn't

harmed. So that has been cited around Ontario as an example where things can go wrong, and the system that we have in place ensures proper action is taken.

The fourth element is about licensing and certification. A number of Justice O'Connor's recommendations were around the training of operators. We have regulations in place now that require operators to take mandatory training. They have to take a certain amount of training and courses to renew their licences. We have a strong profession, and these requirements have certainly raised the bar for Ontario from previous times.

Our inspection program: By regulation, we need to inspect every municipal drinking water system annually. It's very important. We have 95 drinking water inspectors who do those inspections. The regulations also require that laboratories be inspected twice per year. We have six inspectors in the ministry who do that for the 57 or so labs.

Our inspection program is very comprehensive. We have about 130 regulatory requirements that inspectors look for when they assess a municipal system, and that has allowed me, province-wide, to provide information on where we see some compliance issues that are across the board and what actions we can take to help the regulated community solve those.

A very important partner here is the Walkerton Clean Water Centre. I just spoke to the CEO yesterday. They have a primary mandate to provide operator training. They have taken over 2,000 operators in the province through the mandatory courses, and they're also out there talking to operators about some of the compliance issues that we're seeing, so it's right in the forefront for them.

The sixth area is our compliance and enforcement. We have a progressive compliance program, which starts with working with the regulated community. We have staff out there right now talking to owners and operators who may not fully understand Ontario's requirements and giving the information they need to make a decision in terms of being a regulated system. Our compliance findings can move through orders through to convictions, fines and imprisonment if necessary.

We also have the ability to transfer control of a system. Certainly, if we lose confidence in any system in Ontario—and we haven't been there, which is good news—we can transfer control of management and the operations to another party, such as the Ontario Clean Water Agency.

Very importantly, all this data we receive that the minister talked about, millions of bits of data points and our inspection findings—and I think there was a question about our budget as well in terms of some changes. We built some very progressive information systems, so we can capture all of the data that the labs provide us. We capture all of the inspection findings that our inspectors do on a daily basis, and we capture all the notifications where there may be an adverse water quality incident in the province. We manage that in a way that we can follow up and also prioritize our actions.

Importantly, Justice O'Connor had four recommendations around information management. We're in the last stages of using some new portal technology which will allow the public, the regulated community and our partners at the Ministry of Health to access and customize the information they need that we collect on drinking water.

Lastly, education and outreach—I mentioned that—with our inspectors: We have a very progressive program that provides information kits and is geared to the system owner, the operator and the public.

I should mention that in terms of our information technology and our approaches to the regulated community, we found out last week that we won a gold award at the public sector quality fair, which is a testimonial, I think, to the work we're doing. I judge, in terms of the work we're doing: Are we restoring public confidence? Are we seen as trusted and credible on drinking water? I think there are a couple of points to that; one certainly is the minister's discussions with the federal government. I led a team that went to Kashechewan to provide advice. That advice was accepted by the federal government and the First Nations community—the community of Kashechewan, Chief Friday. I think it speaks to where Ontario is in terms of the work and the program we have in place.

I look at the media. We all look at the media. On June 1, there was a Globe and Mail article that again talked about Ontario's drinking water in the context of Walkerton, and the reporter certainly made a statement, which I took note of, in feeling that we've really made a lot of progress on that.

Lastly, other jurisdictions are recognizing our work as well. Bermuda has asked to adopt our operator certification program. They want to accept Ontario's standards as equivalent for their jurisdiction. So that's a very positive sign as well.

In terms of Justice O'Connor's recommendations globally—you know there are 121—the public website provides the status of all those recommendations. Certainly we're over the halfway mark with a number of initiatives that are under way. The Clean Water Act certainly will contain a significant number of Justice O'Connor's recommendations when it's passed.

We also have 14 recommendations that deal with municipal licensing. We've been working for the last two to three years with the municipal sector. I met with AMO just the other day to talk about that and move that forward over the next year.

The additional recommendations—there's a number that are with our partners at the Ministry of Health and Long-Term Care. I met with the chief medical officer of health a couple of days ago to discuss the progress on the three recommendations around boil-water advisories and related matters, and they're progressing on that.

Certainly there are a number of other recommendations that deal with First Nations. We've done a lot of significant work with the federal government, with First Nations and on information technology. So they are well

in hand in moving forward. Certainly the commitment has been to fulfill those recommendations.

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**Mr. Wilkinson:** Thank you. I probably have about a minute?

**The Chair:** Actually four minutes.

Mr. Wilkinson: Oh, four minutes. Great. Thank you, Chief Smith. First of all, I want to echo something that I said in Walkerton. The tragic lessons that were learned in Walkerton, as you mention, have been learned by this province. You're right: One of the examples was my own home community of Stratford. It was probably serendipity that I happened to be working at the Ministry of the Environment when there was a chemical contamination of the drinking water for my family. I can tell you that those hard lessons were invaluable for our community.

The response of our Spills Action Centre was instantaneous. The work of the ministry—I remember Minister Dombrowsky at the time said, "Whatever we need to do to get over this." People in our labs worked, I know, through the entire night trying to support our community as it struggled without a source of drinking water for 30,000 people, but within six hours there was clean water available to everybody. But the lessons learned about making sure that that information got distributed—people went door to door; some 11,000 doors were canvassed three times in 24 hours to ensure. That was all the result of hard lessons learned.

I remember saying to the people of Walkerton, on behalf of my own home community, that we wanted them to know that there had been some good that had come from that tragic experience, that other tragedies are being avoided in our province—because you're right: Accidents do happen.

Could you just tell me the relationship between yourself and our Spills Action Centre, which is open 24 hours a day, seven days a week. From an operational point of view, are you one of these guys who is constantly on a BlackBerry and available? Your job must never stop, being the chief drinking water inspector for 12.5 million people.

Mr. Jim Smith: I'm fortunate; I have a division of about 260 staff and, I mentioned, 95 inspectors. For the notification systems, we certainly have business procedures in place. The Spills Action Centre is absolutely there 24/7, and depending on the notification, regardless of the time, we have staff that will follow up and go to that drinking water system as necessary. What's important here as well is that the regulation specifies what action should be taken. The health unit and the local medical officer of health also provide direction, as we do. It's a job we take very seriously.

Mr. Wilkinson: I was quite surprised that you have so many jurisdictions that jump in together. In this situation, our own personal situation, it was our medical officer of health, Dr. Rosana Pellizzari, who had the lead. There was no question as to who had the lead. The kind of work that had been done to make sure we didn't end up spending half an hour with potential contamination of the

water and then people trying to decide who was in charge—it was very clear. And who was to help that person who was in charge: I think that also helped a great deal in the question of our very quick response.

Finally, just a last question: As the House itself is on the verge of final consideration of Bill 43, as amended, you represent, as the chief drinking water inspector, I suppose what we would consider to be the stick. There are many comments about how we have to have the carrot and the stick. I know that the minister, through the advice she received in regard to keeping our sources of drinking water, said that we have to have incentive programs that encourage stewardship.

In your own personal work, do you find that the population takes this matter seriously and is willing to step up to the plate and do what's required to make sure there is that multi-barrier approach? Do you find a lot of resistance or do you think that people value that work and realize that action has to be taken as a community to keep our sources of drinking water clean?

Mr. Jim Smith: Certainly what I'm seeing for the municipal residential systems is an absolute commitment by that sector in terms of safeguarding drinking water supplies. They are a well-organized sector. They have associations. I would say it's very clear what their mission is, and it's about safeguarding. The commitment is there.

The Chair: Ms Scott?

**Ms. Scott:** I'm going to just follow up with a question. Are the SWAT teams that used to be in place still operating, and if so, what industries are they targeting?

Hon. Ms. Broten: I'm going to call upon ADM Williams again because that group of enforcement officers falls under his responsibility and he can give you some details with respect to what they're up to right now.

Mr. Williams: We have 30 inspectors that comprise what we used to call the environmental SWAT team. I referenced it earlier today in estimates, calling it the sector compliance branch. That name more accurately today reflects exactly the work they do, which is province-wide quick deployment and taking a look at a number of sectors across the province. We've had a number of projects that they've been involved in recently. I can give you a little bit of a snapshot of that. You heard me speak about the ICI sector for waste: 250 planned inspections in that arena.

**Ms. Scott:** So do you have more inspectors now than you did last year or the year before that?

Mr. Williams: No. Those numbers have remained constant over the past few years. The environmental SWAT team had its genesis a few years ago. It has been realigned into the sector compliance branch and we have the same number of resources devoted to it today.

**Ms. Scott:** How many orders of non-compliance were there last year?

**Mr. Williams:** For work that the sector compliance branch undertook?

**Ms. Scott:** Yes. Is it up? Is it down? You say you have the same number of inspectors under a different name than SWAT team; that's fine.

Mr. Williams: I can tell you that in our sector compliance branch—first of all, I should say to you there are essentially two instruments that we use. One is a ticket. Sometimes we get parking tickets and stuff that you get written out—very similar. Our staff in the sector compliance branch can issue tickets. The other thing they issue in terms of an abatement instrument is called an order, and that's a much more formal thing, where a provincial officer actually issues a very formal order that requires certain things to be done in certain time frames. Those are the two abatement tools that the sector compliance branch staff use.

I talked to you about ICI waste. They've been out there taking a look at the ready-mix and cement operators. They've been to the plastics industry. They've been looking at some metal plating work that's gone on this past year. In previous years they've been to some of the waste industries in the haz-waste sector.

The work that we're undertaking this year: We're going to take a look at permits to take water. The minister referenced a program under that, and we instituted a number of changes to that program a couple of years ago, so we're going to go out and check the compliance with that. We're going to complete the 250-odd inspections we want to do in the industrial, commercial and institutional sector. We're also going to look at waste transfer and processing sites. That's going to be a little bit of our focus this year, and I mentioned our further work with the cement sector.

The other thing those officers do, apart from the two abatement instruments they can use, is a lot of education and outreach. So when we go out, we learn some lessons from things. We will work with the heads of the industrial sectors. We will try and partner with them, we'll try and get involved in annual association meetings, that sort of thing, so that we can drive better compliance. Generally, when the sector compliance branch folks go out there, they go into sectors where we might expect there to be higher risks of non-compliance. Do you want the two figures?

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Ms. Scott: Yes.

Mr. Williams: Basically, the staff in 2004-05—I have it for the last couple of years—in the sector compliance branch issued 29 tickets and 118 orders on the work that they did. In 2005-06, 13 tickets were issued and 136 orders were issued. In addition to that, there is a lot of work that's undertaken when they go in. As I said, they do outreach, they do education, but they also get what we call voluntary compliance when they go into facilities: "Look, we'll fix this. That's not a problem." They make a commitment to us, and our folks follow up on that too. So there's a significant amount of voluntary abatement work done.

**Ms. Scott:** It's investigations and inspections I'm asking about. That's correct? It's okay to ask you that question?

Mr. Williams: Sure.

Ms. Scott: Do you feel you have enough inspectors and investigations? What I'm trying to get at is, do you

have enough staff? You're increasing your investigations and inspections. Are you increasing from when you were—and do you have enough staff?

Mr. Williams: Yes. Well, let's talk a little bit, if I might, for a moment. There's more than the sector compliance branch. I have 15 district offices across the province. There are a lot of district inspectors in those offices too. I don't want the committee to think, why are there just 30 staff out there doing things across the province? As a matter of fact, in my division I have about 233 staff. I have 190 officers who exist in the districts. I also have more officers who are doing the nutrient management programs—we're getting into that, which I referred to earlier; 30 sector compliance branch staff; and then I also have a further 12 Ontario Smog Patrol staff. That's just my division.

There are two other divisions that have inspectors: The provincial chief drinking water inspector, whom you just heard from, has 95 inspectors in his organization; and my colleague in the environmental science and standards division has a further six inspectors to do the laboratory inspections. That's quite a significant amount of inspection capacity and horsepower, if you would, in our ministry.

The other question you asked me was around investigations. I have 77 investigators. They all reside in my division. They're under what's known as the investigation and enforcement branch. Their role is to take the information from those abatement instruments that the other officers would issue to facilities or companies, and when they're not followed up, we do what we call a referral to the investigators. The investigators will go and conduct an investigation, and that leads to prosecutions, court cases etc. So that's just the overarching thing.

You also asked about inspection numbers. The inspection numbers fluctuate year from year, depending on the priority and the focus we put into the number of inspections we want to do. Earlier I talked about the high, moderate and low categories, the three categories over which our district managers and their staff spread their inspections out. Our district inspection program generally runs 3,000 to 4,000 inspections a year. The sector compliance branch adds several more hundred inspections to that

We also have other work that doesn't count as an inspection but provides safeguards for the public. The Spills Action Centre was mentioned a minute ago. We get about 10,000 pollution incident reports that come into that, and that is where the public calls in on the pollution hotline to say, "I see this industry belching smoke out here," or "I see something in this creek." All of those are followed up. When I say we do 3,000 to 4,000 inspections, we don't count them as an inspection; we count them as follow-up to an incident report.

There are approximately 6,000, 7,000 or 8,000 notifications that come to our same inspectors each year. Those notifications are when industry is required to let us know if they have an exceedance in their certificate of approval. So there are literally tens of thousands of times

that inspectors touch things, go out, look at things and follow up. But to count as a formal inspection, that's where we've been around 3,000 to 4,000.

The Ontario Smog Patrol: You may know that in the past it's gone out; it pulls vehicles over. They try and get these smoking vehicles. We've been out to taxi fleets. We've worked with other police organizations to deal with street racing, for example, and we've done some of that stuff.

Pulling over vehicles and checking for proper pollution control equipment and to make sure that it's working and that the Drive Clean test has been done, all that sort of stuff: The 12 inspectors can accomplish thousands of them. Literally, we do 3,000 to 4,000 a year in that. So the numbers over the years have been adding the districts at 3,000 to 4,000, plus another 4,000 on smog patrol, getting you what I formally record as about 8,000 inspections. Some years it's 10,000, some years it's 7,500; it fluctuates.

Ms. Scott: It fluctuates with inspections, investigations. What I hear mostly on the ground is that there is not enough front-line staff, I mean constantly. Is there less front-line Ontario public service full-time-equivalent staff than the last few years? Just yes or no; you don't have to give me the figures. That's what I hear constantly.

Mr. Williams: My division is about the same or slightly increased. I have a division of roughly—I don't know, my CAO will probably shoot me because there's a number that we have in the thing. I like to say it's about 1,000. I believe it's 952. My official count is about 952. Much of my division is the field operating arm of the ministry in the district and area office. Jim Smith, our chief drinking water inspector, has another 100 or 150 staff out in the field. It's well over 1,000 staff in frontline, direct program delivery, and that number has increased. We added 95 drinking water inspectors that we never had before. We added more investigators that we didn't have before. Recently, we put nine or 10 dedicated agricultural environmental officers into our division, at the start of this year. There has been slight upward growth in the front-line face of the ministry out there in the field.

**Ms. Scott:** If that has grown, and the ministry spending has been down, has more money been put into human resources and less into programs, then?

Mr. Kivisto: Maybe I can comment. The emphasis in the ministry is on front-line staff, so any of the efficiencies and savings we're looking for were in the administrative area, accommodations stuff, projects that were finished, like the IT things. So the reductions you saw in the budget, I was explaining earlier, were work that's been finished, and then there was a general efficiency target across the government, across all ministries. Our focus there has been to generate from IT savings by consolidating servers, by looking at accommodations. Preserving front-line staff is absolutely critical.

The 13 regulatory ministries work together through the inspection, investigation and enforcement secretariat. That secretariat pulls together some legislation that's before the House to look at how it can improve the information-sharing and the ability for compliance staff to work better together so there are some policy proposals before government to consider. That will help ministries do their job even better. Within every ministry we do the best we can to deploy our resources to priorities and preserving front-line activity, because that's where a good part of the field work compliance activity has to take place. By getting better collaboration across ministries and removing legislative barriers to that, you can allow information-sharing around compliance and planning purposes. That legislation is there, and hopefully over time we'll see some progress on that, because that would be tremendously helpful to all the ministries, including the Ministry of the Environment.

**Ms. Scott:** I'm going to ask a specific question. I don't know who can answer. In Cambridge there's Northstar Aerospace. It's a situation where a manufacturing firm located in Cambridge, and it's a successor in title and business of the local firm established decades ago. In 2005, there was a plume of toxic chemical TCE in the ground, discovered spread into some residential areas.

Just a matter of process: The MOE sent a mediator down there. Maybe you can fill me in on more of the details, but the city of Cambridge had to pay for that facilitator. What is the process at the MOE? Why did the city have to pay, and what happens in a situation like that? What's the MOE's responsibility in that?

Hon. Ms. Broten: Sure. I know that ADM Williams has a great number of the details with respect to the situation in Cambridge. I myself have met with the mayor of Cambridge, met with your colleague on this file. It is an area where the ministry is very much engaged, working closely with the community, the former landowner and the variety of issues that the community is examining right now. Perhaps we can have some more details with respect to what I think was a creative and very forward-looking approach that the ministry took in this situation to use the skills and resources and expertise that we have in the ministry which the municipality and others might not have had. We brought our expertise to bear.

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Mr. Williams: It is a challenge to deal with the contamination that has occurred there. I'd just like people to be aware that as we start down the path there are a number of different ways we deal with contaminated sites in the province. One of them is to be able to hold companies accountable when they cause a spill to the environment and to be able to ensure that companies work to clean that up.

What's good, if there is a good about this case, is that the company has recognized its responsibilities. This is not a situation of contamination where we will have to look to other sources. We have an emergency fund known as the environmental cleanup fund, where we tap into the taxpayers' dollars to try and go out and clean up contamination from some of these sites. In this case, the company has nobly recognized its responsibility and said, "There's a mistake here and we're going to fix this."

The TCE contamination that has been found to be in groundwater, seeping underground in some residential areas, has understandably got a number of people who live there guite concerned. The company, along with the ministry and the city, took a stab at striking a community liaison committee, trying to use that as a venue to share information and to make sure people knew what remediation was going to be available for their homes and properties. That attempt didn't really succeed, which is why we wound up with the mediator, the facilitator, that you are speaking of. It was a suggestion that we try and bring someone in who is skilled at bringing parties together when there's a lot of disagreement. We really wanted that to succeed, quite frankly, because there are situations where you just don't get the person responsible for the pollution stepping up to the plate and others are left holding the bag.

We really wanted this thing to work. It has met with a lot of success, having the facilitator try and bring people together. In fact, there is a proposal that's coming before city council in the next couple of weeks, I believe, which would see a mediated process be made available, be confirmed by the city, with our ministry's support, to the residents. There are a handful of residents who are saying, "Look, we don't think we're getting what we need here," while the vast majority is saying "The company is doing the kinds of things we want to see done there."

Our role in this is to make sure contamination is cleaned up and that the residents in that community are protected, and we think the facilitator and the mediator, the way it has been struck with the support of the community, are going to respond to the residents' concerns there quite effectively.

**Ms. Scott:** Are they going to be able to tap into the environmental cleanup fund—the municipality, which is already on the hook for the facilitator, and the company—for the cleanup? Is there a cost-sharing there?

Mr. Williams: The environmental cleanup fund, as I mentioned, is a fund of last resort. Always, our ministry and our staff try very hard to hold the parties accountable for the pollution responsible for paying. So the cleanup fund is not applied to this case. There are a number of projects in the province that we do apply it to, and I can discuss them sometime if you'd like, but it's not applicable to Northstar. Northstar is funding this, and I believe it has been agreed that the mediation costs be shared between the municipality and Northstar. What we're putting into it is that the province will put its best scientists, engineers and specialists as part of in-kind service into that mix to make sure the right solutions happen.

**Ms. Scott:** Does somebody from the Ministry of the Environment staff go and do inspections occasionally?

Mr. Williams: Absolutely.

**Ms. Scott:** Not on site all the time, just as required?

**Mr. Williams:** The Guelph district manager has her staff there. There are staff totally devoted to this file and to this particular cleanup case.

Ms. Scott: I have one more minute left. I wanted to ask about Carp. The city of Ottawa has made some motions recently and has not been very complimentary about provincial guidance regarding expansion to the Carp dump and ICI waste. Do you plan to make any response? There have been some motions passed by the city of Ottawa.

**Hon. Ms. Broten:** The Carp landfill is a proponent-driven application process under the environmental assessment. I can be corrected, but I believe the terms of reference have not even been received by our ministry.

Interjection.

**Hon. Ms. Broten:** We haven't? Right. We don't even have terms of reference.

I think it's really important to put in perspective what is taking place right now. A proponent has indicated that they want to expand the landfill. They're undertaking some community consultations. Various folks are putting their oar in the water and indicating a variety of different perspectives. The ministry gets involved when we have terms of reference to review or approve or amend or what have you with respect to the environmental assessment.

**Ms. Scott:** You've seen the motions that Ottawa city council made with respect to the ICI waste diversion. They felt there wasn't provincial leadership. Are you going to be responding to any of the requests from the city of Ottawa?

Hon. Ms. Broten: We have responded to the challenge that this province faces with respect to ICI, and we talked about it earlier this morning. Unfortunately, for more than a decade, since regulations 102 and 103 were put in place, enforcement was not undertaken. There was basically a clear indication, as a result of decisions made by the former government, not to pursue and enforce ICI diversion. That's not the case any more. We are enforcing ICI diversion. We are going to ensure that the law of the land is adhered to. As Mr. Williams indicated, we are undertaking inspections, and we have mechanisms for penalty and otherwise under that regulation. But we are also working with those in the ICI sector to bring them to an understanding of what they can do to find out what barriers exist for their ICI.

Unfortunately, the two issues, ICI and Carp, are being commingled when they're really not relevant one to the other. Yes, we need to do ICI enforcement. Yes, it wasn't done in the past. We are doing it now. Carp could be—we will see, perhaps with the terms of reference coming forward. That will be examined under an environmental assessment process. The ministry will ensure that every bit of science is examined and that human health and the environment are protected if the proponent is allowed to move forward with that. But we are at the very early stages of the Carp landfill proposal. We don't even have terms of reference at this point.

There might be some clarification.

Mr. Williams: The minister is quite right. The terms of reference are out for public discussion locally around

that. The city of Ottawa capitalizes on five landfills in eastern Ontario to dispose of its waste. Because the Carp landfill site can take both ICI waste and municipal solid waste, there seems to be some question as to the need for this particular landfill to expand if there were other efforts going on in the ICI arena. The application will be filed, and we'll deal with this.

**The Chair:** Thank you very much. Mr. Tabuns.

**Mr. Tabuns:** We left off at allocation of funds to municipalities in order to actually enforce the Clean Water Act when the assessments are done and source protection committees are in place. What are your plans?

Hon. Ms. Broten: As evidenced by the announcement of our fund last week, I think it's clear that we don't expect municipalities and individuals to shoulder the costs alone. As I indicated at the time of the announcement in my statement to the press, the initial funding was the first stage of our commitment to rural Ontario. As we have always said, as municipalities and communities complete their source protection plans, we'll have a better understanding of what the costs of implementation are and how to effectively direct sustainable funds to address that. But at first instance, we will have money made available so that we can get early implementation measures undertaken even before we have a full and clear understanding of all the scientific information that's going to come back to us.

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Mr. Tabuns: You currently monitor drinking water systems. Will you be monitoring the performance of these source protection committees and seeing that in fact the source protection committees and the municipalities responsible for enforcement—will you be monitoring to see that water sources are protected as has been envisioned in development of the act and, frankly, in Justice O'Connor's report?

Hon. Ms. Broten: As you know, under the Clean Water Act—oh, here you are. I was going to suggest that Ian Smith might have more detail for you. As you know, the act provides a very detailed established system and protocol as to who would be on a source protection committee, how it would work, what work they would undertake, what plans of action they would identify, the level of risk that would be identified, and how those plans would eventually make their way through to me for approval, depending on the level of risk. It's a very—

Mr. Tabuns: Maybe I should be clear on my question.

Hon. Ms. Broten: Okay.

Mr. Tabuns: I'm assuming that once the assessment has been done, once you've reviewed it, once you've approved a source protection plan, municipalities will be enforcing that source protection plan. Will you be monitoring the work of the municipalities to ensure that they're following through and that water quality is being protected? If so, can you tell us the level of resources that will be allocated to that monitoring?

**Hon. Ms. Broten:** Absolutely, we will be continuing to monitor that. It's not our goal to put in place source

protection for the purpose of doing it, to say we did it; it is our goal to do it to ensure that Ontario has the best-protected drinking water in the world. That's our commitment, and that's what we intend to undertake.

We do think it is important, though—and why the Clean Water Act was structured as a community-based model—that it be driven more from the community than from a top-down enforcement, from our perspective, coming in and we being the sole voice as to wanting to ensure drinking water is protected.

I'll just ask Ian to provide you with more details.

**Mr. Tabuns:** I picked that up during the last two days. Will you be watching over to see that they're actually following through on source protection? If so—you're nodding your head, which is really useful to me.

Mr. Ian Smith: It doesn't show in Hansard, though.

**Mr. Tabuns:** That's a shame. Well, I know you'll get to the verbal part.

**Hon. Ms. Broten:** He's going to get his chance right now.

**Mr. Tabuns:** Can you also tell me the scope of resources you're going to allocate within the ministry to do that? One staff person, 10, two?

Mr. Ian Smith: As the bill finished clause-by-clause only yesterday, we are still thinking about what our compliance framework will look like for a mature source protection plan and how many resources it will take to monitor compliance. But we felt, through some of the amendments made to the bill, that we had a good structure so that staff could be tracking key, if you will, risks. Much like we heard earlier about the risk-based inspection process, we will follow the same or a similar model. Then we will have to go through a cognitive approach to look at how many risks there are, how many municipalities there are and how many people it will take to properly watch for the implementation to occur.

**Mr. Tabuns:** So you haven't done an estimate?

**Mr. Ian Smith:** We have not done that estimate, given that the bill was only finalized in committee yesterday.

Mr. Tabuns: I have a question, then, for the minister on a different topic. What are we spending on Great Lakes cleanup, and where will I find that in your Results-based Plan Briefing Book?

Hon. Ms. Broten: Let me just turn to that section. Obviously the work we are doing with respect to the Great Lakes flows in in a number of areas and flows in in more than one ministry, and also from a number of pieces of legislation or agreements. Under the Canada-Ontario agreement, there's work being done. Under the Great Lakes water quality agreement, under the Clean Water Act, more work to do and more opportunity to do work with respect to the Great Lakes.

Also, the Ministry of Natural Resources and ourselves have responsibility to work with respect to the Great Lakes. It's the Ministry of Natural Resources that had the lead with respect to the Great Lakes Charter Annex and diversion. Then there's the level of the federal involvement and engagement. As it should be for such a great

jewel in the province, there are lots of groups involved in the management and protection of the Great Lakes and lots of levels to that. I'll just turn to Michael Williams to respond directly and then maybe to Allan on the budgetary issues.

**Mr. Williams:** I have the budget for COA, the Canada-Ontario agreement. Ontario's portion is a commitment of approximately \$50 million, and I can tell you that when we finish—

**Mr. Tabuns:** Mr. Chairman, I'm sorry. Can I find numbers corresponding to that in this document?

Hon. Ms. Broten: On page 39.

Mr. Tabuns: Page 39? Okay. Keep going.

**Mr. Williams:** With respect to the Canada-Ontario agreement, and this applies to MOE and MNR, the government's commitment was \$50 million.

**Mr. Tabuns:** Sorry, five-zero million or one-five?

Mr. Williams: Five-zero million.

Mr. Tabuns: Okay. Page 39 has \$18 million.

Hon. Ms. Broten: Okay, let me start, and I will let it go back to Mr. Williams afterwards. The province committed \$50 million over five years. As part of that five-year, \$50-million envelope, we provided \$14.2 million in 2005-06 and \$4.4 million in 2006-07. When we talked earlier about a reduction or an examination of the water budget, looking like there was a significant reduction, part of it is as a result of the fact that year over year we have had significant spending with respect to our commitments under COA. But COA is coming to a conclusion and has not yet been renegotiated, and as a result funding has not been committed to an as-of-yet not renegotiated Canada-Ontario agreement. That's one aspect.

There are extensive expenditures of funding with respect to areas of concern associated with the Great Lakes, and I think that is something that ADM Williams can also talk about. Those are all the areas of concern all around the province where expenditures are put in place to tackle critical issues.

Mr. Williams: The information that I have, sir, is about where the \$50 million went over the last five years. But with respect to your question about where it is in here, it's in the water budget, it's in capital and operating. I can tell you that for this year the total budget is \$4.5 million, which we will spend in the final year. There was earlier reference and the minister herself referenced the \$10.6-million reduction until there's a new negotiation occurring. So the total funds that will be expended by MNR and MOE this year for COA is \$4.5 million, and it will be spread across the four Great Lakes, into projects. We have, in my division, what we call a Great Lakes adviser for each Great Lake, who works with Environment Canada, MNR, local conservation authorities, sponsors, the pulling together of projects on a partnership basis. They're put into a pool, and decisions are made on which projects are to be approved throughout the year.

**Mr. Tabuns:** Do we have a budget for the overall cost of carrying out a full remediation of contamination in the Great Lakes?

Mr. Williams: The only way I could answer that on a project basis is, for example, I could go back into our records and find the Cornwall sediment remediation project in the St. Lawrence River, which was successfully completed this year. I could go back into the books and tell you what was allocated and spent on that project as part of the COA commitments. I can do that on a project-by-project basis; I'm sorry, I don't have a total roll-up.

Mr. Tabuns: I guess what I'm asking, so it's clear for you to answer, is, if we're spending \$50 million, I'm assuming that will address a variety of problems. My guess is that there is a larger scope of problems that exist out there for remediation that will have to be addressed over time. Do we have an estimate of the total value of the remediation work that's necessary in the Great Lakes that remains to be addressed by Ontario and Canada?

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**Mr. Williams:** I don't have such an estimate, sir. I'm sorry. We may have some estimates if we were to go back with our colleagues at the federal government level and look into things. I'm not sure that such an estimate exists, to be perfectly honest with you.

I co-chair COA with a federal government colleague of mine at Environment Canada, and we gather all the projects. There are four annexes to COA, one of which deals with remediation. So, for example, annex 1 is the areas of concern, and that's where you get into the hot spots in the Great Lakes. We try to eliminate the areas of concern. During the currency of COA, this time the Severn Sound one was delisted, and we're very close to getting there with Nipigon, with the money that's flowing to the Nipigon sewage treatment plant up north. So that's the first annex.

The second one is harmful pollutants, and that's where we try to reduce the amount of harmful pollutants and the discharge of toxics into the Great Lakes. So there's a series of projects on that.

The third one is lake-wide management. We have a number of lake-wide management plans with different goals and objectives to achieve better management of the lakes.

The fourth one is monitoring and information management. That's the provision of scientific monitoring around how our efforts are achieving results out there.

So remediation projects fall under the areas of concern, particularly annex 1. There's a number of areas in the Great Lakes that have been targeted, and we do have estimates. I'm sorry, I don't have it right now, but, for example, we know the main stumbling block for us to delist Nipigon is to get that community onto a really good secondary sewage treatment plant. Some money has flowed for that.

Spanish harbour: There are some challenges. Wheatley: There are some challenges there. So we do know, at that level, what our best estimate is to try to remediate the hot spots.

**Mr. Tabuns:** Then I'd ask that you provide us with a list of those hot spots and an estimate of the total value of cleanup.

**Mr. Williams:** I'd be pleased to do so. So we'll take a look at the areas of concern that exist under the COA program, and I'll be happy to provide that.

Hon. Ms. Broten: Just to put a rubric on it, the Great Lakes water quality agreement is expected to be examined and completed by spring 2007. That's being undertaken by the federal-government-to-federal-government level, but we are engaged, and our Canada-Ontario agreement comes under that.

I also think, given what ADM Williams talked about in terms of one of the challenges in some of our communities being sewage treatment plants, the Ministry of the Environment has been working very closely with public infrastructure renewal on a strategy to fund priority sewage treatment projects in the Great Lakes as part of the Canada-Ontario rural infrastructure fund—so COMRIF—and another fund, CSIF. Under COMRIF, Nipigon and Prescott received funding to upgrade their primary treatment to secondary treatment. In the second round, we're going to see South Dundas, Renfrew and Amherstburg receive funding. It's from a different ministry, it's a different pool of funding, but it speaks specifically to the challenge of the Great Lakes by delivering funding to upgrade sewage treatment facilities.

Mr. Tabuns: Thank you. Moving a bit away from water but still staying with contamination, on page 56 of your Results-based Plan Briefing Book, you have "waste capital" and a list of current long-term projects: Deloro mine site, Randle Reef, the Smithville PCB site remediation. I guess the first question is, how long are these long-term projects going to go on? How long have they been going on? How long will it take to clean them up? You've allocated almost \$7 million in the current budget. What's the total value of the cleanup list that's on this page?

Hon. Ms. Broten: These are the sites that ADM Williams was talking about before, where there is nobody else to turn to. These sites are not posing an immediate risk, an immediate threat to the community. There's not migration off site. We're not immediately concerned about health concerns, because we have other mechanisms to respond directly to something like that. These are your long-term sites that need a lot of work to clean up. Perhaps ADM Williams can give you some more details, but they are the ones where we are working each and every day to tackle a situation that has existed, in many instances, for a very, very long time.

**Mr. Williams:** The examples that are discussed here are ones that we have been dealing with for quite a while. I'll run through several of them, briefly.

Randle Reef, Hamilton harbour, out near the steel mill—significant historical contamination at the bed of the harbour there. We've been working with Environment Canada and the port authority. We've funded an engineered plan to look at a containment facility to remediate that. The cost for doing the remediation there will be in the tens of millions of dollars. It's a very expensive project. As I know you can appreciate, looking at that number, that won't be enough to do it but the costs

are shared across a number of different jurisdictions with respect to Randle Reef. In our budgetary process, we will have an opportunity to make the request known to the province for what monies we will need to put our share forward in the future. We're just at the early stages of doing the plan, so we don't know the total cost there yet.

**Mr. Tabuns:** So is this the same as the list of hot spots that you were referring to a few minutes ago?

**Mr. Williams:** No, sir. These are sites for which we are unable to secure funding and find responsible parties to go and clean up what I refer to as Ontario's environmental legacy. These are some of the legacy sites.

The next one that's on the list is Deloro. It's in eastern Ontario near a small town called Marmora.

Mr. Tabuns: Yes, I know it.

Mr. Williams: You know it. That thing was an arsenic and gold mine that operated from the late 1800s, early 1900s, and it has come back to the province. There is an arsenic treatment control plant that we've put in place. We've spent a lot of money to try to contain. As the minister said, we want to make sure with these sites that we are containing and controlling the discharges and the problems, the pollution, as much as possible.

Deloro, right now, is on what we call a pump-and-treat system. We extract the stuff, we treat it, then pump. A long-term fix in Deloro—tens of millions. We are at the stage where we've completed much of the engineering. We have the current protective measures in place. We'd like to find a long-term solution. We're going to have to come back to government at some time down the road in the future when we figure out the costs of that long-term engineered solution.

Smithville is a very interesting story. Smithville was a property in an industrial park where there was a business that processed and extracted PCBs. Unfortunately, that company left us a sordid environmental legacy. The PCBs leaked through that facility; they're into fractured bedrock. We have spent \$50 million over the years, pumping under the groundwater to keep the PCBs from migrating any further from that site. We've had experts come from all over North America to advise us on it. We've had an expert panel of scientists look at that and their best advice: "Maintain that pump-and-treat system, because there is no known practical technical way to get all of that stuff out of the ground right now." That's why I referred to that fund earlier as the fund of last resort.

So those are the kinds of problems that we use that fund for.

**Mr. Tabuns:** This budget is to try to mitigate further damage rather than to clean up at the moment. Is that correct?

Mr. Williams: Actually, some of it is to mitigate where there is no potential solution other than to mitigate, like at Smithville. The other part of it—there are a couple of other projects under there, like Port Loring and Beckwith. Projects like that are designed to remediate and find the final solution. Port Loring is a small community up south of Parry Sound. There was a gas station there years ago that contaminated some wells. So

we've taken some money from the cleanup fund. We're working up there to get a water treatment facility so we can provide the 60-odd residents up there with a solution. We're very close to a final solution, and then Port Loring will come off the list.

Beckwith is a community near Carleton Place in eastern Ontario where a plume of contamination got under some rural residential properties. We are working with the municipality there. We provide alternative water supplies to make sure that people have safe drinking water there, and we've got a long-term solution ready to be put in place, which is permanent water treatment in the homes that are impacted by the plume, maintained by the municipality, so that we won't have problems with people not changing filters, that sort of stuff. Beckwith will be done probably in the next fiscal year.

There are projects that you would see, sitting on this committee. We keep mentioning the Deloros and Smithvilles of the world to you as we go through, and we spend maybe \$100,000 on a study or a quarter million dollars this year until we get to moving a final solution, or we get the Beckwiths and the Port Lorings that are in and then they're out when they're fixed.

Mr. Tabuns: Okay. Thank you for that.

**The Chair:** Thank you very much. I'm going to recognize Mr. Brownell.

We are going to move very quickly through an unusual rotation to accommodate some people's schedules. We're going to do a few minutes with the government, then I'm going to recognize Ms. Scott in rotation and then back to Mr. Tabuns, if that is fine.

**Mr. Tabuns:** So how many minutes—

**The Chair:** Trust me, it will be equitably done. They're stopwatching me in the House leader's office, so I'm not worried about that.

Please proceed, Mr. Brownell.

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): Thank you very much, Mr. Chair, for this opportunity to ask a question. Mine relates to the Drive Clean program.

Certainly, after I got elected, and up until last year, I had heard a lot from constituents in my community about the Drive Clean program and problems with it, etc. It was late last year, if memory serves me right, that changes were made to that program, especially in the area of fraudulent practices.

I wonder if you could relate to us what improvements you've seen in this program, and basically alert us to how the program has been improved.

Hon. Ms. Broten: Great. I'm very pleased to have a chance to talk to you about the steps we've taken to respond to fraudulent issues that had come forward with respect to Drive Clean and also, importantly, to modernize a system that had been put in place—again, to follow through with an approach that we have at this ministry, which is to spend our resources wisely, and on those vehicles and emitters which are most likely to pollute.

I'll turn the podium, so to speak, over to ADM Griffith, who I think has called in some backup as well to

respond specifically to what steps we took to tackle this very serious issue of fraud, and why we know it doesn't exist anymore.

**Mr. Carl Griffith:** Thank you very much, Minister. For the record, I'm Carl Griffith, ADM of the sciences and standards division in the ministry.

The Drive Clean program has introduced—if I can start it at a high level about the changes we've made in enforcement and compliance in general, and then perhaps I could turn it over to my colleague Greg to talk directly on some of the fraud investigations that have been going on.

We made changes to the legislation, which allowed for faster and quicker response by the ministry when we discovered issues of non-compliance or fraudulent behaviour. The penalty levels were increased so we could take stronger action when we found difficulties. We've made improvements to our databases and the databases of the Ministry of Transportation that works in partnership with us in order to tighten up there, so we can stop things at the source. We've introduced bar-coding so that duplicate paper certificates will not be accepted. We've been able to stop it there.

In general, we've made a number of overall improvements to allow us to take action faster and so that penalties are stronger, as well as using information technology improvements to stop some of these fraudulent behaviours at the source.

Greg, I don't know if you'd like to add anything.

**Mr. Greg Sones:** Yes. My name is Greg Sones. I'm director of the investigations and enforcement branch.

The ministry has taken sort of a multi-pronged approach to deal with the issue of Drive Clean fraud. First of all, we strengthened the regulations, and a regulation was brought into effect late last year which made it a specific offence to create, distribute and use false Drive Clean certificates. That was part of the step, just to make it clear and provide the enforcement branch with stronger legislative tools to deal with the issue.

Secondly, the Drive Clean program itself implemented a number of business process changes designed to deal with some of the root causes and some of the things that had been identified through our investigation processes, in order to deal with the Drive Clean fraud. Those changes have now started to take effect, in terms of information technology changes and new security provisions to deal with the issue of Drive Clean fraud.

The third part is a proactive enforcement strategy. I can't go into all the details, because some of these matters are still before the courts, but I would like to highlight for the committee's attention a couple of particular situations.

First of all, the ministry, in partnership with the OPP, launched a major investigation back in 2005 to look into Drive Clean fraud and some of the individuals who were behind it. As a result of that investigation, eight individuals have been criminally charged for distributing and producing fraudulent documents. Those charges are currently before the courts, so I can't really speak beyond

saying that those matters are still before the courts. That was a very successful investigation that was done both by the OPP and the ministry and has greatly assisted us in dealing with this issue.

The ministry itself is also undertaking a number of additional projects designed to address Drive Clean fraud, and certainly in the last year or so we've been following up on things that the Provincial Auditor had identified. That has led to prosecutions and convictions. In 2005-06, we've laid charges in 18 cases and during this time there have been convictions in 12. For the first quarter of this year, we've laid charges in 12 cases, and over this period of time we've also had convictions in eight cases. So the level of enforcement has also significantly increased during this period.

**Mr. Brownell:** Thank you very much. You've answered my question very well.

Ms. Scott: So many topics with the environment—we'll turn this one to sludge. Michigan has already closed its border to sludge. We're sending some to Quebec. I believe it's the EMS's Quebec capacity. We know that in a couple of years Quebec's projected generated sludge is going to take that capacity up. What's going to happen with the sludge that's being sent there at present when the current contract ends? Are we looking at places? Is there a plan to deal with Ontario sludge in Ontario?

Mr. Kivisto: Maybe I can respond, Minister. I've been working very closely with the public service at the city of Toronto on the sludge issue. They are the ones who are working hard to find solutions for their sludge. They have a number of contracts that they recently landed to deal with it. They're refurbishing a plant that burned a couple of years ago. They plan to get it back on stream for pelletizing their sludge. It's one of the other things that the municipality is responsible for doing. Our goal is just to ensure that if there's anything they need from the ministry, we're aware of it and we're ready to help facilitate approvals or certificates or anything else required.

At this stage, they have a plan for moving forward and continuing to work for additional options. In this case, we've been in contact with Toronto. I was talking to them at one stage as the landfill in Michigan chose to ban—it wasn't the state, it was the landfill, the private sector operator, as part of some arrangement they had locally. We worked very closely and intensely with Toronto to make sure that anything the ministry needed to do to facilitate our responsibilities in terms of reviews and approvals was done. They have found solutions and effectively stopped shipping their sludge and sewage sludge into Michigan and they've assured us they have other contracts in place to continue dealing with their issue.

**Ms. Scott:** Toronto's looking at where to deal with their own sludge. They're looking at a site-specific thing. Certificate of approvals—do they have to do an environmental assessment for this new spot?

**Hon. Ms. Broten:** I'll ask Michael to answer your question. As you indicated, they have—and we only have

knowledge of who they negotiate with when they choose to tell us. They don't have an obligation to tell us. But the operators would be required to have certificates of approval to undertake those operations here in the province. We would inspect, and maintain and ensure that any operations with whom anybody contracts that do exist in the province are undertaking their business in a manner which abides by our stringent standards with respect to operations.

Mr. Williams: The pelletizer, when it's operational, will operate under a certificate of approval that, as the minister has said, will meet strict standards, our strict environmental standards. Certificates of approval will also be required should there be any land application, and many municipalities, as well as the city of Toronto, do land-apply. So there are certificates of approval that are required. We call it a systems certificate of approval that manages the entire system, and then there are site-specific approvals which the minister referenced, where we have inspectors who go out and check them to make sure that the appropriate setback distances are followed up with etc.

1530

**Ms. Scott:** Is Toronto sludge the only sludge capacity we're looking at right now? Are there other municipalities that are looking for new locations for disposal of sludge? Do we know of any?

Mr. Williams: Not that I am aware of, but I can tell you basically that with the municipal biosolids that get generated in Ontario, there's a variety of ways and means of disposing of them. Approximately 40% are landapplied, 50% find their way to landfills, and 10% are incinerated. That's the current range of methods of dealing with these, and Toronto, as the deputy has alluded to, has its own plan to deal with its sludge and biosolids.

**Ms. Scott:** The expert panel report on SoundSorb has been out. When do you plan to implement the recommendations?

Hon. Ms. Broten: As I've indicated, we have indicated our absolute commitment to implement the recommendations of the expert panel to ensure environmental protection. There is more than one so-called product at issue. As we examine the issues associated with SoundSorb, we need to take a look at issues that may be associated with another product known as NitroSorb and any other potential product that may exist in and around that rubric of products that currently does not fall within our regulatory scheme. One of the things we're doing is looking right now, as we speak, at regulatory options to ensure that we can properly manage those products in the future in the province.

With respect to the Pelham site, which has the product SoundSorb, we've been working very closely with the community in Pelham regional office and those in that part of the province have been working very closely with the municipal leadership, attending meetings, attending on the site, ensuring that water and any of that product are not flowing from the site and generally taking all the steps to ensure that the community is safe and protected from harm.

I have met with municipal leadership and indicated to them that one of the things the ministry undertook with one of the manufacturers of this product, Atlantic Packaging, was getting the company to voluntarily agree to abide by the recommendations of the expert panel. If you've been reading the press, recently I was very proud to see that municipal leaders in the Pelham area undertook this potential negotiation with Abitibi. In my last meeting with them, I suggested that might be something they could do on our behalf and on behalf of their community, because to date we've not had success gaining that voluntary agreement from Abitibi.

These products are ones that we watch very carefully and we are currently in the process of determining the best route to ensure that we meet the expert panel recommendations for these two products and anything else that might arise. Once you regulate a certain product, sometimes ingenuity develops another product, and we want to make sure that our regulatory scheme captures any potential products out there as well.

**Ms. Scott:** I appreciate the voluntary co-operation that has existed down in the Pelham area. I know my colleague Tim Hudak and the NDP—

**Hon. Ms. Broten:** There hasn't been voluntary cooperation in the Pelham area. Atlantic Packaging product goes elsewhere in the province, but the regional leadership in the Pelham area is seeking out that voluntary cooperation from Abitibi right now.

**Ms. Scott:** Okay. Back to the voluntary thing, then: I appreciate what's been getting done, but do you have a timeline that you could give us when we might see some changes in regulations in response to the expert panel report on SoundSorb?

Hon. Ms. Broten: As I just said, any amendments would be to regulation 347. We are working very hard right now to examine the regulatory options that may be most appropriate to best manage both SoundSorb and NitroSorb, and any other materials containing pulp and paper biosolids that may be produced. Once you regulate one product, you may see another product produced. We want to make sure that we don't replicate the errors in the past whereby you create, perhaps unexpectedly or otherwise, an opportunity for someone to not abide by regulation.

**Ms. Scott:** I didn't really get an answer, but you're working on the regulation changes.

I wanted to ask about what you're doing on land application of untreated septage. Do you have a deadline to do this? I believe there was a deadline of 2007 for land application of untreated septage. It was to stop by then. Can you bring us up to date on that, please?

Hon. Ms. Broten: We have indicated that we want to see an end to the spreading of untreated septage in Ontario. There has been no date put in place as to when that would occur. One of the challenges that exists in what I believe is not controversial, that untreated septage should not be spread, is that there is not treatment capacity at municipal sewage treatment plants or we have not yet landed on a viable option.

We have a number of pilot projects under way right now because there have been identified a number of mechanisms of treatment of septage: (1) You can build treatment capacity in terms of municipal treatment capacity; (2) you can use processes such as lime stabilization, dewatering with composting and septage lagoon treatment, and a variety of other things.

In 2004, the ministry facilitated a pilot project in partnership with nine municipalities in Grey county to develop a county-wide septage management plan that could be used as a model. Most recently, we've been undertaking consultation with the Ontario Association of Sewage Industry Services and working with a number of municipalities, primarily in rural Ontario, no doubt, where this is a significant challenge.

We also recently provided from the Ministry of the Environment a grant to your colleague John Yakabuski's community in Renfrew county where Renfrew county will be taking steps under a septage management master plan that they completed. Under that plan, they identified four treatment options: lime stabilization, geotube dewatering, reed bed dewatering and treating the septage at a sewage treatment plant. They're going to undertake some work to determine for their own community what is their best course of action.

So we're working closely with communities right across the province to tackle what is an issue facing rural Ontario.

**Ms. Scott:** I did get the date, 2007, from an MOE regulation that was posted in 2002, to be done by 2007. But there's no date that's finalized for untreated—okay. There's just no date. That's all right.

To go back to certificates of approval—and I'm sure each is different—have they been having a fast turnaround time? Have certificates of approval gotten better or worse?

**Hon. Ms. Broten:** I'll ask the expert. **540** 

Mr. Williams: We get anywhere from 6,000 to 8,000 applications for certificates of approval annually in the ministry. They're all managed with our engineering branch in Toronto. We currently have a backlog with respect with to certificates of approval for air emissions. There's a large number of applications before us that we haven't been able to process as quickly as we would like to, and I think one of the reasons for that is because we want to ensure that there's a thorough and complete review of them. So we're sort of not sitting there trying to crank these things out, if you understand what I mean. We're there to make sure that each and every certificate that comes before us, if it's to be issued, has the appropriate terms and conditions on it.

We are encountering some challenges with being able to move these things through in a manner as quickly as we would like. We have taken a number of steps to try and improve the turnaround times on certificates of approval over the last couple of years and we're meeting with some good success in certain areas on them. For example, for electricity projects we have dedicated teams that take a look at those particular certificates. For largescale industrial applications, such as the auto sector and plants coming into Ontario, we do have dedicated resources that we devote to that. But there are some challenges in terms of turning them around, yes.

**Ms. Scott:** Do all approval requests go through the environmental assessment and approvals branch for review?

Mr. Williams: Basically, all certificates of approval do go through that branch for review. That branch also has the responsibility to circulate some certificates of approval out to the regional offices so that they can build in local input. In some cases there are legal requirements for those certificate applications to be posted on the Environmental Bill of Rights registry which solicit public comment. All of that has to be factored in before we can process an approval. When some people ask us, "Why can't you turn these things around in 30 days or so?" sometimes we say, "Well, there's a 30-day posting on the Environmental Bill of Rights registry, plus we want to go and get some local input. So it does take us a little bit longer." That's the process.

Ms. Scott: Okay. Has the process changed in the last—

**Mr. Williams:** No. In the last few years the process has remained constant. The one window for all of them is the branch in Toronto.

**Ms. Scott:** Can you tell us roughly how many applications are in the EAB, waiting for approval right at this moment?

**Mr. Williams:** No, I can't off the top of my head, but the director is behind me. Maybe he's got a better—just excuse me for a moment, please.

Ms. Scott: Yes.

Mr. Williams: I can get back to you with that.

**Ms. Scott:** Okay. Chair, do I need to ask formally?

Mr. Williams: I don't know what they are off the top of my head. I'll undertake to get back to the committee and give you some information on the turnaround.

Ms. Scott: Okay.

**The Chair:** The Chair accepts that as a request for information and the ministry will be pleased to send it on. Thank you.

**Ms. Scott:** Good. Thank you. I'll switch topics here. I'm going to go and ask if the Ministry of the Environment was ever part of the negotiations involving the stoppage of the Adams mine from proceeding.

**Hon. Ms. Broten:** If the Ministry of the Environment—

**Ms. Scott:** Were you involved in the Adams mine negotiations to stop—

**Hon. Ms. Broten:** The Adams Mine Lake Act falls under the Ministry of the Environment. I personally was not the minister at the time, so perhaps others can respond.

**Mr. Lieou:** I believe that neither the deputy minister nor myself, though, Minister, were there at the time when this act was—

**The Chair:** We will accept that, then, as a request and we can get the response from the legal department.

**Hon. Ms. Broten:** What would you like to know?

Ms. Scott: Yes. I was going to ask for specifics and that the ministry would get back to me. I want to know how much money the government spent to stop the Adams mine from proceeding, the total amount, not just the first instalment, if it came from the Ministry of the Environment's estimates; the total that was spent for the Adams mine payouts and where it came from; and if it wasn't from the Ministry of the Environment, what ministry it came from.

Mr. Kivisto: I think there's still some litigation under way around the Adams mine, so I'm not sure—we'll take a look to see if money has been spent, for sure. But I guess at the end of the day, if the matter is not concluded yet, if the stuff is before the courts, we won't be in a position to comment on that. But we'll give you what we can

**Ms. Scott:** Okay: the spending to date on the Adams mine compensation package.

Is the Adams mine as it stands now—I haven't been there personally, but it's a huge hole in the ground—safe and secure? What environmental impacts are there still due to protect the area as it exists right now? An update on the site itself is what I'm asking for.

Mr. Williams: I don't know the exact specifics of it. I can talk to my regional director in northern region. But I can tell you, just anecdotally from previous discussions with her and her staff, that I don't believe it's much changed from the natural circumstances of a few years ago, that it's a big former iron ore mine carved out of Canadian Shield granite and it's got water in it. I suspect that that's probably what it looks like, but I can undertake to ask somebody what's there today. I would be reasonably certain that there's probably—if your interest is around safety and security, I'm sure that the private property owner has probably got some signs posted and done whatever on that. I haven't been to the site, but I could talk to my staff and see what it looks like, if you'd be interested in that.

Ms. Scott: Okay.

**Mr. Williams:** Sorry, I don't know if that was your question.

**Ms. Scott:** No, that's fine. Thank you.

**The Chair:** Ms. Scott, did you want to table some of those questions and then we can circulate them and have the time, because your 20-minute cycle is—

**Ms. Scott:** Whatever the procedure is. I've asked the questions. Do you need me to submit them written?

The Chair: No, I'm just wondering if you had more that you wanted to get on the record.

**Ms. Scott:** Oh, to table, because my time's almost up? **The Chair:** Almost. I'm just trying to be helpful. If

you have some additional written questions, you could submit them.

**Ms. Scott:** No, that will be sufficient. If they could get on the Adams mine, that will be sufficient questions.

I wanted to ask about the Richmond landfill site now. Can the minister tell us the decision brought down to stop the expansion of the Richmond landfill site and the scientific reason to do so?

Hon. Ms. Broten: I have not yet made my decision with respect to the Richmond landfill site. That decision is before me. The Ministry of the Environment has undertaken scientific assessment and has put that out for public examination. Then all that material makes its way before me for me to make a decision on or before October 13, I believe.

Ms. Scott: That's good. Mr. Chair, thank you very much.

The Chair: Mr. Tabuns, we're in your hands.

**Mr. Tabuns:** On page 7 of the results-based briefing book there is a bullet point regarding dealing with waste that Ontarians generate. It says, "To support the use of waste-derived fuel as part of Ontario's search for cleaner sources of energy." Can you tell us what the budget is for that particular support and precisely what support is provided for incineration?

**Hon. Ms. Broten:** I'll ask ADM Gunn to come up to answer your question with respect to—let me just recap. Can you just point out where you were reading from?

**Mr. Tabuns:** Sure. Page 7, the very bottom of the page, last bullet point: "To support the use of wastederived fuel as part of Ontario's search for cleaner sources of energy."

Hon. Ms. Broten: Okay. You would know that over the last number of months we have made efforts in the province to ensure that we provide municipalities with the tools that they have wanted to better manage waste. One of the things that we recently undertook was revision of a number of regulations that restricted the management of some products that many would believe should have been more readily available. That would be the type of thing that would be undertaken: biofuels, for example, and the work that we're doing in the province with respect to biodiesel and the work we're doing with respect to ethanol. All of those have a regulatory regime that manages them. That's the type of thing we are doing, both regulatory—and then, as I indicated earlier, some of that work would not be within the Ministry of the Environment. For example, it may be within the Ministry of Research and Innovation, who might be supporting some of that.

Let me turn directly to ADM Gunn and then perhaps ADM Lieou to give you more details.

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**Mr. Tabuns:** Budget, and precisely what you're doing.

Mr. Gunn: In terms of that level of regularity of budget issues, as we've said earlier today, our budget would swing and flow depending on the policy work that was being done or the scientific work that was being done or whatever work was being done in the area. So those types of costs would come out of—on page 46—the entire waste budget. But I can't isolate for you a specific subset of the budget that would—all wasterelated activities, as best we can classify them, come out of the waste budget as a whole.

**Mr. Tabuns:** Would it come out of non-hazardous, hazardous or land restoration?

**Mr. Lieou:** As my colleague said, I don't think we can break it down into that level of regularity.

**Mr. Tabuns:** So somewhere in that 37 million bucks is an allocation for incineration.

**Hon. Ms. Broten:** That's an inaccurate statement to make, Mr. Tabuns.

**Mr. Tabuns:** Well, you referred me to the budget page. You said it's in there.

Hon. Ms. Broten: The use of waste-derived fuel as part of Ontario's search for cleaner sources of energy—for example, I've indicated to you that we may need some regulatory reform. We may need a variety of different things that the ministry is asked to examine by municipalities in our search to make sure that we meet our target for ethanol of 5% by 2007, to make sure we meet our target for biodiesel, and other forms of certificates of approval for even the handling of some of this product. Perhaps Deputy Lieou can give you some more specifics regarding the exact regulations that we have moved on so far, but that's the type of example of work that we're doing in the ministry.

Mr. Lieou: I can give you some examples of some proposals that we have recently put up on the EBR registry. For example, we've proposed to eliminate waste approval processes for certain specific wastes to be used as alternate fuels, such as ethanol, biodiesel, wood waste, to be put to beneficial use rather than becoming landfill. We are proposing right now, through the EBR process, to simplify the approval processes for these types of materials. So it's very specific. It's not incineration in general. It's very specific types of materials that will be put to much better use as alternate fuels rather than becoming landfill.

**Mr. Tabuns:** Could I ask, then, that you just table a report—you may not be able to do it right now—to list the approvals and regulatory assistance that you're providing to make this point actual and such budget as is required to carry through that support? Or are you saying there is no budgetary allocation whatsoever?

Mr. Kivisto: Perhaps I can respond. The difficulty is that there are policy people involved. There will be people in the approvals functions when someone comes forward with a proposal. We've got them captured, generally, but they do other work as well. So there will be bits of time from this person, that person. There's some legal time involved in drafting regulations. There are communications people out of corporate services who will be putting postings up on the EBR. It would be virtually impossible for me to go back to the organization and ask everybody, "So, how much time did you spend on the management of waste thing over some period of time?" It would be a huge undertaking, and I'd be concerned about having to divert attention to do that. It depends on where we are in a policy process or on an approval process. We can certainly talk about what regulations have been posted on the EBR, but to quantify that for you in any accurate way would be horribly

**Hon. Ms. Broten:** Unlike in my former life, we don't ask people to docket their life in six-minute intervals.

**Mr. Tabuns:** So we're talking about less than 10 full-time equivalents?

**Mr. Kivisto:** Over what time period?

**Mr. Tabuns:** Over the time period of this fiscal year.

**Mr. Kivisto:** I can see if we can come up with a rough estimate for you. That's the best I can do. I can't say whether it will be 10, five or 50, but we'll come back with a rough estimate.

Mr. Tabuns: I appreciate that.

**Hon. Ms. Broten:** The information that you asked for previously with respect to the specific regulations is all posted currently on the EBR.

**Mr. Lieou:** So you can go to the EBR and find those draft proposals.

**Mr. Tabuns:** And they're all aggregated and identified as being related to waste-derived fuel?

**Mr. Lieou:** Yes. There would be a specific proposal up on EBR, and you can identify it as such.

**Mr. Tabuns:** It says "waste-derived fuel" in the text?

Mr. Lieou: It says "alternative fuel."

**Mr. Tabuns:** I don't think normally of ethanol as a waste-derived fuel. Others may have a different opinion. I don't think of corn as—

**Mr. Lieou:** So is biodiesel, for example. It says "alternative fuel."

**Mr. Tabuns:** This is waste-derived fuel. So I'm interested in—

Hon. Ms. Broten: The approach that we've taken in the ministry has been a comprehensive approach with respect to alternative fuel. Those are the regs that are posted: some restrictive movements with respect to waste-derived, greater movements with respect to ethanol, because we have firmly established our commitment on ethanol, and plans with respect to biodiesel. They're within a comprehensive framework under the regulations.

**Mr. Tabuns:** I look forward to the estimate on what it's been costing in terms of time and budgetary expenditure.

Do you currently monitor the emissions from existing incinerators, independent of the operators themselves?

Mr. Williams: All large air-emitting facilities have requirements in the certificate of approval to report exceedances of any emissions that are in there, and the report generally comes through the Spills Action Centre. I referred to that earlier on the notifications to the ministry. We don't take all of those reports for granted or at face value without scrutiny. We select some to audit. We do that in consultation with the districts. Every year, we look at a series of industrial facilities that we think we want to go to and look specifically at their air emissions. We select them, we target them, and we require those companies to engage third party consulting firms, engineering firms. We require them to do what we call stack testing and, in some cases, ministry staff witness the stack testing.

I can give you an example for the hazardous waste incinerator at Perona, the Clean Harbors one. We have a full-time on-site inspector there and periodically through-

out the year he will request what we call a stack test. He will be present on site, as will be independent parties. The materials come in. We have five engineers, one for each region, who do the audit, who take a look at those reports that come in to us and analyze them, We make decisions on: Are they accurate? Did they describe what we want? Do we want to go back at it? Sometimes, we request companies to redo it; sometimes, we issue orders to have them redo it. Most of the time, it's a voluntary request to redo it. But the regional offices do look at that, and the district managers look at those results, yes.

**Mr. Tabuns:** Minister, from the trends that I see in changes to the Environmental Assessment Act, the lack of support for recycling, it looks to me like there's going to be a lot more incineration proposed for Ontario in the next few years. Are you currently developing regulations or bills to reduce the amount of toxic material in the general waste stream in this province?

Hon. Ms. Broten: I disagree with your premise that the revisions we've proposed with respect to the Environmental Assessment Act will in any way lessen the protection that we're providing to the environment. No one in this province believes that because a process is long and encumbered and meandering, somehow it provides good environmental protection. Good environmental protection is provided by tough standards, which we have—air standards, in particular, relevant to this issue—and which we abide by.

With respect to hazardous waste and the waste stream, it is critical that as we indicate and see an interest on behalf of municipalities who have the responsibility to manage their waste—some of those municipalities are interested in pursuing alternative technology and new technological solutions for the management of that waste. I have said repeatedly that we are open to new technology, but it absolutely must not take waste that could be diverted and it absolutely must meet our stringent air standards.

## 1600

One of the reasons it was critical to see WDO develop a household hazardous waste program is for that very reason. That issue was a topic of discussion when I was in York region vesterday. They have a very good household hazardous waste program, a depot system, which they fund in the region. They've accelerated and advanced their communications to their community, because they are currently undertaking a consultation with respect to an energy-from-waste facility, and they acknowledge that you need to have critical control of your waste stream to ensure that there are not hazardous products in that waste stream. They are part and parcel of good, responsible municipal management of municipal waste. The structure that we've put in place, allowing the municipality some opportunity to undertake good waste management, knowing how long they can ship waste to Michigan, knowing the expectations we have of them, will allow that to take place.

We're constantly setting the bar higher. I guess it was last year if my babies are almost a year old—I was very

pregnant at the time—we introduced the new standards on 40 pollutants under regulation 419, and we're currently reviewing 15 more. We don't just sit and think that the standards we have in place are good enough. We're constantly looking at those standards and saying, "Are we the best in the world? How much do we need to toughen them?" We continue to do that.

On top of that, for incinerators, we in the province have specific standards that require best available technology to be used.

**Mr. Tabuns:** So is our technological standard the same as the standard of technology that would apply in Germany, for instance?

Hon. Ms. Broten: I'll get one of our expert folks to respond to your question. Again, it's important to know that this technology—energy from waste—is one technology that municipalities are looking at. Peel has had an EFW facility for some period of time, with great success. In their community, they have always abided by our standards, and they have generated electricity. As you know, Halton has indicated an interest in examining that, and York-Durham is in the scope of an EA examination.

**Mr. Tabuns:** Fair enough. Are our standards comparable to German standards?

Mr. John Mayes: My name is John Mayes, acting director, standards development branch. Our standards in Ontario are comparable with those in Europe, including Germany, and the rest of North America. The parameters that we typically compare would include the semi-volatile metals, the heavy metals that come out of incinerators: dioxins and furans and mercury. It's in those areas, those kinds of contaminants, where we were comparable. Those are the key contaminants of concern coming out of an incinerator.

As well, as has been mentioned, incineration requires best available technology. This ensures that the best technology is used to reduce the emissions that are coming out of incinerators for all contaminants.

**Mr. Tabuns:** Could you provide us with a summary showing Canadian or Ontario standards for those emissions and the German standards for those emissions?

**Mr. Mayes:** I don't have it with me today.

**Mr. Tabuns:** That's fine. If you could table it, make it available to members of this committee, I would appreciate that.

**Hon. Ms. Broten:** Sure. I'll indicate to you, yes, we can do that.

Mr. Tabuns: Good.

Secondly, Germany runs a pretty aggressive recycling program and waste diversion program and has a great interest in making sure there is the smallest amount of toxins possible in the waste stream. Can you compare their efforts to reduce toxic material in the waste stream to our efforts?

**Mr. Mayes:** I'm sorry, that's not my area of expertise. **Mr. Tabuns:** Is there someone else in the room who can provide us with that information? I thought I'd ask.

Hon. Ms. Broten: That would be one of the areas, given our structure, where we are working closely with

Waste Diversion Ontario; that is, Waste Diversion Ontario structures the household hazardous and special waste program, as I've asked them to do by indicating that that is what we will designate under the WDA. That is exactly the type of work that they would undertake in examining processes around the world.

But it's critical to know that we also, in our province, due to our geographic area, need to have flexibility in the approach that we take. It's not for Waste Diversion Ontario or the province to come in and start telling municipalities how they should do this, because many of them are already doing it. Communities have toxic taxis. Some have depots that are open regularly. Some have opportunity to drop off so many times a year, certain times a month. Each one of those municipalities manages their household hazardous waste in a different way in response to and layered on how they manage their municipal waste. I would expect to see a program with some flexibility coming back to me from Waste Diversion Ontario, because we would want to build on what municipalities are already doing, rather than reinvent the wheel and force them to work within a certain structure that they haven't operated in before.

Mr. Tabuns: Minister, can you report back to this committee comparing the efforts in Germany—let me say their target list of material that they try to divert away from incineration—to the efforts in Ontario, what sorts of materials they are particularly interested in keeping out of the waste stream compared to the ones that we want to keep out of the waste stream?

**Hon. Ms. Broten:** I'm going to suggest to you, Mr. Tabuns, that that's a question that legislative research might be able to assist you with. I want to use the resources in this Ministry of the Environment to tackle issues for Ontarians, not to generate research that we don't have available to us. So I'm going to suggest to you that that's something that might be best posed to legislative research. We don't have that material available to us, and the expertise lies with others than ourselves.

**Mr. Tabuns:** Mr. Chair, so is that a question for legislative research or for the ministry?

The Chair: The minister accurately stated that if her ministry had the material and she felt she had it and would share it, that's fine, but to generate the additional work, that's not the purpose of estimates. As MPPs, we have access to legal and legislative research supports, and I wouldn't even recommend that it come from—from this department, but not from this individual for this estimate, so you're free to make that inquiry independently.

Mr. Tabuns: Okay. Thank you, Mr. Chair.

Moving on to SoundSorb, and I'm very sorry I wasn't here for my colleague's questioning on this, are you currently engaged in hydrogeological monitoring of all paper sludge dump sites?

Hon. Ms. Broten: I had an opportunity, when Ms. Scott asked her questions, to talk a little bit about SoundSorb, and I think that to get our answers out faster and with the detail that you'd be looking for as supplementary questions, I'll ask Mr. Williams to respond to your questions.

Mr. Williams: What we're doing right now is implementing the recommendations of the expert panel for monitoring, hydrogeological monitoring, and having a plan and a regime. We have done that and put that in place for six berms that are representative of the number of berms that are out there. They're the berms at Huntsville, Oshawa, East Elgin, Orillia, Peterborough and Flamborough. That is part of the agreement that we have with respect to Atlantic Packaging that was referenced earlier.

Just to go back a little bit for some context, sir, we have a legally binding agreement that implements the recommendations of the expert panel. Atlantic Packaging has agreed to it. We've decided that we would require that at those six specific sites. We will take the results from those six specific sites and make decisions on how to proceed further with the rest after that.

**Mr. Tabuns:** Do you have an idea as to when that testing will be complete and when you'll be able to report back to us in the Legislature about it?

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Mr. Williams: I don't have the particular testing regime with me right here today, but I could go back and I'd be happy to map it out for those berms and give it back to the committee, Mr. Chair, if you'd like.

**Mr. Tabuns:** No further questions.

**The Chair:** Thank you very much, Mr. Tabuns. Are there other questions from the government? If not, then I will allow the minister to do a wrap-up, if she wishes.

**Mr. Wilkinson:** Actually, I do have a question.

**The Chair:** Certainly. Please proceed.

Mr. Wilkinson: Before I begin, just for my good friend from Toronto–Danforth, I share with you—I know you're asking these questions. In my own riding, and I'd invite you to come and join me there, there are two projects based in agriculture where we have, for example, manure which is being anaerobically digested into methane and methanol: methane for the production of electricity and to reduce greenhouse gas emissions, and also methanol, which can fuel fuel cells. I have another project that we're funding that takes deadstock, which can be a tremendous problem to the natural environment, and actually turns that into biodiesel. That would be an example of a waste which is being turned into renewable energy.

I would like to thank the minister because there are many of us in that part of Ontario who realized that our ministry needed to be much more nimble and adept to be able to take into account these new technologies which have tremendous environmental benefits, but we have a regulatory regime that had not gotten their head around to these possibilities, many of which are being imported from Denmark, Switzerland, Germany and Austria, where they've been able to do that work.

My question: Minister, you were referencing before about regulation 419, about our clean air action plan and the 40 substances that were added, and subsequently I know there's some work being done on another 15. I was just wondering if you or perhaps your staff could give us

a briefing of where we are on regulation 419 and the good work that's being done on that.

Hon. Ms. Broten: Sure. I will ask staff to provide you with that detail. I'll take a moment to say how proud I am of the fact that the biggest move on this file was made in more than 25 years: 40 new standards, 15 more being examined, and those standards deal with and respond specifically to various toxins, various carcinogens and a variety of other products that we need to control in our air. We needed to update those standards. So I'm very proud of the work that the ministry did for our initial amendments to 419 and very proud of the work that's continuing to take place.

I'll pass it over to the assistant deputy minister.

**The Chair:** Please introduce yourself.

Mr. Griffith: Carl Griffith, ADM of the science and standards division. A couple of points I'd like to elaborate on from what the minister said: The first is that when we develop these standards now, they're effects-based. We look at the impact on human health and the environment and develop the science around what's needed to protect those two aspects. Other jurisdictions will get into technology or performance-based approaches to develop standards. The outcome may not be to protect the environment or human health; it's what is out there: "Can companies install that? We'll see what we can get." I think that's an important consideration when you look at our approach to the development of standards.

Also in 419, we brought in updated or state-of-the-art air dispersion model requirements. These are the models that companies have to use when they're trying to calculate or estimate the impact that their emissions might have on their geography. While they had been using air dispersion models, that model hadn't been updated in some time, so we are now using current air dispersion. Companies are going to be required to use very modern air dispersion model capabilities.

I'd like to add as well that 419 was the result of multiple years of consultation with all of the sectors that were going to be under the new regulation and have to comply with the new standards. It took a couple of years, but it was excellent co-operation that we had from all parties to reach conclusions on very difficult areas in terms of the establishment of the standards and the adoption and acceptance of a new air dispersion model which was going to put new requirements on many of these companies. They don't always come in willing to accept the science or willing to accept new modelling approaches, but through a lot of consultation we got that acceptance and we were able to move forward with the government to approve the 40 new or updated standards. As the minister indicated, there are currently 15 new substances on the EBR looking for new standards around that, and that will close very shortly.

**Mr. Wilkinson:** Thank you, Carl. On behalf of my colleagues, Minister, would you have any closing comments you'd like to make to this committee before we take the vote?

**The Chair:** If you don't mind, I'll take my job back.

**Mr. Wilkinson:** Oh, okay. Well, if you want to use that one, then I'm finished, Chair.

**The Chair:** However, it's fair, because what I was going to ask is the committee's indulgence if I could ask two brief questions on behalf of members McMeekin and Chudleigh. I see no objections and I'll proceed, briefly.

Minister, there are two outstanding applications for quarry expansions in Halton and in Flamborough. I understand that Dufferin–Niagara gets one, which is a major expansion on the escarpment and is currently in your office for consideration, and the other one is in Mr. McMeekin's riding and deals with, I believe, Nelson crushed stone. Could you just share with us an update on those two sites?

The second part was for Kevin Flynn and myself, and that has to do with Halton's progress with their EFW site. They have permission from your ministry to proceed to develop a proposal.

Any thoughts that you might share with the committee in terms of those three projects?

Hon. Ms. Broten: Sure. I'll deal with the last one first. Certainly, the regional chair of Halton, Joyce Savoline, indicated some time ago that the region is considering whether or not they may wish to develop an EFW facility on the same site, I believe, as where their current landfill operations exist. That community undertook an environment assessment some years ago and received approvals, and then did not take action steps with respect to that facility. They sought clarification from the ministry as to whether, if they continued with the same project that had previously been suggested, they needed to redo an entire environmental assessment. Approvals that were put in place are put in place in respect of a proposed facility. Approvals, certificates of approval—anything like that—have not been put forward. Obviously, the community is commencing this dialogue, and where Halton would determine they would get their waste from would be within their own decision-making rubric, and that would be their responsibility, but that community has undertaken some of the preliminary steps.

With respect to Dufferin Aggregates, I will ask Doris Dumais, who has joined us at the table here, to respond directly to that. Obviously, with aggregate issues there's co-responsibility between the Ministry of Natural Resources and the Ministry of the Environment. Those applications have been made by the proponents.

**Ms. Doris Dumais:** Good afternoon. My name is Doris Dumais and I am the director of west central region with the Ministry of the Environment.

With regard to your questions about a quarry expansion in Flamborough, my understanding is that the city of Hamilton is currently reviewing the request for expansion, and they are dealing with it from a land use planning perspective.

This ministry has yet to receive any applications with regard to expansion. Once those applications are received—for example, a permit to take water application—then we will undertake the appropriate review to

ensure that they comply with the permit to take water requirements that our ministry has.

With regard to the Dufferin Aggregates quarry expansion in Halton, unfortunately I don't have those details on that specific expansion, but my understanding from discussions I've had is that they are in a similar position as the Flamborough quarry expansion.

**The Chair:** Thank you very much.

Minister, I believe we have agreement to wrap up with some brief closing comments, and then we'll proceed to our votes.

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Hon. Ms. Broten: Thank you very much. I want to take a moment to acknowledge the amount of ground that we covered today and indicate my thanks to this committee for your interest and your excellent questions. The discussion we had today, in my view, demonstrates our collective commitment and concern for the environment. As I said this morning, that is obvious because the environment affects and involves all of us. Whether it's our community, whether it's our economy, whether it's our health, whether it's our quality of life, our future or the future of our children, all of that is tied up in what we do today with respect to the environment.

I think we had a chance to present information today—and I know you heard a number of examples—on how seriously Ministry of the Environment staff take their responsibility to provide front-line services to protect, promote, improve, do outreach and educate with respect to Ontario's environment. I want to take a moment in the presence of this committee to acknowledge the great work that is done by our public service at the Ministry of the Environment. Some 52% of our budget is devoted to providing and empowering over 2,000 professional staff, who year-round fulfill our mandate on behalf of all of us. They ensure regulations and legislation are being implemented and enforced. They inspect and ensure that compliance and enforcement exist. And they ensure that Ontario's stringent environmental laws are upheld. I've said many times today that we have some of the toughest standards in the world. Well, those standards don't have an impact on our quality of life unless we enforce them, and our standards are being enforced in every sector across this province.

They also take their responsibility very seriously, as do I as minister, to develop progressive and new leading-edge environmental policy. That demonstrates itself in our proposed Clean Water Act; in our strategy with respect to assisting municipalities and providing municipalities with the tools they have needed to manage waste; in tackling an issue that before two years ago was talked about—transboundary air pollution—and acknowledging the impact of polluters in the US and what they are doing to our citizens here in Ontario. Those are just a few examples of successes to date in new and evolving areas.

I said earlier that as a mom and as minister I take my responsibility as steward of the environment very, very seriously. I'm really proud to be part of a ministry that is nimble and flexible enough to pursue whatever actions are necessary to uphold and improve things, from the quality of water that we're drinking to the air that we're breathing, to ensure that we can find ways to live in a modern age in a sustainable and viable way, and can reuse and reduce our waste here in the province.

Our government has a very bold vision for the future of our province: healthier, more livable, more environmentally sustainable. That vision is delivered by our work with a variety of ministries, but also by the work that we do here in the Ministry of the Environment: ensuring that the air that we breathe is clean and healthy; protecting the water that we're drinking; assisting in the management of waste; improving the environmental assessment process so that we can modernize, so that we can take advantage of new technology and improvements; and learning from around the world. We want Ontario to be open to ideas from all corners of the globe if those are good ideas and protective ideas for our environment.

We heard some of the challenge areas today, and I have to say we did a pretty good job guessing what some of our question areas would be, because there is no doubt that there are complex and challenging issues facing this ministry. We are committed to working on those issues and achieving our vision and goals on many, many fronts. But we can't do it alone, and we continue to need to work together, because protecting and improving the environment is the biggest shared responsibility of all of us, and the global context in which we now live only heightens and identifies that as a significant thing.

All of us have roles and responsibilities as legislators, as public servants, as municipal leaders—whatever your role might be—as environmental activists, as stakeholders, as business leaders. At the Ministry of the Environment, we try to reach out to all of those who have a stake in the future of the environment, and that means we reach out and connect with lots of people, because everyone has a stake in that.

We're making real progress, and we've made real improvements. I think we had a chance to talk about some of those today. There is certainly a lot more to do, but it is a never-ending duty to be a guardian and a steward of the environment. It is a continual process of improvement. It requires that we be flexible, that we be innovative, that we be nimble and responsive to new challenges and changing circumstances.

Recent experiences in our province, like needing to respond to Justice O'Connor's recommendations post-Walkerton and recent actions to avert the closure of the border to municipal solid waste, are just two examples of responding to the needs of Ontarians using the resources that we have in the Ministry of the Environment to meet the expectations of Ontarians who want to be assured that we will have a healthy, safe, prosperous future for their children.

I can tell the members of this committee that we currently are tackling—with as much zeal as we have tackled the issues in the past with respect to delivering water, changes to regulation 419 and the other successes that we talked about—those serious issues of climate change, increasing waste diversion, tackling what's happening in the ICI sector and assisting them in their diversion efforts, and mapping out our supplies of water right across this province. Those are the things that the dedicated folks at the Ministry of the Environment work on each and every day. We depend on guidance and expertise from experts from every part of the province and beyond.

The opportunity to come and speak to this committee today, to hear your areas of concern and to let you know about some of the good work that is being done at the Ministry of the Environment has been a pleasure. I look forward to many more returns to estimates, given that today is the first attendance that I have made to this committee. Thank you for your effort, and thank you for your attention today.

The Chair: Thank you very much, Minister, and to all of your staff, who were very forthright in their presentations. We appreciate that. We'll continue to appreciate any of the outstanding requests for information.

Therefore, I am prepared to take the vote at this time. Seeing no objection, shall vote 1101 carry? All those in favour? Opposed? Then it is carried.

Shall vote 1106 carry? Those in favour? Opposed? Carried.

Shall vote 1107 carry? All those in favour? Opposed? That is carried.

Shall vote 1108 carry? All those in favour? Opposed? Then it is carried.

Shall the estimates of the Ministry of the Environment carry? All those in favour? Opposed, if any? It is carried.

Shall I report the estimates of the Ministry of the Environment to the House? All those in favour? Opposed, if any? That is carried.

Tomorrow we will reconvene at 9 a.m. to undertake the estimates of the Ministry of Children and Youth Services

The committee adjourned at 1629.

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