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**Wednesday 1 April 2009**

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des débats  
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**Mercredi 1<sup>er</sup> avril 2009**

**Standing Committee on  
Public Accounts**

2008 Annual Report,  
Auditor General:

Ministry of the Environment

**Comité permanent des  
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Chair: Norman W. Sterling  
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON PUBLIC ACCOUNTS

## COMITÉ PERMANENT DES COMPTES PUBLICS

Wednesday 1 April 2009

Mercredi 1<sup>er</sup> avril 2009

*The committee met at 1234 in committee room 1, following a closed session.*

### 2008 ANNUAL REPORT, AUDITOR GENERAL MINISTRY OF THE ENVIRONMENT

Consideration of section 3.12, Ontario Clean Water Agency.

**The Chair (Mr. Norman W. Sterling):** My name is Norman Sterling. I chair the public accounts committee. Today, we are dealing with the Ontario Clean Water Agency, which was considered under section 3.12 of the 2008 annual report of the Auditor General, which came out early in December 2008.

We have with us today Gail Beggs, Deputy Minister of the Environment; I believe Paul Evans, the assistant deputy minister, environment programs division; we have Michael Garrett, who is the board chair of the Ontario Clean Water Agency; and I think we have as well at the table Dante Pontone, president and chief executive officer of the Ontario Clean Water Agency.

I believe, Ms. Beggs, you have a few remarks, and then you're going to pass it over to Mr. Garrett and Mr. Pontone as well.

**Ms. Gail Beggs:** Thank you very much, Chair, and thank you, committee. Good afternoon. I'm really pleased to be here on behalf of the Ministry of the Environment. I'll be sharing my time, as the Chair has said, with Michael Garrett and Dante Pontone. You'll hear in greater detail from them about how OCWA is acting on the Auditor General's report.

I want to begin by thanking the Auditor General for his valuable recommendations on how to improve and enhance the performance of the Ontario Clean Water Agency. As you know, the Ontario Clean Water Agency, or OCWA, is an agency of the Ministry of the Environment. We at the Ministry of the Environment take the recommendations of the Auditor General very seriously. The Auditor General's oversight benefits all of us. It allows us to make the kinds of progress and improvements that we know are essential for the health and well-being of Ontarians.

I'm proud to be a part of the ministry, and this ministry is very rigorous in ensuring that our communities are safe and healthy and our environment is protected. We know we must constantly fine-tune our efforts, make

improvements and go a step further to ensure the kinds of protections we need and want for public health and the environment.

Clean, safe drinking water is the foundation of our health and our province's success and prosperity. It is essential to building strong communities and a high quality of life in Ontario. Clean, safe drinking water is a top priority for our ministry and for the Ontario government.

#### 1240

The Ministry of the Environment has taken a comprehensive approach to protecting Ontarians' drinking water and our fresh water resources. We have implemented all 121 recommendations of Justice O'Connor from his report on Walkerton, through initiatives such as the Safe Drinking Water Act and the Clean Water Act.

One of Justice O'Connor's recommendations was that OCWA be an arm's-length agency with an independent, qualified board. This recommendation was implemented through the government's appointment of six new, independent members to OCWA's board of directors in a revised memorandum of understanding between the agency and the Ministry of the Environment. I was pleased that the Auditor General acknowledged these movements in his report.

The Auditor General also noted that OCWA has adequate procedures in place to ensure effective drinking water and waste water treatment services. I'm also pleased that the auditor has noted the improved financial performance of the Ontario Clean Water Agency. Ministry staff are providing OCWA with the necessary support to implement the Auditor General's recommendations.

As I said earlier, you'll be hearing more from Dante Pontone, president and chief executive officer of OCWA, who will discuss in more detail the report and operations at the agency.

I'd like to recognize the importance of the Auditor General's recommendations in helping us achieve clean, safe drinking water and effective waste water treatment. I'm pleased to note that OCWA is taking action on all nine of the formal recommendations made by the Auditor General. I can assure you that our ministry will continue to work to ensure that our water is safe and of good quality.

I'd now like to turn the microphone over to Michael Garrett, chair of OCWA's board of directors.

**Mr. Michael Garrett:** Thanks, Deputy Beggs. Good afternoon, Mr. Chairman and members.

This audit came at an opportune time for OCWA's board of directors. As the deputy mentioned, OCWA's board and its composition has recently changed to a membership with greater independence and greater relevance of experience to the agency's business. This audit has provided valuable insights to our board by identifying what's working well at OCWA and where there are opportunities for improvement. We plan to take action on all of the auditor's recommendations.

OCWA, by way of background, is an operational enterprise agency in the business of providing water and sewage works and related services to protect health and the environment. We have three major lines of business: operations and maintenance services to owners; engineering and technical services to support the installation of new and improved clean water infrastructure; and thirdly, standby emergency services to provide first response to drinking water emergencies anywhere in the province.

OCWA receives no government funding to subsidize operations and, unlike other utilities, OCWA does not have a monopoly. OCWA functions as a commercial business, competing for contracts in the open marketplace. Contract and financing revenues are used to recover the cost of the service we deliver.

Water and waste water service delivery is a partnership involving several players: the owners who invest in and pay for the system, the operators who provide day-to-day operations and maintenance services, and regulators who establish the operating standards.

It's important to emphasize that OCWA does not own the facilities that it operates. It does not control the design or approve the major capital upgrades of client systems, though it is proactive with clients about making suggestions about their systems.

As an operator, OCWA balances its business goals with a public mandate that supports the province's environmental, public health and infrastructure policies.

OCWA plays a critical role in the province's water safety net, providing expertise and on-site support to help communities where needed. This has included support to Walkerton, the Kashechewan and Pikangikum First Nations and, most recently, Foleyet in northeastern Ontario. OCWA's hub-and-spoke method of operations has allowed the sharing of expertise, resources and systems that create economies of scale and efficiencies that deliver real value to smaller and remote communities.

OCWA is the operator of choice for the vast majority of system owners who choose to outsource their water and waste water services. We provide services to over 500 facilities and 180 clients across the province. Clients include municipalities, First Nations communities, institutions and businesses. Our client facilities range in size from small well and lagoon systems in rural Ontario to large-scale urban water and waste water systems. OCWA has operations throughout Ontario, with a significant presence in small-town Ontario: 71% of OCWA's clients serve a population of under 5,000.

Recently, our two largest clients put us to the test in separate third party analyses. Both concluded that OCWA provided good value. One compared us to systems across North America and found that OCWA's performance was in the top 5% of the industry.

Although these findings are reassuring, the board recognizes that the agency must demonstrate value and continue to improve. Let me reassure the committee that OCWA's board is proactive in addressing the auditor's recommendations. The board has directed management about the type of information that it requires in order to fulfill its oversight responsibilities. In addition to better financial performance information, the board has directed that key environmental compliance metrics—such as adverse water quality incidents, bypasses and boil-water advisories, as well as worker health and safety issues—be reported and responded to on a more timely basis.

In conclusion, OCWA is an organization with a vision to be the most trusted provider of clean water services and a mission to deliver safe, reliable and cost-effective services. I thank the Auditor General for both recognizing the good work the agency has been doing and for his recommendations that will enhance the agency's value in the future.

At this point, I'd like to turn it over to Dante Pontone, our president.

**Mr. Dante Pontone:** Thank you, Michael, for setting out the context for our discussion on OCWA today. I also wish to thank the standing committee for the opportunity to speak about the activities of the Ontario Clean Water Agency and, more specifically, the Auditor General's report.

The agency welcomes the Auditor General's report to help ensure that we continue delivering our services in a safe, efficient and effective manner while demonstrating value to the province and to our client communities. Our vision to be the most trusted provider of clean water services is reflective of our role as a provincial agency that makes public health, the health and safety of our employees and protection of the environment our top priorities.

Although we will never place profit ahead of these priorities, we operate our business in a competitive marketplace which continuously drives the need for efficiency. It is the balancing of our public accountability with a competitive marketplace that makes OCWA a unique crown agency.

Our commitment to continuous improvement in the area of public health and environmental compliance has been clearly established throughout our 15-year history. As part of the agency's culture of public health and environmental compliance, we embraced a simple model aimed at continuous improvement: plan, do, check and improve. These four steps not only provide the foundation of our quality management systems, but also represent how we conduct our business activities.

In 1993, when the agency was first formed, employees were transferred from the Ministry of the Environment to OCWA. With these employees came the culture of the

ministry, including their commitment to public health and the environment. In 1995, we implemented an environmental management system to ensure that all potential environmental and public safety risks associated with operating these facilities were properly managed. In 1996, we formalized our occupational health and safety system to further protect our employees from workplace risks through prevention and awareness.

In 1998, we introduced OCWAware, a methodology in operational best practices for water and waste water operations. With this methodology, we were able to remotely monitor and control the facilities that we operate, develop risk-based asset management strategies using computerized maintenance management systems, create systems used for the collection and analysis of facility information, create standardized reporting and procedures and deliver on all the related training programs. These tools not only assisted the agency in providing safer, more effective service, but it also allowed the agency certain operational efficiencies, improving our competitive position in the marketplace.

In the spring of that same year, for the region of Peel, OCWA registered North America's first major water systems under ISO 14001, an international standard for environmental management. This significant achievement was also acknowledged in the Ontario public service with an Amethyst Award for excellence. In 2000, we were also successful in being the first to achieve ISO 14001 standard for the first waste water system in Canada.

#### 1250

After the events of Walkerton, Justice O'Connor recognized OCWA's environmental management system as a best practice in water management and went on to recommend that all water systems in the province implement a drinking-water quality management system, which the Ministry of the Environment is currently phasing in across the province. Since the Walkerton inquiry, there have been significant changes to Ontario's regulatory environment.

With an increasingly stringent regulatory regime, our "plan, do, check and improve" philosophy drives us to continuously renew and enhance our existing systems so that we can meet the evolving needs of the regulators and our clients. Over 15 years, OCWA has developed a number of proactive and voluntary programs to specifically drive these improvements in our compliance performance, including our facility assessment reports, compliance audits, emergency management plans, and the recent development of an enterprise risk-management system. These systems are supported by dedicated compliance resources across the entire organization.

The Auditor General's audit and summary recommendations have provided a valuable check on OCWA's processes and performance that senior management and the board have already begun to act upon. I will be speaking to you of some of these changes and other changes that we'll be making in the future.

I'm pleased to be able to share and discuss our action plan with the committee. I wish to highlight three major

areas of improvement that were identified in the Auditor General's report where we have already taken steps to respond to the recommendations. These areas are internal reporting, compliance performance and contract risk.

Beginning with internal reporting, OCWA works to build trusting relationships with its clients, employees and the regulator. We recognize the importance of building trust by demonstrating accountability through adequate internal controls and reporting mechanisms. We acknowledge the opportunity for improvement in this area and have already begun to implement enhanced internal reporting at several levels within the organization. This includes new mandatory reporting frequencies on a monthly, quarterly and annual basis; more comprehensive reporting on compliance, operations, maintenance, training and business activities; improved analysis and highlighting of any systemic issues; and enhanced oversight controls escalation procedures to ensure that the required information gets to the appropriate levels of the organization.

As for compliance performance, as already mentioned, we have implemented several proactive systems as part of our quality management philosophy which go beyond strict regulatory obligations. This approach includes occupational health and safety, internal compliance audits and facility self-assessments. As recommended, the agency is enhancing reporting with respect to adverse water quality incidents, discharge exceedances and bypasses to highlight any common issues that the agency can address or, more importantly, assist the facility owners in addressing.

As part of our action plan, last year senior management approved a new mandate for our operations and compliance committee, and one of that committee's key functions is to analyze trends in performance data and report on the opportunities for improvement. Improved reporting mechanisms will ensure that non-compliance items are prioritized and responded to in a timely manner and any required client actions are well documented. Senior management will also be reporting findings to OCWA's board of directors.

With respect to contract pricing, the agency continues to make strides in ensuring its financial sustainability. Over the past five years, we've made real progress towards delivering our operational services on a cost-recovery basis. We remain committed to achieving this target, and we are implementing the Auditor General's recommendations to assist us with this goal.

Our new financial system, which was introduced in June 2007, has enhanced our ability to track, compare and report on the performance of both operations and engineering contracts. As we continue to implement business intelligence tools which are available in this new system, we are confident that we will improve our performance measurement and, ultimately, our business activities.

We have implemented and will continue to implement cost-saving initiatives identified as part of our revitalization project. We have enhanced our contract document-

control process to ensure that all supporting documentation and the rationale for pricing proposals are retained centrally for regular analysis. We are presently reviewing our internal pricing methodology and reinforcing our approval process for negotiating new contract margins.

In conclusion, I would once again like to thank the members of the standing committee for the opportunity to speak to you about the Ontario Clean Water Agency audit. We have made considerable improvements in recent years, and we look forward to the opportunity to grow and evolve. The recommendations of the Auditor General have provided excellent insights into OCWA's strengths, as well as our opportunities. We have made excellent progress in our action plan to implement these recommendations and, from senior management on down, we are very committed to ensuring that every single recommendation is addressed in a timely manner. Thank you.

**The Chair (Mr. Norman W. Sterling):** Thank you very much. Mrs. Sandals?

**Mrs. Liz Sandals:** You're starting with us today? Okay.

In your opening remarks, Mr. Garrett, you mentioned that OCWA doesn't actually own the plants that it's operating. I wonder if we could talk a little about the implications of that in a couple of different areas.

I guess the starting observation would be that you don't own the plants; that whatever the state of the technology is, you have to more or less live with. Whatever the design, you need to live with it; there isn't a lot that you can do. I'm also assuming that most of the municipalities in which you manage the plants, other than Mississauga, which is obviously quite large—but in most cases, you're managing plants for smaller municipalities and they won't necessarily be the most sophisticated plants. Are my assumptions correct so far?

**Mr. Michael Garrett:** Yes, they are. Yes, that's the challenge.

**Mrs. Liz Sandals:** Okay. There are a couple of areas that people are obviously quite concerned about. One is obviously the quality of drinking water and the second is when we're dealing with sewage treatment plants, the output from sewage treatment; if we could talk about the implications of that capital in both of those situations. In the auditor's report, when you're talking about water treatment, he notes that OCWA has good results when you look at the microbiological areas of testing. Is that your primary responsibility, in terms of making water safe for human consumption?

**Mr. Michael Garrett:** Certainly, I'll pass it on to staff afterwards.

**Mrs. Liz Sandals:** Yes, and refer it to whoever is the technical whiz.

**Mr. Michael Garrett:** Yes, I think that's a valid assessment. The microbiological measures are the things we have the most direct control over on a day-to-day basis when we're the operator. Things such as the removal of iron, which is a chemical—I may be using a bad example—are built into the design of the plant. If

they're not there, then iron isn't going to be removed. But it wouldn't necessarily be a risk to health like the microbiological criteria is.

One of the ways the board is using that information—the auditor pointed out that we've had a number of adverse water quality incidents that involved a mixture of microbiological, chemical and other kinds of parameters. What we're keen on, as a board, is isolating and figuring out those things that we're most accountable for and where we can make a difference. Where we can't, I think we want to make sure we've done our due diligence in advising our client, the owner, that we can only go so far with respect to these other indicators. Also, when we're reporting to our regulator, "These are the things you can hold our feet to the fire for and these are the things that you can't." So we're focused on that. I think it's exactly right to say that—what I've been advised anyway—it's the microbiology that we can focus on.

We immediately went back, as a board, and had some detailed discussion about these parameters and these measures, because we all don't want to wake up to a Walkerton in any of our operators. That's absolutely paramount in our minds. So what are we tracking in terms of good water quality? We've looked at some of those indicators.

I'll just give you an example. In the auditor's report—I think you have the auditor's report in front of you—you look at table 2, which talks about the exceedances in drinking water quality standards: do you see that table at the bottom of page 323?

**Mrs. Liz Sandals:** Yes.

**Mr. Michael Garrett:** Right there, where it says OCWA, number of incidents; microbiological: 145. Do you see that number? We just last week got a report on the microbiological exceedances for 2008. The number that came up was 70. We're making significant progress to get that number down so the board would be satisfied with the work. It's one of those things: you strive for zero and you probably never get there because there are always some incidents. That's the kind of progress we want to see. We're very interested in tracking those things, tracking them by geography, by client facility, so if we see a trend we can be proactive and go after it and deal with some changes, at least to clarify who's on first and who's on second.

Sorry for a long-winded answer, Mr. Chair.

1300

**Mrs. Liz Sandals:** No, that's great, because I think that gives us a sense that you're doing a really good job and getting an improved performance in the areas that are really crucial to human health. Your example of iron was interesting because I presume that iron is something that occurs naturally in the source water in various parts of the province.

**Mr. Michael Garrett:** Yes.

**Mrs. Liz Sandals:** And depending on how the plan has been designed, it either does have the technology to remove iron or it doesn't have the technology to remove iron, and whichever one you've got, you've got.

**Mr. Michael Garrett:** Anybody who has travelled around—if you go to eastern Ontario and you look at that area between the St. Lawrence and the Ottawa River and all that limestone, many of the wells in those areas have significant issues with certain kinds of minerals that you don't have in central or southwestern Ontario.

**Mrs. Liz Sandals:** And I come from Guelph, where we have a huge amount of calcium in the water. It's very hard water and that's just the way it is.

**Mr. Michael Garrett:** I should ask the staff if there are better examples than iron. I'm sure there are; I'm not—

**Mr. Dante Pontone:** Yes, we can get into many examples but I think that makes the point in terms of understanding, as an operator, OCWA's realm of scope in terms of what we can control. But also important, if I may add, is the fact that many of these issues could be source water. We talked about adverse water quality incidents. Many of them, the majority of them—and I think the auditor mentioned this in his report—are related to source water, so we talk about mineral. But what's important is that OCWA always works with its clients and we're working to assist in any way we can, whether there are changes we can make within our realm of responsibility or scope in the plants, or assisting in making recommendations around capital improvements. But as a consultant, as a partner with these municipalities, we're always assisting them in ensuring that even if it's outside of the operator's role, what else we can do to assist them in meeting those requirements.

**Mrs. Liz Sandals:** Right. And that's really good news, because it sounds like you're making great progress there.

In terms of the other side, the waste water treatment, again, the auditor knows that there are a certain number of occurrences and the one that we often hear about is overflows. Typically, you get overflows from waste water treatment plants when you've got the storm water system hooked in with the sanitary sewer system. Again, this would not be something that you can control. The design of the pipes in town is the design of the pipes in town and you have to deal with wherever people put the pipes.

**Mr. Michael Garrett:** Yes. Just on that, the owner designs the system. The systems can be very different depending where you are. Sewer pipes, as you know, are not under pressure and so you have infiltration that gets in through the joints, and even if you have a new system, you can have infiltration in it. I know from the municipality I was in before this new life for me, we had new systems with significant infiltration problems. So it's possible, even with new systems, to have that. The plants that are downstream of that, which we often operate, are faced with, under different circumstances, high groundwater levels, for example, which can increase the pressure and the inflow into the pipes, and all of that affects the capacity of the plant.

The plant is designed to accommodate a certain flow. You can't design a plant anywhere near economically to

take any manner of flow. At a certain point, certain things happen, whether there's primary filtration and then it's overflowed after that—it just depends on the nature of the storm, the nature of the flow that the plant operators are faced with, and then it bypasses. And it bypasses for the safety of the system. If it didn't bypass, it would pressurize the sewage system and you'd have backups into people's houses, which would be very dangerous for health reasons. So plants are designed to have bypasses for obvious reasons.

Now clearly, different municipalities have different capacities, different design standards, depending on when they were built, and that's again to the point you made before. Those are things that they're usually patently aware of, require a significant capital investment to deal with, and they have to work it into their budgets, and it's really a decision of priorities for the council of that municipality.

**Mrs. Liz Sandals:** Thank you very much. Do we still have a bit of time? I'll share with Mrs. Van Bommel, then.

**Mrs. Maria Van Bommel:** OCWA provides service throughout most of my riding of Lambton–Kent–Middlesex. In your opening remarks, you mentioned aboriginal water plants as well. That brought to mind the fact that I have five First Nations bands in my riding. Can you tell me how many First Nations bands you are working with, in terms of operation of their water systems?

**Mr. Michael Garrett:** I think about 16% of our clients are First Nations communities that we provide services for. I'll turn it over to Dante here, and he can perhaps answer that more specifically.

**Mr. Dante Pontone:** Currently, we're working with 35 different band councils and providing a variety of services for First Nations communities, again in response to Justice O'Connor's recommendation, in terms of OCWA being able to assist. We're proud to say that we have been significant in providing several levels of support.

First of all, we're providing oversight for some communities; again, approximately 35. We provide training and expertise. We assist them in terms of their ability to become self-sustaining. We are dealing with a lot of these First Nations communities in a very partnership-oriented role. Again, it's all about helping them become self-sustaining. So we've been doing that.

Also, as part of the INAC funding, there is what we call first response for First Nations communities. Originally we were providing first responders, so if any First Nations community had any issue, any challenge, they could pick up the phone and call and they would have a certified operator able to respond. We provided that for all of Ontario up until last year, and now we're providing that for all First Nations communities in southern Ontario.

**Mrs. Maria Van Bommel:** Is that drinking water and waste water, or is it predominantly drinking water that you're—

**Mr. Dante Pontone:** It's both.

**Mrs. Maria Van Bommel:** When you work with First Nations, how do you provide service into the north? Certainly, it's quite a different situation there than it is in southern Ontario. How do you handle things like the remote communities that you would have to fly into?

**Mr. Dante Pontone:** That's an excellent question. I'd like to begin answering that, and I'd like to ask George Terry, our vice-president of operations and First Nations communities, who is with us today, to walk you through an example of some of the challenges that we've had in the past. For example, we have been called into Kashechewan; and more recently, to a Pikangikum fire, an absolute tragedy which we were able to deal with. It's a combination of working with on-site operators and having remote technology where possible. OCWA just very recently received an international award for its SCADA systems—supervisory control and data acquisition—that allow us to actually monitor remotely and also control facilities. So this is one of the things that we're looking at. When necessary we also respond very quickly, within 24 hours, by arranging flights and flying into the communities. So it's a combination of immediate online support and, if required, follow-through support.

If I may, Mr. Chair, I'd like to ask George Terry to just give a few examples of some of the good work we've done in the past.

**Mr. George Terry:** I'll discuss a couple of the communities that we've had the privilege of working for. We were called into Kashechewan during the flood event that happened about 18 months ago. During that time, what we found—obviously, the water plant, the water system and the waste water system were taken out of service. We had to, as you noted, bring logistics into play. We had to bring in heavy equipment by barge to allow us to clean out the collection system, and we had to repair 36 hydrants and a myriad of different leaks—and line repairs. To bring the water system back online, we had to drain, clean and refurbish the water plant itself—as well as all sampling, obviously; all the protocols that are required.

The biggest challenge when working with First Nations, as you've noted, is logistics, our ability to still go see. Because of our SCADA, we can actually work with their staff and be a resource, so that helps after we leave the site.

But the biggest thing to take away is that we work with them in a partnering relationship. We're strengthening them in their compliance efforts, and no matter which community has called us to date, we've been able to positively go in and in a very short order, take the logistic challenges into play and bring their water systems or their waste water systems back on.

1310

**Mrs. Maria Van Bommel:** You mentioned that you fly in if there's an emergency. Do you go on a regularly scheduled basis as well to see how things are going?

**Mr. George Terry:** For all of the clients that are under what's known as the Safe Water Operations Program, yes, by all means. We're part of their contracts

with us, and we go on site on a continuous basis. So we help them through any assistance, any concerns, and we train their staff and bring all the technologies to bear as well.

**Mrs. Maria Van Bommel:** You bring training to them, or do they come out of the community to a specific site for training?

**Mr. George Terry:** We actually work with them at what's known as the Dryden First Nations community training centre, and we're part of that consortium. We supply the training and they bring their First Nations people to that site for training. However, if there is a concern—like in Kashechewan, where we had to go through some new technology, we actually went to the site and assisted them there as well.

**Mrs. Maria Van Bommel:** Thank you.

**The Chair (Mr. Norman W. Sterling):** Mr. Hardeman has a brief question, and then Mr. Barrett's next.

**Mr. Ernie Hardeman:** I just want to deal quickly with the waste water. You mentioned in your presentation, Mr. Garrett, that the system is built on the relief valve overflowing and putting it into the receiving stream untreated to keep the pressure from blowing back into the houses, if it wasn't happening. In rural Ontario we have another sector of our society, agriculture, which has the same problem getting rid of the effluent, but they don't have any ability to just run it into the receiving stream if the pit won't hold it. The question is: As a government organization, how do we justify for the benefit of the people upstream that we can just flood it into their river without treating it when we don't do that for others?

**Mr. Michael Garrett:** You're talking about lagoons from the north and that sort of thing, from nutrient management programs, and perhaps Gail will have some comments on this. But I think the difference is—in the design of a sewage plant, you design it to a certain return frequency of flow. You make a design decision to be able to handle the one-in-two-year flow or the one-in-five-year, whatever it might be. You recognize that there are going to be certain flows—now especially, when we seem to have more erratic flows as a result of climate change or whatever—that you're not going to be able to handle. So it's that statistical breakpoint at some point.

I think when it's agricultural flows—you're getting this only from me as a non-expert—it's probable that it's predictable. You can predict the quantity of farm waste that's got to be handled, and so it would be more predictable than the kinds of flows we're dealing with when we're talking about stream flows, in effect, that are coming down the pipe and are erratic. So I see that being quite a different set of standards that would have to be applied for that situation—the agricultural situation, for lagoon storage, for manure, whatever—and the situation in a waste treatment plant facility.

**Mr. Ernie Hardeman:** In the treatment facilities, like you say, it's unexpected rainfall and the joint water and sewage in the same main that causes the problem. When you have your ministry looking at the times that we ran it straight into the receiving stream, do you have to justify

why that happened, or could it just be that the thing isn't up to capacity at all?

**Mr. Michael Garrett:** We have to report every time it happens. We have to report on that, and I'd have to ask staff to explain what analysis might happen as a result of examining that event. I just might mention, though, that we are getting better on that front than what was in the auditor's—another thing we were tracking in the auditor's report was the exceedances at our sewage treatment plants, and our statistics for 2008 are improved. But I wouldn't want to go to the bank with that, because those statistics on waste treatment plant flows are really a result of meteorological events more than they are an operational change. That's really the basis.

**Mr. Ernie Hardeman:** I'd just point out—it's not that I'm picking on OCWA for how they're running the systems, but at home, there is nothing that comes out more often than when there's an agriculture spill or there's an agriculture regulation coming out. Why don't the people at the province check on sewage treatment first? They're polluting our streams a whole lot more than agriculture is. As an organization that is run and owned by the province of Ontario, how do I justify that we are contributing to that?

**Mr. Michael Garrett:** I suspect that they are notified. When we have an exceedance, one of the things we have to do is notify the downstream operators. So if there's a water plant downstream of a sewage treatment plant, we have to advise them. The Grand River plant, for example, will stop processing water for a period of time until that surge passes by. But that question probably belongs better in the Ministry of the Environment than it does with us.

**Mr. Ernie Hardeman:** Okay, thank you.

**The Chair (Mr. Norman W. Sterling):** Mr. Barrett.

**Mr. Toby Barrett:** Thank you, Chair, and thanks to the Ontario Clean Water Agency and Environment.

The municipal water system down in Norfolk county is right in the midst of a fluoride debate right now. In fact, last November, county council and committee voted 6 to 2 to take fluoride out of the municipal water system. I understand that, to do that, they would probably have to apply to the Ministry of the Environment and make amendments to the certificate of approval that they would have to do that. That's my assumption. So they voted against it; they've deferred the question. Just last week, the acting medical officer of health for the area of Brant-Haldimand-Norfolk made a pitch for the fact that it's safe and economical and effective.

But the other side of the story has been presented as well, that the chemical involved—I can't pronounce this—hydrofluorosilicic acid, is corrosive and a hazard to employees that run this fluoridation system. One of the dentists talked about dental fluorosis. The county's worried about the cost. Now the cost is a little over \$43,000.

Another issue that came up—they talked about a situation in Hooper Bay, Alaska, where 260 people were poisoned by fluoride when it entered the water supply,

which I know it's supposed to do, but I guess it entered in too large a quantity. This was back in 1992.

I think the county council received most of their deliberations last week. I don't think they've made a final decision. I don't think they've applied to the Ministry of the Environment.

Are you getting applications from other municipalities to eliminate fluoride in the water? I know it's being debated in a number of other municipalities. Does the province have any say in this beyond a strictly environmental or EA decision-making process?

**Mr. Michael Garrett:** This would be for the Ministry of the Environment.

**Ms. Gail Beggs:** I'm going to do my best to answer a little bit. I may ask Paul Nieweglowski, who is director of our safe drinking water branch, to add to this. To the extent that we're unable to satisfy all of your questions, we will get back to you.

The Ministry of the Environment tests drinking water, or requires testing of drinking water, for 158 standards. Two of them are microbiological, 78 chemical, and 78 radiological parameters.

I'm mentioning this just to say that in Ontario, we have a comprehensive level of testing, and we have advice from the Ontario Drinking Water Advisory Council in setting the standards to be tested. That Ontario Drinking Water Advisory Council is made up of health experts, chemical experts and engineers, and they are always scanning the literature, doing the research, and providing advice to the minister on what needs to be part of this safety net for drinking water.

On the subject of fluoridation, my understanding is that it's a choice by the municipality whether or not to add fluoride to drinking water. I'm not a technical expert myself, but I've read of increasing public concern around fluoridation. We are getting questions about fluoridation and, in terms of a municipality making a decision not to add fluoride to the water, I'm uncertain whether we would have to adjust—I think you were asking if we would have to adjust to the certificate of approval if they made a change like that. I'm going to ask Paul Nieweglowski, our director of the safe drinking water branch, if he can take it a little bit further than I have.

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**Mr. Paul Nieweglowski:** The addition of fluoride, as Gail Beggs had indicated, is at the discretion of the municipality in consultation with the local medical officer of health. If it is deemed that fluoride is to be added, they request that the fluoride levels that are going to be added to the drinking water be included as part of the plan—as part of the certificate of approval and as part of the operational plan of the facility. If it is decided at any point in time by either the municipality or the local medical officer of health to remove the fluoride from the drinking water, then once again we're contacted and we would do so.

**Mr. Toby Barrett:** I understand the region of Niagara passed a bylaw to discontinue fluoridation in their water. This comes from the media. Are you aware of any

municipalities applying to MOE to scrap this certificate of approval?

**Mr. Paul Nieweglowski:** There are a lot of municipalities throughout the province of Ontario that are engaged in very serious discussions on whether to continue to fluoridate within their systems, and the one thing that is constantly taken into consideration is the naturally occurring fluoride levels that exist, so there are a number who are investigating whether or not they want to continue.

**Mr. Toby Barrett:** Okay. Thank you.

**The Chair (Mr. Norman W. Sterling):** Can I just ask a question? In response to Mr. Garrett saying that the microbiological incidences had gone down quite dramatically—did you say from 145 to 70?

**Mr. Michael Garrett:** Yes, that's correct.

**The Chair (Mr. Norman W. Sterling):** What do you attribute that improvement to?

**Mr. Michael Garrett:** I'll ask staff to comment. It could be that part of it was due to different source water conditions, which would be beyond our control, but part of it—what we attribute it to—is increased operator vigilance and better training programs for our operators, so we're more timely with respect to observing things that might have the potential to go awry and fix them before they become a problem. But I would ask Dante or staff if they've got anything to add to that.

**Mr. Dante Pontone:** I'd just reiterate the fact that adverse water quality incidents are an important indicator for operators. Again, many of them have to do with source water, so what that allows the operator to do—and again, we don't have control and design of the facilities, but as operators, we can make certain operational changes. We could be looking at different chemicals to treat the water, but it's important because these do give the operator good information on what we need to do and what we possibly can do.

Again, I would also attribute that to the fact that we continue working with the owners—the municipalities—and making recommendations. Capital improvements are made. We work on short-term and long-term capital improvement plans with these municipalities to deal with some of the issues and challenges they have, always with the intent of continuously improving the end product.

**The Chair (Mr. Norman W. Sterling):** So you can't point to any particular action on the part of OCWA to reduce these? Did you change training programs? Did you increase the frequency of them? I guess what I'm trying to do is figure out what it was, because the next question I'm going to ask the deputy minister is, are there now less than 538 incidences in the other facilities across the province? Can she take your experience and transfer it for best practices to our other plants?

**Mr. Dante Pontone:** I can say that I think it's part of the entire sort of multi-pronged, multi-layered approach to ensuring safe, clean drinking water. Clearly, training, as you've mentioned, the certification and training of operations, ensuring we have good standard operating procedures, and again ensuring that there is a focus on

continuous improvements—so there are many of these items that do attribute to the resulting end-quality product. I think at this point I'll turn it over to the deputy.

**The Chair (Mr. Norman W. Sterling):** Deputy Minister, there are 530 incidences that were recognized in 2006-07. Is that number smaller, bigger or the same at the present time?

**Mr. Michael Garrett:** Mr. Chairman, may I interject just for a second, because I don't want to surprise anybody. This is a number that appears in our board report of last week that was for calendar year 2008, which is our calendar year. It is not the ministry's fiscal year. So there's always some—but it's still for 12 months. I just wanted to make that point.

**Ms. Gail Beggs:** Chair, I don't have that information with me, but I can undertake to get it. I could offer some comments on, if indeed there is a decline in microbiological exceedances, some of the things that the province had put in place that OCWA, as an operator, and others, municipalities or the private sector, when they operate, may have benefited from in terms of the framework. By this, I'm referring to the Safe Drinking Water Act, with large requirements for enhanced certification of operators, including training—very significant. I think in a recent independent examination of the province's requirements, we were found to be the best amongst jurisdictions such as New York state, Pennsylvania, a province in Australia, New Zealand, the United Kingdom, and the Netherlands. I think that's a very significant piece of the puzzle.

Secondly, the province, as I said in my opening remarks, has been working to implement all 121 of Justice O'Connor's recommendations. Recently passed clean water legislation has in place over 40 source water protection planning exercises. Where this becomes important is that, to the extent that we can make decisions on the land base that result in improved source water protection, it means that we require less in terms of capital design of facilities or operating procedures to protect water. So if we enhance protection at the source, that's another part of the safety net.

I talked earlier about the Ontario Drinking Water Advisory Council and scanning the literature and making sure we're monitoring for all the very most important parameters and that the levels at which we ask facilities to operate are the most protective of public health.

Another important part of the safety net that the province has been working on is investments in capital infrastructure. Municipalities have that responsibility to bring their infrastructure up to provincial standards, but the federal government and the provincial government, along with municipalities, have made progressive investments in water treatment, waste water treatment, and separation of sewer systems. I know members of the standing committee will appreciate a long list to keep working their way through, but over a period of time we're continuing to make significant investments there. We in the Ministry of the Environment advocate on behalf of these kinds of investments to our counterparts in the Ministry of Energy and Infrastructure in terms of

capital priorities for the province. We also advocate to our federal counterparts for them to make it a part of federal infrastructure investments.

Finally, I would add that at the recent meeting of provincial and territorial and federal ministers of the environment, I think probably 10 or 11 jurisdictions embraced a new federal waste water effluent standard. So once again, by embracing that standard and bringing that in in provinces and territories—Ontario was one of the provinces that embraced that—we're upping the quality of water coming out of waste water treatment plants that goes into lakes and rivers. That then has a protective effect for those municipalities that draw their drinking water from surface waters.

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**The Chair (Mr. Norman W. Sterling):** Thank you. Mr. Tabuns, do you have some questions at this time?

**Mr. Peter Tabuns:** I do. I apologize, because I got hauled out there. Could you tell me what you're going to be doing to reduce the number of drinking water incidents at OCWA facilities so that they're below the provincial average for non-OCWA facilities?

**Ms. Gail Beggs:** I'm going to let OCWA start, and to the extent there's a policy issue, they'll pass it back to me.

**Mr. Michael Garrett:** I'll just kick it off. We are looking at that measure, as I said, and tracking it is a good indicator for us. We want to understand precisely the source of the problem and where it came from. For example, one of the things that we have to look at—these indicators can be system-wide. In some cases we're dealing with plants, as an OCWA contractor, and in some cases it's the municipality that's dealing with the distribution system, so we have to make sure we can separate where the incidents arose from and deal with it on that basis. So we're taking the Auditor General's advice, actually, and taking our measurements further so we can drill down and better assess exactly where the problems are and where they come from.

Staff, of course, on a particular incident always have a better idea. It's a matter of recording it so that we know, at our level. I'll turn it over to Dante, to have him elaborate, perhaps.

**Mr. Dante Pontone:** Thank you, Michael. Again, just to add to what Michael has said, it's important to understand that adverse water quality incidents—these are samples being taken from source to tap. Of course, OCWA, in terms of just focusing on what we can do, as Michael said, and just reiterating the auditor's recommendations—we are focusing on identifying if there are any systemic issues. Are we seeing issues over and over again? We've done that. It's not that we haven't done that regularly; we've done that, but more at what we call the hub level. But now we're looking at that more at a corporate level and ensuring that information gets to all levels of the organization. Again, it's important to understand that on the microbiological—I'm not sure if you were out of the room at the time—we do outperform the rest of the industry. We keep working—

**Mr. Peter Tabuns:** Yes, I noticed that.

**Mr. Dante Pontone:** Yes. The other point is, and I think Michael mentioned it in his opening remarks, that we operate over 70% of the small rural systems in Ontario, and they are more challenged. Again, the majority of them are source water.

So we continually work in partnership with our client communities to say that if there are things we can do from an operational standpoint—and that could mean infrastructure capital improvements within the facility in terms of working with them, or it could be as simple as changing a chemical. That's what we can control. We continually work with our client communities to reduce that number.

**Mr. Peter Tabuns:** Okay. The second question has to do with radiological contamination. I noticed that you had no incidents, as opposed to one incident in other systems. When you talk about radiological contamination, are we talking tritium or other substances?

**Ms. Gail Beggs:** I'm going to bring up our director of the safe drinking water branch in the Ministry of the Environment. I'll just note—I'm not sure if you were out of the room when I mentioned this, but we require testing of two microbiological standards, 78 chemical standards and 78 radiological standards in the province. I'm ragging the puck here while Paul gets his notes just to answer your question directly.

**Mr. Peter Tabuns:** That's fine. I'm happy to wait.

**Mr. Paul Nieweglowski:** Radiological parameters: As has been indicated, there are a number of different types of radiological parameters that are monitored on a regular basis, one of which is tritium. There are a number of different radiological elements that are also sampled for.

**Mr. Peter Tabuns:** I assume that the tritium standard is the province of Ontario's standard for tritium in drinking water.

**Mr. Paul Nieweglowski:** All of the standards that exist have been established through the Ministry of the Environment working collaboratively with the federal government, Health Canada, in establishing the standards.

**Mr. Peter Tabuns:** Right. But you don't set the standard. You work within the framework that the standard provides.

**Mr. Paul Nieweglowski:** That's correct.

**Ms. Gail Beggs:** Just to add a little bit which might be of interest to you if you weren't in the room: The minister has an advisory council on drinking water quality and testing standards. This council is made up of 15 members and they represent academia, industry, municipalities. They come from disciplines: chemists, microbiologists, engineers, public health experts. They advise on the standards that should be in place for the province of Ontario.

**Mr. Peter Tabuns:** Leaving aside the water supply for the moment then, the question of biosolids and sewage sludge: I notice in the auditor's report a concern about tracking, "...biosolid haulage records were incomplete for several facilities ... daily records couldn't be located." You note in your response that you're going to

be dealing with that. Could you give me a bit more detail on how you're going to be dealing with that?

**Mr. Dante Pontone:** Yes. What we've done is, we've implemented a standard operating procedure across the entire organization, which specifically ensures that all of the haulage record forms that are completed—first of all, they are completed, and the fact that we are looking at ensuring that the daily and seasonal loads are not being exceeded. Again, we're always working in co-operation with the haulers. Based on the auditor's recommendations, and we appreciate that, we are also ensuring that we're collecting this information, reviewing it and bringing it up through the organization. So we're ensuring now that all records are complete. I think the auditor recognized that there were no incidents, and certainly all the samples were being taken, but with this new procedure in place that will happen.

**Mr. Peter Tabuns:** Okay. The health and environmental impacts of spreading biosolids on lands in Ontario: Is it your responsibility for monitoring those health and environmental impacts?

**Mr. Dante Pontone:** No.

**Mr. Peter Tabuns:** Fair enough. There's a lot of concern about spreading biosolids on farmlands. Are you monitoring the emerging research on the health impacts of spreading biosolids?

**Mr. Dante Pontone:** No, we're not.

**Mr. Peter Tabuns:** Do you see it as your responsibility to? I assume not. If you saw it as your responsibility, you would. Maybe the Ministry of the Environment can speak to that.

**Ms. Gail Beggs:** It's a good question. Ontario is following literature on biosolids. We're working on a revised regulatory framework on biosolids and other non-agricultural source materials.

The Canadian Council of Ministers of the Environment that I mentioned before has a biosolids task group that we're part of. One of the great advantages of working in that forum is that we can share work across Canadian jurisdictions because each of our jurisdictions is interested in being progressive, so they are looking at it.

Some of the issues that people are concerned about and that are being focused on are pharmaceutical residues in biosolids—personal care products. So this is an active area of exploration and an area where we will look once we have good science and have done the consultation, making sure that our regulatory framework is up to date and protective.

**Mr. Peter Tabuns:** Is OCWA or the ministry considering phasing out the application of biosolids to farmers' fields, to food lands?

**Mr. Dante Pontone:** I would say that, right now, we're meeting all the regulatory requirements and we continue to land spread. It is the cheapest alternative for many communities. It really is outside of OCWA's purview, actually; it is the municipality that really dictates what they do with their biosolids.

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**Ms. Gail Beggs:** I couldn't say that we were thinking of phasing it out, but what we would be for sure looking at is upping our standards around application, as the science dictates that we need more protection. I'm afraid I can't anticipate whether we'll be there or not, but it is an area where we are actively monitoring the research results and the literature and, as I said, working across Canada.

There's increasing interest in biosolids as a potential fuel, and there are other factors that are driving interest in biosolids, so there may be room to explore other disposal practices in the future rather than land application. That may impact where biosolids ultimately go, but we take our role in both establishing standards—and once those standards are established, making sure through inspection that people adhere to those standards. That's an important piece of the business of the Ministry of the Environment that our inspectors watch for constantly.

**Mr. Peter Tabuns:** Thank you. Do I understand correctly that certificates of approval for biosolids spreading are being phased out and that the application of biosolids will be governed by the Nutrient Management Act in future?

**Ms. Gail Beggs:** I'm going to have to get back to you on that. I apologize; I can't answer you right now.

**Mr. Peter Tabuns:** Fair enough.

**Ms. Gail Beggs:** I'm happy to do that, though, and I will undertake to do that.

**Mr. Peter Tabuns:** Okay, thank you. No further questions, Chair.

**The Chair (Mr. Norman W. Sterling):** Thank you. Mr. Berardinetti?

**Mr. Lorenzo Berardinetti:** Thank you, Mr. Chairman, for the opportunity to ask a question. My question really is directed, I guess, toward the Ministry of the Environment. The auditor, in the report here, noted that there are a significant number of adverse water quality incidents that occur on an annual basis. I just wanted the ministry to put some context around these numbers on adverse water quality incidents. Of all the drinking water analysis that is performed at municipal water treatment plants, approximately what percentage, would you say, of the test results come back as being adverse?

**Ms. Gail Beggs:** I'm going to ask Paul to join me and correct me if I go astray on this, so to get my backup plan here. It's a great question. The year that the Auditor General focused on, I do have some information: It's less than 0.5% of adverse water quality incidents. Are those the right AWQIs? Out of over 500,000 reports, less than 0.5%. It's actually 0.17%, so a very tiny percentage. Am I right, Paul, in that?

**Mr. Paul Nieweglowski:** Correct.

**Ms. Gail Beggs:** And I don't know if you can offer—is that unusually low, or would that be a typical kind of year for adverse water quality incident reporting?

**Mr. Paul Nieweglowski:** I think it's important to note two things. One is that the adverse water quality incidents, as you've been told, are occurring from a sample that's been submitted and consequently, a lab reports that

it's in exceedance of the Ontario drinking water quality standard. The adverse water quality incident itself does not mean that the water is unsafe. It truly reflects the fact that there is an exceedance, and if this is left unabated, there is a potential problem. So it's a mechanism for the ministry to be notified of the incident and to be able to react to it.

The number of adverse water quality incidents—we receive well over half a million samples a year and, as Gail Beggs had indicated, the percentage is extremely low as to the number of actual adverse water quality incidents for the number of samples that are submitted annually.

**Ms. Gail Beggs:** Maybe just because I know adverse water quality incidents will be of high importance publicly, and to members' constituents, it's important to say that in the Ministry of the Environment, when we get one of these exceedances, works with the owners and the operators to resolve the cause of that. The mitigation for those things could be as simple as flushing; it could mean discussions with a local medical officer of health; and if it was serious, a boil-water advisory or drinking water advisory.

We talked earlier about how some of these exceedances may be a result of naturally occurring elements in the source water and not of a human health risk nature. We also talked about the ministry working with municipalities and operators with advice around what kinds of capital investments might be made to avoid these in the future. Earlier, I was able to talk to the committee a little bit about the full range of safety nets—everything from having these very stringent standards to what is new and future-oriented source water protection planning that communities are doing now. As well, the province has made and continues to make big investments in making capital available for municipalities to help them make the kinds of investments that are necessary to avoid these incidents in the future.

I think one of the things I would want to say to the committee is that the government of Ontario and the Ministry of the Environment have worked really hard to put in place what we think is an excellent safety net in the province. We feel we have, through all of these mechanisms and some of the things we talked about earlier—operator training requirements, certification—very safe drinking water. I was pleased to be able to partake today. It's a practice in the Ministry of the Environment to use our drinking water, because we feel very confident in it.

**Mr. Lorenzo Berardinetti:** Just as a follow-up, if I may, if you're dealing with a smaller municipality or perhaps a more remote part of Ontario and you were to find an adverse report, how do you ensure that the municipality or the location, wherever it may be, adheres to or makes the necessary changes? What follow-up does the ministry do? Do they send someone up there, or do they just rely now on—

**Ms. Gail Beggs:** I'll start, then maybe Paul can amplify a little bit. They're required by regulation to report to us. We have an inspection system. We have,

actually, a division in the ministry that concentrates on drinking water. They have a series of inspectors that are located around the land base. In our district and regional offices, they do both planned and unplanned inspections. They're there to pick up if people don't report, as well if they do report, to work with owners and operators on how to mitigate the incident.

Paul, do you want to add to what I've said?

**Mr. Paul Nieweglowski:** Sure. In addition, I think it's important to realize that the notification process is extremely stringent and that it's immediate notification verbally by the laboratory to the Ministry of the Environment and to the local medical officer of health. That ensures that two agencies that have direct responsibility for providing guidance to the operator/owner—that is done in accordance with the regulations and is done effectively and quickly.

The notification goes out; the ministry and the local medical officer of health have discussions about what they're seeing; they talk to the operator/owner to ensure that corrective actions are done; and as the corrective actions are done, there may be an actual site inspection again or a meeting, or several, depending on the nature of the adverse water quality incident. So it's immediate notification, it's immediate response to corrective actions, and it's follow up to that. After the incident has been corrected, there is a requirement for a corrective response report to be submitted to the ministry within seven days of corrective actions.

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**Mr. Lorenzo Berardinetti:** Since Walkerton, some of these are obviously new recommendations that have come forward and have been put into place, and there haven't been any situations that come close to Walkerton. Is it correct to say that?

**Ms. Gail Beggs:** Maybe I'll start, and Paul can comment on specifics.

**Mr. Lorenzo Berardinetti:** At least that you're aware of.

**Ms. Gail Beggs:** Yes. The Ministry of the Environment has been working really hard post-Walkerton, both before and since Justice O'Connor's report on Walkerton. Two new pieces of legislation, the Safe Drinking Water Act and the Clean Water Act, have been put in place. Under the Safe Drinking Water Act there are very stringent testing requirements and operator certification requirements.

We talked a little bit earlier in today's committee about why we think some of the incidents may be declining. I think it's in part due to the extra vigilance of that kind of framework. I think, though, the Ministry of the Environment are partners in caring about this with local medical officers of health, owners and operators. All of us are really committed to making sure that we don't have another Walkerton. The framework is one thing, but you need the absolute commitment of all participants, from source to tap, to make that happen.

In terms of what kind of incidents or whether we've had any issues at the level of Walkerton, I'm going to turn to Paul to answer that.

**Mr. Paul Niewegowski:** To begin with, since Walkerton, the drinking water safety net that has been put into place plays an integral part in ensuring that the ministry is able to do a number of different things. The basis of what's happened after Walkerton is that the number of adverse water quality incidents we get is part of a regular reporting regime. The safety net has a number of key elements that just continue to ensure that we are notified, that there's proper testing and that we respond as quickly and as effectively as we can. That's what we've done since the implementation of the safety net. I would add that jurisdictional scans have certainly shown that Ontario is a leader as far as drinking water and the safety net that we have implemented.

**Mr. Lorenzo Berardinetti:** Thank you. Those were all my questions.

**The Chair (Mr. Norman W. Sterling):** Mr. Lalonde.

**Mr. Jean-Marc Lalonde:** Once again, thank you for being so successful in your operations. I've been working with you people ever since I got elected here in 1995, and my first visit when I got elected was to you people to see if you were in favour of a regional system. Everyone should have gone that way, but the engineers were against it because, looking at my area, there were nine water plants suggested, and there would have been probably seven engineers that wouldn't have got the work. That's why they all went for it, and it's going to cost today over \$100 million more than doing it at the time.

The question I have: You said a little while ago that the downstream municipalities are advised when there's a spill or an overflow. You don't operate the city of Ottawa?

**Mr. Michael Garrett:** No.

**Mr. Jean-Marc Lalonde:** I could tell you it's costing all the municipalities downstream a lot of money for that mistake that they've made. I think they've paid a big fine on what happened there. We also had some overflow in my own area and outside my Glengarry–Prescott–Russell riding.

My question would be: Whenever there's an overflow due to capacity, what is the responsibility of OCWA when there's a spill or an overflow within a municipality? Do they advise the municipality in writing or by phone? That is the question. Secondly, would they be looking at what is causing the overflow to occur?

After doing my investigation, I found out, having received phone calls from a retired engineer—he told me, “Mr. Lalonde, you'd better take a look at it. They all have the storm sewer connected to the sanitary sewer system; they all have the eavestroughs connected to the sanitary system; they all have the sump pump connected,” and don't have a water meter.

I sat down with your people and I said, “If you were to recommend that, first of all, they come up with a water meter, they would gain a capacity of at least 25% of the capacity that this sewage treatment plant could take.”

I'm told that it's not the responsibility of OCWA to come up with those recommendations. But your experience and the good work that you've been doing: I wish you could take the step of advising them that what they

should do to reduce the capacity of their sewage treatment plant especially, because I was against the water meter. I'm just giving you that example from when I was the mayor of the town. We were taking up to one million gallons a day—gallons, at the time. When we got the water meter, we brought it down to 250,000 a day. So, today, I'll tell you that I'm preaching to have water meters installed in every place. There are places that got a grant lately to install water meters but they're not in operation.

My last point would be: When it comes down to a new water system in a municipality, what I've never agreed to is that the Ministry of the Environment tends to ask if there's a water source around the aquifer when we are right on the Ottawa River. I could tell you that they had to drill five wells, and a few years after, the five wells are tapped. It cost an awful lot of money to the taxpayers in the area. We just completed one, which is opening next month. The other one, the opening was done about six months ago. They were all on aquifers instead of going to the Ottawa River. I keep telling them that the best water source is right there. It cost \$250,000 at a time to do a survey to find out if there's an aquifer that could give the water to the municipality when the water source is right there.

So I'd just like to know if you have a responsibility to advise or to recommend to the municipality when they apply.

**Mr. Michael Garrett:** Several people can comment. First of all, I thank you for your comments.

I'm familiar with some of the municipalities in eastern Ontario. I used to work down there on the South Nation basin for a while, with some of those water problems.

One of the partnership things that we do with the municipalities is advise them if we think there are things they can do to reduce the usage in the waste treatment plants—by sewer-eavestrough separation, for example—and we work with them in that regard, as we do with a lot of municipalities.

It's a fair statement, and I'm certainly a fan of user fees, but the user fee decision, the way that a municipality decides to raise the money to pay for the operating contract, is a council decision, not ours. OCWA essentially invoices the municipality, and the municipality decides if it wants to have a user fee or a combination of user fee/raise it from taxes.

**1400**

Like you, I would be a fan of 100% user fees because I think that has a direct impact on conservation of the resource. When people see exactly what things cost, they tend to handle it differently, so I certainly agree with your comments. But we don't have a decision to make on that. That decision is made by the client municipality or the client Indian band, as the case might be, as to how they raise their funds.

With respect to the other issue about searching for water, that's the client's responsibility. We might get involved—I stand to be corrected on this—if the municipality asks us to assist with some of the engineering, but I haven't heard about that. Dante might want to comment

on that. I think that's mainly the responsibility of the municipality to work with the Ministry of the Environment in terms of the search for water. I know the problem that you speak of and I think it varies dramatically from place to place around the province. It's really a local circumstance. It depends on the water quality and the quantity that's available.

One of the problems with the Ottawa River, I guess, is that you could have that plume coming down, which affects quality, and it might mean that you'd have to have more treatment facilities to balance off the ease of getting to the water. That has to be considered in the decisions about wells or surface water sources. It's all part of the consideration, but really, that's a ministry issue.

**Ms. Gail Beggs:** Maybe I can offer a few comments, and then I will introduce Franca Dignem. Franca's our regional director for the northern region. In the Ministry of the Environment, in our operations divisions, the lead responsibility for different statues and programs rests with different regions. Franca's region takes on the coordinating role around waste water, so she may be able to add a little bit more.

I understand that the concern with bypass and exceedances originated from the city of Ottawa. I just wanted to say that the Ministry of the Environment requires all owners and operators who have bypasses or exceedances to report to us. We have a spills action centre that operates 24/7, and it is a requirement to report. We make sure that direct downstream municipalities know and take precautions—

**Mr. Jean-Marc Lalonde:** You're not aware?

**Ms. Gail Beggs:** We would need to look at that particular circumstance. But that is our normal operating procedure.

I can also tell you that in Ontario there are 106 municipalities that have combined sewer systems, so the potential for things like this to happen—what we do ask of them is that they develop a pollution prevention and control plan so that to the extent they're able, they can avoid bypasses, because we understand very much how this can affect downstream operations. We at the Ministry of the Environment work with municipalities on those plans. We also work at providing advice on the kinds of capital infrastructure priorities that can help avoid those kinds of situations.

I know that in the municipality of Ottawa, there has been recent prioritization of capital investments, some provision of additional funding to Ottawa to help remedy the situation that has led to bypass and exceedances. You are right; they did receive significant fines. I think the total fines were well in excess of half a million dollars for the most recent incident.

On the issue of tapping aquifers or surface water for drinking water, I'm really not sure what role the ministry plays. I can assure you that if municipalities come to us for advice, we offer our best advice or suggest to them others who can help them in their search for water. We certainly provide them with information about source water from our databases and support them in whatever

way we can in making decisions about how to source their drinking water.

Franca, is there anything that you'd like to add? Are there any more details that you can add?

**Ms. Franca Dignem:** Sure; thank you, Deputy Beggs. I'd just like to add, reflecting on a comment that was made—sorry, I didn't catch who it was, but I just want to make it very clear that the municipalities are indeed expected, through policy, legislation and certificates of approval, to promptly report all bypasses and overflows to the ministry and the local medical officer of health. In fact, we will be sending out a communication this year to remind municipalities of their reporting requirements.

I'd just like to—

**The Chair (Mr. Norman W. Sterling):** Can I interject and ask a question? Is the report made public at that juncture, and if not, why not? Why shouldn't the public of the city of Ottawa know when there was a problem? We understand, from history, that the Ministry of the Environment was aware of this problem for a year, and the councillors of the city of Ottawa had no idea that this had gone on. The staff at the city of Ottawa didn't pass along that information. Why is this not made public information so that the citizens of a particular municipality know there's a problem?

**Ms. Franca Dignem:** I'd just like to clarify, if I could finish that point I started on.

There are, however, two exceptions. The exceptions where they do not or are not expected to promptly report would be, number one, where a notification is provided in advance of a bypass resulting from a planned maintenance. So we know that or we anticipate that something will be happening. The second instance is when municipalities with combined sewers are expected to have long-term plans. This is what Deputy Beggs was explaining and elaborating on, the pollution prevention control plans, where we work very closely with municipalities. It's a staged approach to assist in the—we would love to say prevention, but to assist in the planning for incidents that may occur. Thus, through discussion with staff and expertise, we can be better prepared to respond. It's important to note here that as of 1985, the new combined sewer construction is no longer allowed, so we can sort of put that aside for now.

In response to your question, Mr. Chair, with regard to whether this is public, I can assure you that incidents—and I'm referencing spills versus bypass, because there is a subtle difference. In that case with the city of Ottawa, it was a gate malfunction, if you will. We require, when incidents occur, that they are reported immediately, and they do go through the ministry's Spills Action Centre. It's a 24-hour, seven-day-a-week service. As soon as we can step in with adverse-quality-type incidents, SAC employs environmental officers from across the province to address, assist, respond and support in these types of incidents. So there is definitely a response.

In the situation with Ottawa, as you probably know, back to your question earlier, the city is currently implementing a real-time control project where we will have immediate response. That information is public; the in-

formation that is reported on incidents and spills is public information. There's certainly transparency—

**Mr. Jean-Marc Lalonde:** Just to carry on with what the Chair just said, that problem that they had in Ottawa has caused the closure of a tourist camping ground that is owned by the province. And in the end, they had to build a new water plant, which they could have prevented, probably, if they knew where it was coming from. They didn't know that was causing the problem. It was only a year after that we were advised—even more than a year.

**The Chair (Mr. Norman W. Sterling):** My argument is less with the ministry, because, as I understand it, the ministry informed the staff at city hall about the problem, and the staff kept that from the councillors and from the public in terms of any public knowledge about this. So I'm less concerned about that being a problem with the ministry, but if it had been public knowledge, if it had been put on a website, if it had been out there, then somebody would have picked it up, and therefore the result wouldn't have been as disastrous as it turned out to be. My concern is that the public, the community, find out as soon as possible where these incidents, exceedances or overflows occur, and in a timely fashion.

**Ms. Franca Dignem:** I do appreciate your concerns, absolutely. It's important to clarify here that if there is a health risk identified, the medical officer of health is the body that will determine that appropriate notification to the public and the immediacy of that.

**The Chair (Mr. Norman W. Sterling):** Well, okay. I don't agree with that, but that's fine. That's a policy issue.

Any more questions? Do you have some questions, Mr. Ouellette?

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**Mr. Jerry J. Ouellette:** Yes, thank you, Chair.

Thank you for your presentation. Just to follow up on some of the questions that have come forward, you spoke about the health risk, and earlier on we had conversations about—I think it may have been Ms. Sandals who spoke about the iron content. Locally, we get issues where fire hydrants are backwashed or cleaned out and you get a lot of backwash through the systems, and we as regular MPPs would get calls because all of a sudden their water has turned red. Is there any reporting requirement to let us know, or what is the reason for that? The first thing when you call to find out what's going on is that they tell you, "Well, flush it out and don't use any hot water." Can you give us some insight on what the protocols are on this and the reasonings why?

**Mr. Michael Garrett:** I'd have to turn that over to our staff. I know fire hydrant flushing and the chlorine content at the end of a line can be a problem, and so they have to run it or open the hydrants from time to time to keep the chlorine content up.

**Mr. Jerry J. Ouellette:** Okay, that would be—

**Mr. Michael Garrett:** Do you have an answer on that, George?

**Mr. George Terry:** Yes. Hydrant flushing: one of my part-time jobs. Actually, it's an integral part of water

quality management. Thanks, by the way, for your comment on meters. That's great, because I've always been a metering proponent. But your comment on hydrants: We, as part of our service to our clients, flush our distribution grid on an annual or biannual basis based on their source water. Now, by that I mean that if you do have an iron or manganese problem in your source water, chances are that, due to the flow throughout your distribution grid, in various areas throughout your distribution grid you'll get more sediment formation on that line.

What that does, to make it easy, is it forces you to use more chlorine, which also causes secondary concerns, whether it's trihalomethanes or others, by using too high a dosage of chlorine. So the easiest way around that and the proper way of doing it is flushing. When we do flushing, we work with our partner, the municipality, and the regulator. We inform the medical officer of health as well that flushing is about to take place and its timeline. We usually run at night, so you don't see us that much, but we run from 6 p.m. to 6 a.m. We fire Styrofoam swabs, as you know, through these various lines and flush the iron, manganese or whatever the particulate matter is out of the line and it's captured. That chlorinated residual is then taken out by a chemical known as sodium thiosulfate, and then it's returned back to the collector.

**Mr. Jerry J. Ouellette:** So how does the backwash come to the point where it comes back into the households, then?

**Mr. George Terry:** Well, it should never come back into the household. That's a separate matter altogether. If they're getting water back into the household, that's not from flushing. That's from something that's happened either in the piping construction or some way in which—

**Mr. Jerry J. Ouellette:** Because even from personal experience on my own street, the same thing has occurred on a number of occasions, where the explanation that comes from the water department is that they've been flushing the lines and that's why—

**Mr. George Terry:** Oh, I see what you're—there's one way that it can happen. What we do is we retain the effluent, the water that's been released, we treat it, as I mentioned, to remove the chlorine residual, and then we decant it at a speed that the collector is capable of handling. If you were to just—you're right—open a hydrant and flush it and then it was captured by a collector, then it's going to surcharge. As you know, the math says that once you create 2.31 feet, you get a PSI which comes up into your basement.

**Mr. Jerry J. Ouellette:** So if that's the case, then, the response from the water departments, "Just continue to flush it until it's no longer there and then it will be safe"—how do you determine in a household when it is safe and when it is not safe based on iron content? Most of the time it appears to be rust as the colour that's coming through.

**Mr. George Terry:** Yes. This is aesthetic. This is why we're doing the flushing. This isn't for microbiological—we're doing it for aesthetic reasons. And you're right:

We usually—well, we always do. We notify the area of town not to do laundry, not to run tubs, things like that, for a period of about 48 hours. The goal is—and there's always going to be some residual, but this becomes less and less, the more the distribution grid is a proponent of flushing. In other words, if you do it once every five years, you have a higher residual when it happens. If you do it in the spring and fall, you have a proper communication cycle and you won't have that residual.

**Mr. Jerry J. Ouellette:** Okay. So is there anything that the public at large should be concerned with when they get this rust-coloured water coming through?

**Mr. George Terry:** I know it's a concern any time you see a discoloration in your water supply. However, conversely, it's a positive: People are actually paying attention, making sure that the water quality is maintained. They do that by cleaning your pipes; making sure that if there is a fire, you have the capability of meeting the fire demand of 1,800 GPM or whatever it is for your municipality. These are all integral parts of proper distribution grid and water treatment plant maintenance.

**Mr. Jerry J. Ouellette:** That's great to say, but when the 80-year-old individual down the street calls to say their water isn't safe anymore because it's red, it's hard to explain to them, "No, this is in your best interests." We just want to ensure that it is safe water to drink when this process takes place, to make sure that we can convey that to our constituents on a regular basis. From what I'm hearing, it is—but just flush it out. There is no level by which it is unsafe when they do this process?

**Mr. George Terry:** No. Don't forget, during the process, when it's taking place, we've isolated the water going to these homes, or we've supplied a secondary source to these homes. They're not feeding off the same line that's being flushed. After the flushing has taken place—and by that flushing, I mean the pig has been removed, and then the secondary water has been flushed through the lines, captured and decanted; after the chlorine residual has been removed—we go back to the homeowners and bring back on their lines.

You're right: That still means that some homeowners from time to time will get a little bit of iron or manganese or whatever the particulate matter is, but it's going to be 100 times better.

**Mr. Jerry J. Ouellette:** Just to continue, the chlorine deposits were mentioned. There are some concerns about the level of chlorine; that there's a chlorine taste occasionally. I've talked to water department individuals who say that the closer you are to the source, the stronger the taste will be. Can you explain the exact process and how that works or doesn't work? If you're supposedly at the end of the line, it's perceived that the water's always safe, but are we sure? Is there any notification? How do you know when chlorine is being added to the level that you can actually perceive or taste it?

**Mr. George Terry:** Just so you know, when chlorine is added, it's automatically monitored. So we know exactly how much we're putting in at any given time. Based on the size of the distribution grid and the storage

facilities that may be in that grid, there will be secondary monitors that monitor that chlorine residual 24/7. On top of that, when anybody goes around and does his bacteriological analysis of the AWQIs, they also take chlorine residuals. So they know with their hand-held devices what the chlorine residual is at any given time.

We base our chlorine residual on the regulatory requirements put forward by the province of Ontario for what's safe inside of a distribution grid. For a distribution grid, believe it or not, you can actually have a chlorine residual as high as four. For most distribution grids, we carry a residual around one.

Chlorine is—everybody hates it and everybody loves it, but there are two sides to it. It's a great way of ensuring that your water system is always safe. By having that residual there, you know that there's no bacteria.

**Mr. Jerry J. Ouellette:** Some of the other aspects, then: It was mentioned that the previous year was the wettest year. What was the impact on the water systems, being that there was so much rain? Has it affected the water systems in additional costs, reduced costs? Was there any change in all that? Were there overflows? How did that impact the system? I'm just wondering about when you have low years and high years of annual precipitation.

**Mr. Dante Pontone:** Let me begin. Yes, it definitely impacts our ability in operations. Many of our contracts are designed such that we take flow into consideration. Again, many of our contracts are fixed-price, so we understand that it has an impact on our bottom line of being able to deliver and the cost of delivering. Clearly, any time we have excessive flows, some of our highest costs in running these facilities are things like the chemicals that are used, electricity, gas. So that has significant impact to OCWA and the community that's being affected. Clearly, when we have a year of significant flows, there's a lot of discussion and adjustment and reconciliation with our clients at the end of the year.

**Mr. Jerry J. Ouellette:** For example—and I'm going to give you something that I'm sure the members would be somewhat unappreciative to hear—we had a very wet year locally last year. In previous years, a lot of people didn't water their lawns, so the local water department had to increase prices because they didn't make enough money. When you have wet years, how does that affect your bottom line to the taxpayers out there, when they're paying for these costs? Is it better or is it worse? In other words, this spring—because it was a wet year last year. The bottom line, when the water department looks at it and says, "We didn't make enough": Are we expecting an increase or a decrease in rates?

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**Mr. Dante Pontone:** As I mentioned, in terms of OCWA's contractual arrangements with its clients, if there's a wet year, there will be adjustments and reconciliations in most of our contracts at the end of the year. That will mean increased prices for the community.

**Mr. Jerry J. Ouellette:** It was also mentioned—a follow-up on Mr. Tabuns's comments regarding the

biosolid aspect; this is mostly for the deputy minister. Fish hatchery discharges are a complex issue, and part of the issue is the biosolids or the fecal aspect that's taking place. My understanding is that a lot of the permitting and the administration is very cost-prohibitive or used as a potential deterrent to hatcheries to participate for discharge purposes. Can you give us a reason as to why the water discharge for hatcheries is in the fashion it is?

**Ms. Gail Beggs:** Yes. Thank you for the question. This is something, not just with hatcheries but with all facilities, that we've been looking at very closely over the last few months.

What the committee member is talking about is that the Ministry of the Environment operates under a system that was developed back in the 1970s called the certificate-of-approval system. We have a system that treats high-risk effluents and discharges, and low-risk effluents and discharges, in exactly the same way. It's embedded in our statutes and our regulations, the requirements for facilities, whether you be a fish hatchery or a steel company, to apply to the Ministry of the Environment for a certificate of approval and provide documentation around that certificate of approval so that the ministry engineers can, in issuing the requirements on the facility, assure the public that what is discharged is safe, whether it's to the water, in your case, the incident of the fish hatchery; or to the air, in the case of emissions at the stack; or in the case of land disposal waste.

We've been reviewing our requirements there, and we've been thinking about another model. We've been looking at how other jurisdictions handle these circumstances. We're currently involved in policy discussions to see if there might be an appetite to look at a different process going forward, something that has more of a risk-based focus to it. If we are able to move in that direction, I think it will make it easier for low-risk operations to satisfy the standards that we have. I think it's everyone's intention to maintain high environmental standards, but perhaps in a more cost-effective way.

**Mr. Jerry J. Ouellette:** The reason for the question was that I was trying to see if there was an answer that pertained to potential contamination problems that may move into the watercourse system from hatcheries, and I didn't really hear that.

But at least in the next question, which is that the spiny water flea, the round goby and cryptosporidium are not effectively—they are invading aspects that have come into the province of Ontario. Currently, there is a large die-off of fish within water collection areas that has not been identified. What is taking place to ensure that these invading organisms or bacteria are handled in the same way that cryptosporidium is dealt with, to find out what's happening in the province of Ontario?

**Ms. Gail Beggs:** I'll start, and I'm not sure if any of my staff may be able to help me out here. Maybe they'll debate amongst themselves.

**Mr. Jerry J. Ouellette:** Which ones are coming in the province of Ontario that are going to affect the water system and that we need to worry about?

**Ms. Gail Beggs:** Which organisms? We in the Ministry of the Environment have a very good surface water monitoring system that we've had in place for many years. It has been supported by successive governments to continue to do that.

I'm pleased to say that we are now beginning to report on all of the results that we have from that monitoring system. We monitor for chemical elements. We monitor for algae and small green plants. We monitor for zooplankton, which are small animals. In particular cases where there are invasive species, we may do some more intense scientific investigative work ourselves, or work with universities to conduct that sort of work. Some of the areas that we've been focusing on recently are invasions of specific kinds of algae that may have effects on water quality. One of the areas of largest interest is blue-green algae.

We have counterparts in the Ministry of Natural Resources who work at greater than the microscopic level, on larger critters, fish species, species of molluscs like the zebra mussel, for example. They also have monitoring systems and work with, as we do, our counterparts who share the Great Lakes to look at this.

In terms of your specific question as to what are the next invaders that we need to worry about, I'm sorry, Mr. Ouellette, I'm not going to be able to answer that, but I'm going to check whether we have a staff member here who can help me out.

**Mr. Jerry J. Ouellette:** I'm more concerned with water quality and drinking water quality, that in the fashions of cryptosporidium—

**Ms. Gail Beggs:** Paul, are you able to say anything about organisms like cryptosporidium that may be future concerns for drinking water? If he's unable to, we'll undertake to get back to you.

**Mr. Paul Niewegowski:** The only comment I could make at this time is that things like cryptosporidium are identified as emerging issues. We do look at them. We do look at ways of mitigation of those types of emerging issues, things like ultra-filtration systems that are put into place. We're looking at new technologies to ensure that we keep up with those emerging issues that we see coming down.

**Mr. Jerry J. Ouellette:** So you're not aware of any that other jurisdictions have that we need to be prepared for.

**Mr. Paul Niewegowski:** At this time, I'm not aware of any.

**Mr. Jerry J. Ouellette:** Those are all my questions.

**The Chair (Mr. Norman W. Sterling):** Thank you very much, Mr. Ouellette.

I believe that this brings the hearing to an end. I'd like to thank all of the people who have participated. I would ask members of the committee to remain for a few minutes after the room clears so that we can instruct our researcher with regard to the report which we may prepare. Thank you very much.

*The committee continued in closed session at 1425.*



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    Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell L)

    Mr. Peter Tabuns (Toronto–Danforth ND)

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