



**First Session — Thirty-Fourth Legislature**  
of the  
**Legislative Assembly of Manitoba**

**STANDING COMMITTEE**  
on  
**PUBLIC UTILITIES**  
and  
**NATURAL RESOURCES**

37-38 Elizabeth II

*Chairman*  
*Mr. H. Pankratz*  
*Constituency of La Verendrye*



**VOL. XXXVII No. 16 - 10 a.m., TUESDAY, MARCH 7, 1989.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fourth Legislature**

**Members, Constituencies and Political Affiliation**

NAME	CONSTITUENCY	PARTY
<b>ALCOCK, Reg</b>	Osborne	LIBERAL
<b>ANGUS, John</b>	St. Norbert	LIBERAL
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BURRELL, Parker</b>	Swan River	PC
<b>CARR, James</b>	Fort Rouge	LIBERAL
<b>CARSTAIRS, Sharon</b>	River Heights	LIBERAL
<b>CHARLES, Gwen</b>	Selkirk	LIBERAL
<b>CHEEMA, Gulzar</b>	Kildonan	LIBERAL
<b>CHORNOPYSKI, William</b>	Burrows	LIBERAL
<b>CONNERY, Edward Hon.</b>	Portage la Prairie	PC
<b>COWAN, Jay</b>	Churchill	NDP
<b>CUMMINGS, Glen, Hon.</b>	Ste. Rose du Lac	PC
<b>DERKACH, Leonard, Hon.</b>	Roblin-Russell	PC
<b>DOER, Gary</b>	Concordia	NDP
<b>DOWNEY, James Hon.</b>	Arthur	PC
<b>DRIEDGER, Albert, Hon.</b>	Emerson	PC
<b>DRIEDGER, Herold, L.</b>	Niakwa	LIBERAL
<b>DUCHARME, Gerald, Hon.</b>	Riel	PC
<b>EDWARDS, Paul</b>	St. James	LIBERAL
<b>ENNS, Harry</b>	Lakeside	PC
<b>ERNST, Jim, Hon.</b>	Charleswood	PC
<b>EVANS, Laurie</b>	Fort Garry	LIBERAL
<b>EVANS, Leonard</b>	Brandon East	NDP
<b>FILMON, Gary, Hon.</b>	Tuxedo	PC
<b>FINDLAY, Glen Hon.</b>	Virden	PC
<b>GAUDRY, Neil</b>	St. Boniface	LIBERAL
<b>GILLESHAMMER, Harold</b>	Minnedosa	PC
<b>GRAY, Avis</b>	Ellice	LIBERAL
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupertsland	NDP
<b>HELWER, Edward R.</b>	Gimli	PC
<b>HEMPHILL, Maureen</b>	Logan	NDP
<b>KOZAK, Richard, J.</b>	Transcona	LIBERAL
<b>LAMOUREUX, Kevin, M.</b>	Inkster	LIBERAL
<b>MALOWAY, Jim</b>	Elmwood	NDP
<b>MANDRAKE, Ed</b>	Assiniboia	LIBERAL
<b>MANNES, Clayton, Hon.</b>	Morris	PC
<b>MCCRAE, James Hon.</b>	Brandon West	PC
<b>MINENKO, Mark</b>	Seven Oaks	LIBERAL
<b>MITCHELSON, Bonnie, Hon.</b>	River East	PC
<b>NEUFELD, Harold, Hon.</b>	Rossmere	PC
<b>OLESON, Charlotte Hon.</b>	Gladstone	PC
<b>ORCHARD, Donald Hon.</b>	Pembina	PC
<b>PANKRATZ, Helmut</b>	La Verendrye	PC
<b>PATTERSON, Allan</b>	Radisson	LIBERAL
<b>PENNER, Jack, Hon.</b>	Rhineland	PC
<b>PLOHMAN, John</b>	Dauphin	NDP
<b>PRAZNIK, Darren</b>	Lac du Bonnet	PC
<b>ROCAN, Denis, Hon.</b>	Turtle Mountain	PC
<b>ROCH, Gilles</b>	Springfield	LIBERAL
<b>ROSE, Bob</b>	St. Vital	LIBERAL
<b>STORIE, Jerry</b>	Flin Flon	NDP
<b>TAYLOR, Harold</b>	Wolseley	LIBERAL
<b>URUSKI, Bill</b>	Interlake	NDP
<b>WASYLCIA-LEIS, Judy</b>	St. Johns	NDP
<b>YEO, Iva</b>	Sturgeon Creek	LIBERAL

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON PUBLIC UTILITIES**  
**AND NATURAL RESOURCES**  
**Tuesday, March 7, 1989**

**TIME — 10 a.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRMAN — Mr. Helmut Pankratz (La Verendrye)**

**ATTENDANCE - 11 — QUORUM - 6**

*Members of the Committee present:*

Hon. Mr. Connery

Mrs. Charles, Messrs. Enns, Gilleshammer, Harapiak, Helwer, Pankratz, Plohman, Rose, Taylor

**APPEARING:** Mr. Storie

Mr. Cowan

Mr. R. L. (Nick) Carter, Chairman

Mr. R. J. (Rick) Cooke, Chief Executive Officer

Ms. Caroline Kaus, Secretary-Treasurer

**MATTERS UNDER DISCUSSION:**

First Annual Report of the Manitoba Hazardous Waste Corporation, fiscal period ending December 31, 1987.

\* \* \* \*

**Mr. Chairman:** We are going to be discussing the Manitoba Hazardous Waste Management Corporation and, at the same time, we have one vacancy which must be filled before we can start the committee meeting. Mr. Gilleshammer.

**Mr. Harold Gilleshammer (Minnedosa):** I nominate Ed Helwer.

**Mr. Chairman:** Mr. Ed Helwer has been nominated. All in favour? Committee Members in favour? Agreed.

Then I would like to ask the Minister in charge whether he would like to make some opening comments.

**Hon. Edward Connery (Minister of Environment and Workplace Safety and Health):** I just have one opening comment. I think it is important that we take a look at the make-up of the board of the corporation prior to our coming into office. This is not meant as a criticism but pointing out that there were seven members on the previous board, one that was basically inactive. We had two women and a total of three from Affirmative Action, which could be three out of the seven could be Affirmative Action. All of those people came from the City of Winnipeg. There had been what—pardon me, one person from outside the city who resigned shortly after the board started up.

The make-up of the current board is 11 members. There are four women, three who would be considered visible minorities. Seven out of the eleven are Affirmative Action. Five are from the City of Winnipeg, and six are from outside, which covers a very wide range from Winkler to Pinawa to Roblin to -(Interjection)- not Churchill, but to Flin Flon, which takes in a fairly wide range. I am very pleased with the make-up of the board that we have on the Hazardous Waste Corporation. It covers just about the total make-up of the population of Manitoba.

**Mr. Chairman:** Thank you, Mr. Minister. With that—Mr. Enns.

\* (1005)

**Mr. Harry Enns (Lakeside):** I wonder, Mr. Minister, in view of the fact that this is a new corporation, I think perhaps making its first appearance before a legislative committee, if the Minister would be good enough to introduce staff that is with him this morning.

**Mr. Connery:** Yes, I will. We have Nick Carter who is the chairman. We have Rick Cooke, the chief executive officer, and Caroline Kaus who is in the financial side.

**Mr. Chairman:** Then we are open for questions now to the Minister.

**Mrs. Gwen Charles (Selkirk):** I notice in the report that it mentions that research is one of the objectives set out for the corporation. Could I have an overview please of what research is going on at the corporation?

**Mr. R. J. (Rick) Cooke (Chief Executive Officer):** Yes, we do have some interest in research in a broad sense. We have been looking at a number of joint ventures related to the development of hazardous waste treatment and disposal technology. One potentially would involve Atomic Energy of Canada who have some technology that might be of interest and there are several other locally based technology developers that we may be able to participate with.

One of the opportunities I think we have as we develop a facility is to provide a place where commercial demonstration of new treatment technologies could take place. We see that as a side benefit, if you like, and part of our research mandate.

**Mrs. Charles:** When we get into the area of recycling, one of the largest problems, as I understand, which I believe is within your mandate, is the problem of finding companies that will recycle the recyclables. Is this a major priority for your corporation or is it indeed under the mandate of your corporation?

**Mr. Cooke:** Recycling of hazardous wastes is certainly something that we have a strong interest in, both in terms of our own investments in development and encouraging other people to do that. Solvents, organic solvents, mineral solvents, are perhaps the best example. There are now three recyclers operating in the province for those kinds of materials. We direct material to them and, in fact, promote them in that way.

One of the major limitations in recycling hazardous waste—the materials that we deal with—is finding somebody to take them back. One of the solvents, again using that example, very often the people that originally generated the material are reluctant to take it back.

There are specification limitations often associated, for example, with the aerospace industry where military specifications require the use of virgin material as opposed to recycled material. So there are some market limitations in doing it and it is the kind of thing that I think we work with other people in the business to try to solve.

**Mr. Connery:** Yes, I think, as I pointed out last Thursday, our department or myself with staff have gone to Edmonton to take a look at their recycling. We were in Regina. Once again, as Rick, the manager, says it is the market for recyclable products. Until we have a market to take them, there is not much point in drawing them out of the waste stream and creating another unsightly disposal area—or not a disposal area but a mound of, whether it be paper, plastic, glass or whatever.

As you know, one of the problems we have is with the Rolling Mills at Selkirk not wanting to take the pesticide cans. So we have a major problem that where we were able to dispose of them in a recyclable way because of the concerns of the union—and I am not going to say the union is wrong. If they are concerned about a health hazard, although there has been no way of determining whether there was a health risk to the workers, they were concerned and so, because of that concern, the mill decided not to recycle cans.

That affects the Province of Saskatchewan who now has—I forget how many hundreds of tonnes, whether it is 5,000 tonnes or 500,000 tonnes. It is a massive amount of pesticide cans that they have no market for and neither does Manitoba. So this creates some other concerns. As you know, with the glass industry there is very little use for recyclable glass.

What do we do to encourage recycling and, as a department, we are taking a lot of looks at various ways? Is there an up-front charge on products that we buy so that when it comes time for disposal of a used product, whether it be oil, tires or so forth, there is a fund there to collect and dispose of it in environmentally safe ways?

These are many, many of the ideas and this is why we are looking this year to some ideas from the general public to give us their input and from those that are specialized in the area of recycling. As you know, we have a recycling person within our department. That is not a large enough one. We want to improve and

expand on that, using the expertise that is in the community which there is a lot of.

\* (1010)

**Mr. Cooke:** Yes, Ms. Kaus pointed out one other thing that we do in that area that I should have mentioned which is we finance the Manitoba Waste Exchange which, while our interests are hazardous wastes, the Waste Exchange does exchange a whole range of materials, the bulk of which are non-hazardous. It is part of a national network, in effect, where generators of a waste can list those wastes and potential users of that waste can then source them. That is a national and, in fact, a North American network of which we are part.

**Mrs. Charles:** Yes, with my close association with the municipalities, I am very concerned about landfill sites and dumps. Certainly they are not anybody's new creation. They are a hazard that has developed over years of misinformation and innocence, I believe, but in many cases we are looking at hazardous waste sites in my opinion with what has been spilled into dump sites and I realize that the protection, or the overview of landfill sites, is under the Department of the Environment.

But I want to know if there is any association—and it speaks of coordination of elements of the system and the corporate mandate. I want to know if there is any coordination between the Department of the Environment looking after landfill sites and this corporation as to looking after hazardous waste facilities. Does the Manitoba Hazardous Waste Corporation look into dump sites, identify the municipalities or anyone else indeed as to hazardous waste sites.

**Mr. Cooke:** I guess we do not examine any situation in a compliance context. We will provide a service where environmental hazard relating to hazardous waste occurs. As I think you correctly identified, potentially, landfill sites are receivers of hazardous waste. It is a sad fact but historically our hazardous waste has gone into the same locations as our other wastes, sewer systems, landfill sites. The object of our work is to separate that waste stream and deal with it properly. We work quite closely with both municipalities and the province in terms of identifying where waste currently goes and where it comes from. That is part of our business development and market identification. Anyone in our business would do that.

It is very important to us though. The question is essentially regulatory in nature, is enforcement of regulatory standards by municipalities, probably as much as the province, and the key to effectively dealing with hazardous waste. That will generate the market that will justify the capability that we are developing. If I might I would make a plea in this context for enforcement, and notably municipal enforcement, as facilities are available.

**Mr. Connery:** At the meeting of the CCREM Councils in Montreal in April, the main issue we were about to

**Tuesday, March 7, 1989**

---

discuss at that meeting was the cost of cleaning up orphan sites. At Manitoba's request, the ozone layer is now part of that discussion, and I think it is going to be broad and wide-ranging issues that will come forth. As you know, there are many, many orphan sites of what would be considered to be hazardous and have hazardous material in them and that need some rehabilitation. Who is responsible for these costs? We do not know who the owners are. The owners are gone. So all of these orphan sites have been identified.

Fortunately Manitoba has very few orphan sites compared to Ontario and Quebec where, of course, a lot of the hazardous waste over the years has been generated. I must say a lot of that hazardous waste was generated in response to our purchases; so, while some provinces might say look, we do not have the problems so why should we be a part of the rehabilitation? In essence, because we bought some of those articles from those provinces, we were part of the hazardous waste problem.

**An Honourable Member:** Guilt by association.

**Mr. Connery:** Guilt by association. That is right. The Member is right. So we have contributed to those orphan waste sites. It is a major concern, and of course now from here on in we want to ensure that people are responsible, the user pay sort of syndrome. We will make sure that those people are paying for the sites and we do not end up with orphan sites.

\* (1015)

**Mrs. Charles:** I am still just trying to piece this all together, and I suppose that probably your department is still trying to put all the puzzle pieces together as they are being identified, really. If a hazardous landfill site is found or a landfill site believed to be hazardous, whether it is an operational site or otherwise and it is identified through the Department of the Environment as being a hazardous disposal site, whether those are hazardous goods as we know them or whether it is a mixture that is indeed not safe for the water system, does the Department of the Environment then turn to this corporation for disposing of that site, or exactly who would take apart a landfill site if it were deemed to be hazardous and dispose of it?

**Mr. Connery:** We could definitely bring in the Hazardous Waste Corporation. They are part of that although they are not generally in the area of cleaning up of waste sites, but if there was material that was identified in that site the corporation could be involved in it. There is no question that that could be. As I pointed out last Thursday, where there was a hazardous waste site that was found along the river west of Portage La Prairie, the, the Environment Department went in and cleaned it up but were able to identify the person or persons responsible—corporation responsible—for disposing of it and they were charged back. In some instances, the sight cannot be. It is an orphan site and we do not know who is responsible. It will be cleaned up and then hopefully you try to recover it. This happens in many cases. Rick, do you—

**Mr. Cooke:** Perhaps I could add, on a commercial basis, we would respond to anybody's query with

respect to a site clean-up. We, I think, have the capability to do the assessment and manage and contract for what technology might be needed to do that. Certainly, if requested on a commercial basis by a private owner of a site, a municipality, or by the Provincial Government at their choice, we would obviously respond on a fee-for-service basis.

**Mrs. Charles:** So the corporation is not just mandating to look at hazardous waste that is portable, shall we say, it also is looking after hazardous waste sites or a situation that may occur, that you would clean up?

**Mr. Cooke:** No. I think what I was trying to indicate is, if there is a site that requires clean up, there is a hazardous waste on it that requires removal or some remediation of that site. We do have expertise in the area to be able to respond to that kind of problem. We do not exclusively have that expertise. There are a number of other people in other parts of the country in that business. We have no mandate, or exclusive mandate, to do that kind of work here in the province, but we do offer that capability if it is required.

**Mrs. Charles:** So you then are not mandated to sort of overview disposal of any hazardous goods. I am getting a no from the Minister, so I will take it as that.

My direct question then would be, when the fluoride contamination occurred at Shoal Lake, was that a situation where this corporation would be involved or did this corporation have any intervention in watching the disposal of the fluoride? As I understand, it was dumped down the sewers of Winnipeg again.

**Mr. Cooke:** We had some very preliminary contact from the city in that event, as I recall. Mr. Yee would have had the contact regarding the eventual disposal of that material. If it is deemed to be a hazardous waste and to be dealt with as such, we would certainly deal with it on a commercial basis. I am not sure that decision in fact has been made. All I know is we have had an inquiry. The material is in the hands of the city and/or the Department of the Environment.

**Mrs. Charles:** So is it fair to sum up in saying that your corporation only looks after hazardous goods when somebody comes to you?

**Mr. Cooke:** I think that is a fair statement. As a proponent of facilities and capability and services in the area, that is our role. We are not controllers or regulators and we cannot force ourselves on any situation. Certainly, the regulator can direct people to us, but it would have to be the regulator either municipal or provincial.

**Mrs. Charles:** To the Minister then, it has been seen throughout the questioning in this committee then that there is no one department really overseeing all hazardous goods and that even if the paperwork goes through the system that there can be a municipality, there certainly can be private industry, in some cases, the department, Government department itself, and in some cases the corporation. Does the Minister have

any plans into setting new policy that there would be some overall direction in watching and looking after the disposal of hazardous goods or even the usage of hazardous goods so that we can at least identify them and keep a tab on where they go and where they would end up?

\* (1020)

**Mr. Connery:** I think the question is getting back into the Department of the Environment rather than the Hazardous Waste Corporation per se. The Hazardous Waste Corporation is a body that will be asked by the Government, Department of Environment, or other people, to dispose of hazardous waste or to collect it, to put it together and act as brokers for recycling or for destination to a disposal area. That is the role of the Hazardous Waste Management Corporation. We can ask them to become involved in a particular spill or, as with the ozone layer, to give us some expertise and some advice on the handling of the PCBs, where we asked them to be part of the situation where we could eliminate storage sites by them collecting for us on our behalf and putting them into storage. That is being done.

**Mrs. Charles:** Just for information, is there any one—goods, hazardous waste—that, above all others, is causing problems that we should look out for in the province? Is there a list of bad guys, so to speak? We speak of PCBs and certainly it has developed, if nothing more, the fear in people's minds of PCBs. Is that a major concern of this corporation? Are there other concerns? For instance, nuclear waste is always a problem, probably high on the list because of its longevity of hazard. Is there a list that is available to the public of substances we should be watching?

**Mr. Cooke:** There are lists available of regulated hazardous wastes in The Handling and Transportation of Dangerous Goods Act. We publish them periodically as well. I am not sure that there is a prioritized list available, which I think is what you are asking for. We certainly, with our technical people, could sit down with any list and attach our own priorities in terms of hazard to them. You mentioned nuclear waste. That may well be very high on the priority of any list, but it is not on our list simply because we are not in that business.

In response to your question about, if I sensed it right, where PCBs fit in this whole equation, what is better and what is worse, PCBs are not a good guy on the list but, in my personal view, technically they are a long way from being a worse guy. Perhaps the controversies about PCBs have served the useful purpose of highlighting concern about hazardous waste but it has also created a lot of paranoia, quite frankly, in the public and has led people to do some very expensive things as well. It is a chemical of concern, largely because of its long-term presence in the environment in rising to the top of the food chain.

In this area, generally, perhaps the worst single materials that we handle on a regular basis or would identify are some forms of chlorinated pesticides found in rural communities, or one in concentrated form, one

of the worst materials. But there are quite a number of industrial waste water streams that certainly should have priority attached to them as well. So without sitting down with the list and a chemist putting numbers beside it, I cannot give you an answer more direct than that.

**Mrs. Charles:** Seeing as how you have in some areas in some way, although not a prioritized list, identified substances that are particularly problems to the province and, because in the rural areas, in particular run-off from farms, flooding and such like occurs and it gets into our water streams, is there any association between your corporation and the department's monitoring the level of pollution in the rivers? My particular concern obviously is the Red River, to identify pollutants in the river beyond the narrow sphere that they now judge the river pollutants from.

\* (1025)

**Mr. Cooke:** I am not sure directly. It is certainly technical information that is made available to us as it is to the general public when those sorts of evaluations are done, and certainly it identifies compounds which could be identified as emanating from the hazardous waste environment, but it is very indirectly done in that context.

**Mr. Harold Taylor (Wolseley):** Last week, at this committee, we got a little bit into this situation of hazardous wastes in the city. The unfortunate incident of the explosions in the sewer was made reference to, which unfortunately was not the only time that has happened.

A question was posed of Mr. Cooke as to whether there had been communications with civic officials and his response was in the affirmative, but I do not think we got enough information on the table. Could Mr. Cooke maybe just elaborate what it was that they were asked to do or was it part of the initiative, the outreach initiative, of his corporation just to get out to groups that handle hazardous wastes in a major way and it fell out of that? What was the role that the corporation was able to play?

**Mr. Cooke:** I think the latter, Mr. Taylor. We have an ongoing dialogue with the city. In a sense, their treatment systems or their systems is where a lot of the hazardous waste is going. That is a sad fact, and that is what we are trying to change.

The occurrence in the sewer system as you correctly identified is not necessarily a unique event. That did sensitize the city and particularly their technical people, and I think our dialogue has improved subsequent to that event.

We are actively working with the city on the potential development of the siting transfer stations in the city. We have been invited to make presentations subsequent to that to the Works and Operations Committee at City Council. They have asked us jointly with their technical people and officials to come up with a proposal on how the city could participate in the development of our system. All of those, I think, are positive things and are in progress.

Tuesday, March 7, 1989

**Mr. Taylor:** I like that comment at the end about the longer term situation and their willingness to act in a cooperative fashion. In those discussions though, Mr. Cooke, they did not take advantage of the expertise resident in your corporation, to use you in effect as a form of public consultant to develop a response, the response we saw this fall, with some changes in the city's approach to toxics and explosives in the sewer system. You were not called upon to play that sort of a role then.

**Mr. Cooke:** Certainly they discussed those things with us on an informal basis, a normal technical exchange basis—informal public consultant. We are certainly pleased to provide them any kind of advice and assistance we can, I guess, within reason. At some point, it becomes a more commercial arrangement, but we maintain an ongoing dialogue with the city. They are a waste generator themselves and therefore a client. We have been actively working, for example, helping them in their laboratory facilities, putting together a waste management system. They themselves, I think, are quite competent to do that, but we are providing some assistance as well as working with them on facility development.

**Mr. Taylor:** Then you did not deal with the issues of the hierarchy of licences for various types of handlers of hazardous wastes in the city or the monitoring alteration, the minor alteration, the city proposed or frequency of testing inspection of firms, any of those types of things? You did not get into that sort of level of detail I gather then from what you are saying?

\* (1030)

**Mr. Cooke:** A number of those things were discussed. They ask our opinion certainly on monitoring, monitoring technologies, one of our staff does have some background in another jurisdiction and was able to informally, I think, provide them with some advice. With respect to licensing of carriers and that kind of thing, I think those consultations were held with the Department of the Environment as being more regulatory in nature.

**Mr. Taylor:** Given what has been found out about what was going on with the unfortunate rampant dumping of undesirable substances into the sewer system and the risk attended thereto, what is your view on the level of monitoring that is now in place and which it is just on a very infrequent basis? They might do one or two a week; they may do one every two weeks of the loads being dumped. Do you think that the system employed now, which is a variation of what was, is satisfactory, given the situation?

**Mr. Cooke:** I am trying to think of an analogy that might be appropriate and it is not an appropriate question, I think, to ask somebody who—if you ask me as a businessman, should there be more enforcement to generate more business for my business, I would answer in the affirmative. I think that is fundamentally what you are asking. I think the question is whether it is adequate and those kinds of

things are best directed to the regulatory authorities. The one comment I can make is that the city is—

**Mr. Chairman:** Please, no interruptions. We will give Mr. Cooke an opportunity to answer.

**Mr. Cooke:** I guess the one comment I could make is that the city's awareness and concern about monitoring the sewer system appears to us to be increasing. I am aware that they are seeking additional resources for enforcement capability which, again for the business reasons I outlined earlier, I think is a positive step.

**Mr. Jerry Storie (Flin Flon):** I did not attend the previous committee meeting so if I am being somewhat redundant in terms of the questions I ask, I ask the committee's indulgence. I would like to go back to a question that was asked by my colleague from Selkirk at the last meeting about the nature of waste and how it was defined by the corporation and the corporation's role in managing waste that is in the province, but more broadly than that, waste that may be transported through or into the province. I just would like a definition of waste from the perspective of transportation.

**Mr. Cooke:** The materials that we deal with are provincially regulated hazardous wastes that would be defined under The Transportation and Handling of Dangerous Goods Act. In addition, we will handle industrial wastes which are otherwise denied access. We may well not be non-regulated and may otherwise be denied access to municipal facilities. There is a relatively small amount of that kind of material.

We also deal with material that would be hazardous waste but because of the small quantities in which they are generated would not fall under the regulations. The typical example of that is household generation of hazardous waste. We do not deal with materials that are not listed as a regulated hazardous waste that would come from a registered waste generator. To use the U.S. terminology, so-called delisted waste, those kinds of materials.

**Mr. Storie:** Define a delisted material again.

**Mr. Cooke:** It is a U.S. regulatory term that is gaining some favour, I think. It means that a waste substance that has undergone some treatment or some analysis and is certified as being non-hazardous in a number of U.S. jurisdictions and I believe the USEPA use that terminology.

**Mr. Storie:** So anything technically that has been delisted would be, by definition, non-hazardous?

**Mr. Cooke:** That is the U.S. interpretation of it—perhaps inappropriately in the business. We tend to use the phrase a little bit, just picking it up from our American neighbours, but it has no regulatory standing in Canada.

**Mr. Storie:** So the fact that it is delisted may or may not signify anything in terms of its toxicity?

**Mr. Cooke:** A waste delisted by USEPA, it would be very unlikely that it would be considered a hazardous

waste in this country. The U.S. regulation governing hazardous waste generally and particularly definitions tend to be somewhat more stringent than ours.

**Mr. Storie:** You made reference in your first answer to materials that would be denied access to municipal waste facilities. What kind of materials are we talking about?

**Mr. Cooke:** There is a grey area that a material that is not deemed to be hazardous to the environment or health under national or provincial regulation but, for one reason or another, a municipality, through its own by-laws, may choose to deny to its landfill site, for example. It is things like, an example that we know of, lime sludges. Things that may be land farmed may go to a landfill site, but the municipality or the land farming operation may choose to deny that.

Where do these materials go? I guess by exclusion we end up as the alternative. Our facilities that we are in the process of developing will handle those kinds of materials when they are identified. The one potential type that we have identified are things like lime sludges.

**Mr. Storie:** I guess that would lead me into a whole series of questions about the scope of the operations of this corporation five years or ten years from now. It seems to me that given the rather vague definitions and regulations requiring municipalities to store waste, there may be a tendency over a period of time for municipalities to say no, we are not taking chances with any of this and it is all your responsibility.

Perhaps you could define for me or clarify for me how the corporation is going to distinguish between what will be accepted and what will not be, and how are you going to say no and whom are you going to say no to and who is going to say no.

**Mr. Cooke:** You have identified a phenomenon that has increasingly occurred in other jurisdictions. As more sophisticated waste management facilities become available, less sophisticated facilities that municipalities may operate—and I say that advisedly—particularly in this province and in the City of Winnipeg where very sophisticated landfill facilities do exist.

This material has been increasingly directed to facilities such as ours. My overall response is as that market develops and if there is a need we would respond to service that market.

**Mr. Storie:** I guess my next question is to the Minister then. Has the Government thought, or is it in the process of preparing lists of materials, designations of types of hazardous materials, that would not be the responsibility of the corporation? The mandate, if you read the Annual Report and other material on its mandate, is extremely broad. Maybe as an initial step that had to be so. I am wondering if there is in place or if you are preparing some sort of list so that everyone has to accept some responsibility for waste management.

**Mr. Connery:** We are not preparing a list that precludes anything of a hazardous nature being handled by the Hazardous Waste Corporation.

**Mr. Storie:** So the Minister is conceding the possibility that the Hazardous Waste Management Corporation will become the disposal ground for the province, or that it will have a series of sites that will manage all waste?

\* (1040)

**Mr. Connery:** Not necessarily. They are mandated to handle hazardous waste material, not necessarily non-hazardous waste material.

**Mr. Storie:** I am just referring back to a conversation I thought we had, Mr. Chairperson, where Mr. Cooke indicated that there may in fact be a problem at some point because municipalities do not want to take any risk with materials that may or may not technically be hazardous. But because there is a perception that they are hazardous, there is a fear that they may become hazardous, and the end result will be that municipalities will in fact close their disposal grounds to virtually all waste and that the waste corporation would then become responsible.

**Mr. Cooke:** Maybe I can clarify that, Mr. Storie. I did not identify it as a problem. I identified it as a business opportunity and I think there is a difference. Where there is a need it is our job, certainly not on an exclusive basis but we would have the facilities, not for the disposal, for the treatment and safe permanent disposal of the residues for those kinds of materials. We really look to two levels of regulators that will generate our market. The one and obvious one is that long list of materials, 3,126, I believe at last count. They are listed in the TDG Regulations. These are materials that under law are considered hazardous and have to be managed as such. If they are waste materials, they have to be managed as hazardous waste.

We also look to the municipal regulator in any decisions that they may make with respect to their own facilities, be they sewer systems or landfills, and they may well identify markets. That is the grey area, if you like, that I identified of industrial waste. I guess we know it is not large in this jurisdiction right now, but we know from experience in other jurisdictions, and particularly Ontario, that as regulatory enforcement increases, as it will inevitably, there is this identification made and we will certainly respond to that need.

**Mr. Storie:** I gather the Minister has left open that the Hazardous Waste Corporation will not refuse any waste, that essentially their mandate is quite open.

The Minister indicated that. I just want the Minister to confirm that is what he said.

**Mr. Chairman:** I guess it is his prerogative that he can reply if he wants to and he need not if he does not.

**Mr. Connery:** You answered your own question.

**Mr. Chairman:** Mr. Plohman, have you got a question?

**Mr. John Plohman (Dauphin):** Yes, I have a few statements to make.



**Mr. Storie:** I have got a couple of more questions.

**Mr. Plohman:** Jerry is not finished yet, Mr. Chairman. I defer to my colleague if that is okay with you.

**Mr. Chairman:** Please go ahead, Mr. Storie, with your question.

**Mr. Storie:** Just to move off the question, that aspect of handling of waste. Back to the question of transportation of waste into the province, an example was the transportation of sludge from California into Manitoba clearly contained some elements of the 3,126 hazardous materials, including cadmium, arsenic and so forth. That would be under your definition hazardous material, would it not?

**Mr. Cooke:** Not necessarily. I do not know that particular material. I would make an assumption about it that it was probably delisted under California regulation. That is an assumption on my part, not having anything to do with it. Hazard is defined obviously by the substance in its properties but also by amount and by risk of exposure. Those are the kinds of criteria that are applied to any definition of hazard, particularly amount. Small quantities of heavy metals exist in many substances and are not necessarily deemed to be hazardous goods or in waste form hazardous wastes, so I really could not make a judgment calling that particular material hazardous because it contained heavy metals, which I think was the concern.

**Mr. Storie:** You are not aware of any testing that was done by the province or by federal agencies with respect to the material or materials that are flowing into Canada, Manitoba?

**Mr. Cooke:** That would not be something we are involved with. We are not a regulatory authority and do not get involved in that kind of control.

**Mr. Storie:** So the responsibility then for making sure that whatever materials end up in Manitoba clearly lies with the province or the federal Government.

**Mr. Cooke:** Both the federal Government, on a national basis, and the provincial Government. Certainly the exporting country has some obligations of notification. There is a common manifest. If it is a hazardous material, hazardous good or a hazardous waste and is regulated as such as the point of origin, then a manifest system would apply to that material with notification for appropriate jurisdictions is our understanding. Most of our business is exporting waste to the United States, so the situation, with the material, it is hazardous waste, being exported to treatment facilities in the United States. We have to go through a manifesting system, a series of registration numbers. It is computer tracked. Each jurisdiction receives copies as it passes through licensed carriers to a licensed facility that will deal with it.

**Mr. Storie:** Mr. Chairperson, perhaps to the Minister or to the CEO. Do either of you see the possibility of the corporation becoming involved more extensively,

or extensively in the handling of waste from other jurisdictions? Is that part of the mandate as it currently exists?

**Mr. Connery:** There is no mandate. There has been no decision made on the importation of hazardous waste from other provinces or other jurisdictions. We do not have, as Ontario or Alberta has, a closed border to hazardous waste. As you know, the Government of B.C. says they will not be a net importer, so they do export hazardous waste and also import on an equal amount so they are not net importers. The fact that we are looking at some regional concepts where, because of the volumes, it would be very expensive for one province to dispose of all its material and each province doing the same thing, where there could be some regional abilities to dispose of hazardous waste in the most economical fashion for its citizens.

**Mr. Storie:** The Minister is saying they have made no decision. Is there an inclination? Is the Minister inclined towards establishing the waste corporation and operating it as a waste facility for profit, or is he more inclined to have a policy that says that we will manage the total volume of waste we produce, similar to B.C.'s policy that says it will not be a net exporter of waste?

**Mr. Connery:** When a decision of that nature has been made, I will assure you, you will be one of the first to know.

**Mr. Storie:** That is gratifying. My colleague had some questions.

**Mr. Plohman:** I want to go back to the issue of siting of hazardous waste disposal site, because I think this is a very important issue and one that I believe was not addressed, at least to my satisfaction, satisfactorily at the last hearing, the committee meeting that we had. As a matter of fact, there was some disturbing information that was provided to us at that meeting. We had comments from Mr. Cooke in which he said, I am a little concerned, the siting criteria, this document here that is prepared by the Crown corporation is a piece of technical work done by the corporation as a proponent. It is our proposal of the kinds of criteria that in our best technical judgment and based on our view of experience in other places that we would propose in doing our work. Then he said certainly other proponents may take different approaches to siting in the province.

\* (1050)

Then Mr. Connery said, just previous to that, he made this statement. He says do they go out to the department first and find out the criteria? This would be the logical and common-sense thing to do. However, there are no criteria, he later admitted, that would be followed by the private sector in siting for a hazardous waste disposal site in this province. There are proposed criteria for the Crown corporation that they will follow, but there are no criteria that have been established by the province to apply to the private sector.

I ask the Minister whether he intends to—and I do not think this was asked last time he said there will

be the same criteria, but Mr. Cooke said those were just suggestions and they would not necessarily apply to other proponents. Does he intend to apply those criteria by regulation to the private sector?

**Mr. Connery:** As the Member well knows, depending on the proposal put forth, will depend on what regulations are imposed. Is the proponent asking for a collection site and then become a transfer to other jurisdictions? There would be no question the Clean Environment Commission hearing would give some regulations to that particular proposal. Another one might be a destruction site. Depending on the proponent, what the proponent is proposing, of course, is to what licence they will be given. Of course, the department and various groups will make presentation to the hearing. The Clean Environment Commission then will make recommendations, depending on whether it is a Class 1 or 2, to the director. If it is a Class 3 under The Environment Act, then it would be to the Minister. It would depend on what would be recommended, depending on what was being proposed by the proponent, but strict regulations will be in place. The Hazardous Waste Management Corporation is looking at an all encompassing site, whether it be for basically most things.

**Mr. Cooke:** In reading back the phraseology I used, perhaps I was not conveying exactly what I was meaning. I did not want to in any way imply that I was speaking for another proponent. Each proponent will obviously make its own decisions.

**Mr. Plozman:** Is that what you said?

**Mr. Cooke:** Yes. I just wanted to underline that. That is our best judgment on the kinds of things that we would look for, based on our technical expertise. We have also presented it in a fashion that it is discussable with the public. A lot of siting criteria, and we feel quite strongly about this, should have a substantial amount of input from the public and more specifically from the communities involved. So we have also said that the criteria we are proposing are not cast in stone. They are discussable and negotiable with the communities involved. In fact, we would expect the communities to dictate a number of those criteria that we may have started the discussion on.

We have suggested siting criteria for both a central treatment and disposal facility, and for a transfer station facility. I would add though that the transportation siting criteria that we have applied for would envision quite a small, very simple storage operation. Most facilities that involve any handling or processing of hazardous waste, in our view, would involve the major criteria that if we were developing them, that would be involved there.

**Mr. Plozman:** Mr. Chairman, Mr. Cooke also said at the last committee meeting we had that one jurisdiction in Canada does have regulations that determine the criteria, that outline the criteria for siting. Can Mr. Cooke indicate which province that is and whether, in fact, those regulatory criteria are the same essentially as the ones that the management corporation is now working under?

**Mr. Cooke:** In a sense I am glad you asked that question. The province is British Columbia. They chose to issue siting regulations, really in response to a specific proponent in that province. They were currently reviewing those. British Columbia has the advantage of having some areas that would be classified as a desert. Their second criteria virtually said the facility had to be in a desert. We do not possess a desert as far as I know, or a definable one and, quite frankly, sand dunes are not a good place to put hazardous waste facilities. One of the problems that some jurisdictions have had, and this has occurred in the United States, where regulations have been written for criteria by the jurisdiction, often in response to one particular development. There has been concern that they ultimately do not work and this is, in fact, what happened in British Columbia. My last understanding was that they were reviewing that as going through an exercise.

For the most part our criteria I think more than meet those that prevail in most other jurisdictions. We have published a document that does review legislative siting criteria in the United States. It is a grey-covered document that I have a copy of here that we would be pleased to share with you. It gives you some idea of what other jurisdictions have looked at.

**Mr. Plozman:** Well, my concern is that we have a scenario where the Crown corporation has to, through an exhaustive process—and I believe that is a good process—prove that the site that they select is a suitable site. It meets all of the stringent criteria that is established, as well outlines the requirements that are needed for a suitable disposal site and then demonstrates that to the public, through the hearing process, that is the best site through the selection process.

So the onus of proof is on a Crown corporation to demonstrate or prove to show that that is a suitable site to the public and to the Government and to the people. The onus of proof is upon the Crown corporation. Whereas with the private sector development, we have the proof changed, reversed. Where the public, the interveners, the people concerned about the environment have to come forward at a hearing and prove that specific site selected, through whatever arbitrary means, is not a good site and does not meet the criteria.

So that is a reverse onus, and what I am saying is that I like the criteria that is in place by the Crown corporation and I believe that those same criteria should apply before site selection for a private sector company as well.

There is the provision for that as we evolve this whole process under The Environment Act that we passed, Section 41(1) of The Environment Act, being Chapter E125 of the Continuing Consolidation of the Statutes of Manitoba, sets out a number of areas where regulations can be established for exactly precisely what I am saying. I am suggesting to the Minister that in fact, now that he has arrived at that point where an application has been made, a site has been selected by an individual company, that these should be put

into regulation and required by the private sector to the same extent that they are required by the Crown corporation, that they should be published as regulations in the Gazette, as all regulations are, and they should be communicated to the industrial sector, as well broadly to the public, so that companies know that.

I am proposing, Mr. Chairman, that this shows - (Interjection)- Mr. Taylor is making comments about saying the former Government should have done this. Things evolve, you can do so much at one time. Provision was made for this and I am suggesting it be done.

I would ask the Liberal Opposition to support this proposal that this be made regulatory. If they do not, then I wonder where their position is as well as the concerns about the private sector. I would propose, Mr. Chairman, that we ask the Minister, as a committee, to provide these regulations, to put these regulations in place under The Environment Act, Section 41(1), that is provided there, empowers him to do that through the Lieutenant-Governor-in-Council, so that these are applied to the private sector.

**Mr. Chairman:** Mr. Minister, do you want to make a comment?

\* (1100)

**Mr. Connery:** Well, this has nothing to do with the Hazardous Waste Management Corporation, it is to do with siting through the Environment Department. But I am not going to refuse to answer the question because it is not—I thought a question was asked. I would be happy to answer it. While it is not appropriate to the discussions, I think it is appropriate to say that private corporations will not be given special privileges to do things less stringent than the Crown corporation. It is up to the proponent to do all of the environmental impact studies that would be requested by the department.

Our department has developed a process of things that have to be done. As you know, Sussex was the first application that has come from the private sector since the Act was in place. They have established a process, the process being that the proponent has to ensure and give evidence that the site is a safe site for what they are proposing.

There will be expert testimony from the Department of Environment, who would make some recommendations and from other people—local people, environmental groups. Because somebody has purchased a site does not mean that it would necessarily be given a licence to carry on what they are proposing to do on that site.

**Mr. Plohman:** Mr. Chairman, I have proposed these for regulation because the Minister has not given this committee assurances that the same criteria that apply to the Crown corporation in siting will be applied to the private sector. He has waffled on that. He says it depends on what the operation is and so on, and I want to know whether the same criteria are going to

apply. He said he could not give those assurances at this committee meeting.

He did not say he could not, he just did not give those assurances. I believe that it has to be in regulation. That is why I proposed it.

**Mr. Taylor:** I think this is a fine opportunity for the Minister of the Environment to confirm that he will fill the regulatory gap left by the NDP that when they set up the Manitoba Hazardous Waste Management Corporation they did not give it exclusive rights to be the handler, accumulator and disposer of hazardous waste but said that it will be a public sector function and that others in the private sector could also be there doing that sort of thing.

Then there should have been the accompanying regulations that went with that philosophical statement. Obviously the regulations have not been there. So I guess the question to our now Minister of Environment is he prepared to plug the hole that the NDP left?

**Mr. Connery:** I am not convinced that there is a hole. That is your words, that there is a gap. If there is a gap that needs to be filled, as a Government we are not reluctant or afraid to fill gaps. We definitely are filling gaps on an ongoing basis. That is not being critical of the previous Government because, as the Member for Dauphin (Mr. Plohman) said, things change, times change. We become much more stringent in regulation as we learn more about things that are happening to our environment.

We continue to upgrade and to make changes, and rightfully so. Those changes will continue to happen. If there are changes required there is no problem; they will be done. Site selection of a hazardous waste proposal will be done very stringently with full input, with no differences between the private sector and the public sector as far as the regulations or the criteria that would be set forth for them to do it. It depends on the proposal put forth by the proponent and the location that they are proposing as to what the criteria could be.

**Mr. Taylor:** Also to the Minister. The other point brought out by the former administration representatives here was the issue over siting criteria. This was mentioned last Thursday. I think the point is valid, that there are questions about the siting criteria available in Manitoba at this time and to what degree has it really evolved along the lines of that in other jurisdictions.

I do not think anybody would refute the point that it has not evolved as far as it should have. We have a case of yes, we do have siting criteria, but there are other jurisdictions that are quite some distance ahead of us in evolving absolutely inclusive siting criteria to guarantee the safety of the workers, the adjacent area, and the general population.

The question is in that the inheritance was of a set of siting regulations for any hazardous waste management facility were not fully developed. What is the position of this Minister in taking them further along so that they are more inclusive and, quite frankly, more safety oriented?

**Mr. Connery:** Dealing with it from the Hazardous Waste Corporation, not the private sector and other ones because we are dealing with the Hazardous Waste Corporation, Manitoba, well, Alberta is the only one that has a site that has been approved and licensed. From that aspect, Manitoba has been looked upon by B.C. and Saskatchewan as being leaders in site selection, and I had that confirmed to me when we were in Regina by Mr. Strachan and Mr. Swan from Saskatchewan, that they are looking to Manitoba's criteria and to how Manitoba is doing it.

I am very pleased with what the Crown corporation has done and pleased with the mandate that the previous Government gave them to allow them to pursue it and they have done a very good job. When it comes to Manitoba, I think we can be proud of what we have done. It always can be better. There is never such a thing as being perfect, but other provinces have had a very difficult time in selecting a site and I think that Manitoba is one of the leaders in this direction.

**Mr. Taylor:** Mr. Chairman, the matter is serious but there is a degree of humour here in the sense that the NDP has raised the issue as to whether the siting criteria which they gave to the now Conservative Government is adequate and it is from them. On the other side, the Minister is saying he is very pleased with his inheritance. Not at all—the same criteria is employed for both, and it is not fully developed yet.

**Mr. Chairman:** Any more questions to the Minister? If not, are we prepared to—

**Mr. Harry Harapiak (The Pas):** I would like to go back to a question that was raised just briefly earlier and that was the explosion that happened in the City of Winnipeg when that gasoline was dumped into the sewer system. We have talked to several operators of liquid waste, hazardous waste, and they still feel that there is a real need for having a disposal site for gasoline and petroleum products.

I am wondering if the Hazardous Waste Corporation has followed up on the suggestion that was made during last year's Estimates that Shell Oil, Imperial Oil, be approached to see if they were willing to let their storage facilities be used as a storage facility for the general haulers of liquid waste.

**Mr. Cooke:** That is one of the things that we are investigating, storage for contaminated motor fuels—diesel and gasoline. There is one commercial operator in the city that does have some separation capability and is able to deal with some of that material.

The issue of illegal dumping of that material is more one of cost to the original possessor of it than capability to deal with it. I think if people are willing to pay the amount of money it takes to deal with that material then it can be dealt with. The illegal dumping is essentially unconscionable, being done by people who are not willing to pay.

**Mr. Harapiak:** I guess there have been some suggestions made that they should increase the cost

of disposing of this hazardous material, but I think if you increase the cost of disposing of it then therefore it is going to give more opportunity for the small operators to get around the law and dump it illegally so it is the matter of cost.

I think that there should be some obligation on the part of the public corporation that they would try and provide a site that could be used as a storage—and there is some value to this, petroleum products if they are refined and reprocessed they can be used again. I think that this can probably come near to meeting the costs that would be brought forward to handle this.

\* (1110)

**Mr. Connery:** I appreciate the concern and the comment made by the Member for The Pas (Mr. Harapiak). We discussed earlier the fact that when a product becomes a waste and if it is oil, whether it comes out of your car, in the garage, what is the value of it. There is right now very little value, if nil. In fact, it is an expense. I do not very much want to be having the cost of the disposal and transfer and all that put on the backs of the Hazardous Waste Corporation and therefore paid by the public. I think that would be a very expensive process. I think we need to look at other ways of generating income which I had mentioned earlier. Maybe on a quart of oil there would be a 10 cent up-front charge that everybody would pay when they bought that quart of oil, maybe \$5 on a car tire, \$50 on a refrigerator. These are the possibilities, that when it came time to dispose of it there was a source of money to pay for the proper disposition, and that would take away the need for people trying to dispose of a product in a non-environmental fashion.

**Mr. Chairman:** Any more questions? Mr. Harapiak.

**Mr. Harapiak:** The suggestion that the Minister is making is that you want the consumers to be paying for the disposal of the by-product after it has served its useful purpose, but I think the corporations are making profits. It is not very difficult to follow some of the annual reports that are coming out for some of these corporations. There is a pool of money there that is available for coming up with some recommendations or suggestions of how it can be disposed of. I think that is where the responsibility should lie.

**Mr. Connery:** The Member says should the consumers pay. I think most people would look at a user pay system. Those that use the most should be obligated to be paying for the most for distributing it. Should the corporation be paying for the disposal of large amounts of industrial waste that maybe there is no immediate home for? I think not. I think that is not the responsibility of the corporation and the consumer.

**Mr. Harapiak:** What comes as a result of this is we are having people just dumping out into our environment. Is it a greater damage to all of us than in the long run coming up with some strict regulations for the corporations to come up with some method of disposal? I think that there should be some regulations

Tuesday, March 7, 1989

drafted which make it necessary for them to dispose of those products.

**Mr. Connery:** As the Member knows, in the case of PCBs the corporation in some instances, whether it be a community club or something along that line, are picking up PCBs and storing them for them at no cost. Where it is a commercial venture, they are picking them up and there is a charge made for storage. Those people will also be required to pay for the destruction at some point when those facilities are available.

**Mr. Harapiak:** One other area I notice is dealing with the City of Winnipeg but still dealing with hazardous waste. I am wondering if the Hazardous Waste Corporation has been involved in drafting some policies or working with the city in how to deal with some of the hazardous wastes that are being dumped in the City of Winnipeg. There are examples of where dangerous shipments of corrosive substances were dumped into the City of Winnipeg wastes, and I am wondering if the corporation has been involved at all with the City of Winnipeg in how to dispose of some of these materials that are coming into the city dumps.

**Mr. Cooke:** They will contact us regularly as do the provincial regulators when there is a requirement to collect, arrange treatment, and proper disposal of material. If your question relates to how do you control that event, that is not something that we really play a role in. Those discussions I am sure occur between the provincial and city enforcement officials.

**Mr. Storie:** Mr. Chairperson, I am interested in the Minister's response to a couple of questions by my colleague from The Pas, and his insistence that the principle that we should be following in terms of waste management is the principle of user pay. I thought we had fairly well established the principle of polluter pay and that the corporations, whether they are using flora carbons or Freon or whatever in refrigerators, is that General Motors should be picking up the \$50 fee, or General Electric I should say, not the consumer. We are starting to approach this whole thing from a kind of backwards perspective. The Minister is now suggesting that our prices are inevitably going to rise 10 percent, 15 percent or whatever percent because we are going to demand it, we are going to take responsibility for it. The fact is that the corporations who are producing these materials, whether it is plastic for plastic cups or material for refrigerators, should be taking some responsibility for it.

The Minister's approach, if it is going to be, we will just add on to the consumers' costs in every case so that the public and then management, I think that is regressive. I think that the whole purpose of establishing manufacturing relations which govern the production of material and chemicals and so forth that pollute is to control it at source, not after the consumer has consumed the product, then is left with the problem, or we collectively are left with the problem of disposing of it. I hope the Minister is not suggesting that somehow the new approach of the Government is going to be the consumer pays at the end of this process, rather than we manage the question of waste from the

beginning, from the producer's point of view and the manufacturer's point of view.

**Mr. Connery:** Well, it is the age old story that we get from Mr. Storie, or I should say the Member for Flin Flon. The consumer pays regardless. You can say that—(Interjection)— Mr. Chairman, could we have some order.

**Mr. Chairman:** Mr. Minister, you have got the floor.

**Mr. Connery:** I notice that—

**Mr. Chairman:** Order, please; order, please. Let us keep our questions to the report and, if not, then let us pass the report. Mr. Rose.

**Mr. Connery:** No, I have to finish—

**Mr. Chairman:** Mr. Minister.— (Interjection)— Order, please.

**Mr. Connery:** Just be patient. I think it is important to say that you can say that the businesses will pay it, but inevitably it is passed on to the consumer. It is nice to say that they will pay it, but it will be passed on to the consumer. You can say that businesses are paying the payroll tax and 90 percent of it is passed on to the consumer. All of these things that you levy against businesses eventually get paid by the consumer. There is no free lunch where somebody else is going to pay for it. So to say that it should be paid by the manufacturer, you can say that they pay for it, it will be tacked on to the cost of production and the consumer will pay for it.

Our goal would be to try to eliminate hazardous waste in the production, such as CFCs, and the sooner we can eliminate the production of CFCs, the better this planet will be. We are meeting in April to discuss, and maybe we can speed up the 10-year process that has been recommended by Ontario and the federal Government. You saw that the September '87 Montreal Protocol was out of date within 18 months. Maybe we can do things quicker than what we established. There is no such thing as the consumer not paying in the long run.

**Mr. Bob Rose (St. Vital):** Mr. Chairman, in regard to the corporation, if they had any dealings with any of the car washes and their methods, or any problems they have in disposing of waste?

**Mr. Cooke:** Yes, we do periodically talk to car washes, and in a number of cases have offered them some advice. They have some problems with I think detergent solutions going into the sewer system. There are some things that they can do. We do provide a source base technical assistance service for waste generators, and certainly car washes have contacted us in that context. I do not have the details of exactly what we have done for them. Mr. Yee would have that, but I could certainly, if there is an instance that you are specifically interested in, perhaps we could talk about it.

**Mr. Rose:** Mr. Chairman, I am interested in it from not only a standpoint of the pollution, but I know my

colleague to the left is interested in it with regard to the drinking water, when it gets into the system and ultimately into the Red River. This may be a little bit out of your jurisdiction, but I am wondering either now or in the future if you could supply us with information as to how often you have been called into irregular disposal by car washes, and if in your judgment the monitoring—and I know that the city has regulations in force as to how to handle products coming through the car washes—but in your opinion are you satisfied that the monitoring by the City of Winnipeg is sufficient, not only for those regular contaminants that would come from a car wash, but also the fact that they would become almost an ideal secret spot to dump other wastes without anybody really being able to detect it? For instance, it would be far easier to put a hose in there than it would in a hose, say, on a main street in Winnipeg.

\* (1120)

**Mr. Cooke:** I can certainly answer your first question, how many times have we been complied with respect to compliance is none. We are not in that business. The contacts we have had with them are people, commercial operators who, I think, recognize they have a problem and they are trying to be good citizens and what can they do about it. I think the rest of your question would best be answered either by the city or the provincial regulatory authorities.

**Mr. Rose:** Our health departments or the province and the fire departments are making regular visits to homes and businesses. I am sure they have many instances where they discover or have suspect the storage of hazardous wastes. Is there, and to what degree do we have a liaison with these municipal organizations?

**Mr. Cooke:** We have an ongoing contact with the association. I am trying to think of the name of the association but it is the association of fire departments around the province. We have given presentations on the kinds of things that we can do. That same kind of liaison, I am sure, exists with regulatory authorities so that certainly if there is a compliance situation the fire departments and similarly, I would think, the police would know who to call. It would not be us obviously but there is that kind of communication. There is also training provided for fire departments in dangerous goods handling. They are first responders for spills and things like that. I think virtually all volunteer fire departments in rural areas and certainly the large urban fire departments have received training.

**Mr. Rose:** Mr. Cooke has alluded to training for the fire departments throughout Manitoba. Is their expertise used in some of those training programs, the expertise of the corporation? It seems to me that is one of the things they would do.

**Mr. Connery:** Basically, for the WHIMIS and so forth, the training is done at Brandon and fire departments are schooled there in the handling of these goods.

**Mr. Taylor:** To Mr. Cooke, the subject I wanted to raise was the situation that has finally evolved in Canada

where there are now protocols and regulations applicable across the country for the handling of hazardous goods, something that we have only had fairly recently. We had quite a hodgepodge of regulations before and then quite a few gaps, in fact. Now that there is a national approach to this sort of situation and given that the corporation is one that does participate in sending goods out of the province and that sort of thing, and also as it is from time called upon as adviser in this area, what sort of opinion does Mr. Cooke have at this time as to the effectiveness or shortfalls or where there needs to be improvements in that set of protocols and procedures and regulations that are now employed across Canada? I would like his opinion on it and comment as to where new work might be done to further improve them.

**Mr. Cooke:** Again, this is opinion of the regulated as opposed to the regulator. I think you have more faith than I do on the national approach to regulation. The regulations that are being promulgated nationally and being worked on under the Canadian Environmental Protection Act, that new Act where the federal Government does assume some powers nationally, most are very, very preliminary.

There is one major success in that context and that relates to the transportation of dangerous goods where a national initiative, of which Manitoba historically played a very large part. The provinces and the federal Government developed national legislation that was then adopted almost uniformly throughout the country, again, Manitoba being a leading proponent of that legislation and one of the jurisdictions that had it first.

In terms of gaps, the current provincial regime is, in our opinion, quite comprehensive. There are certainly things that will evolve in terms of regulation but it is quite good. It compares quite favourably to other jurisdictions in the country. The benchmark in Canada tends to be Ontario and I think Manitoba would certainly follow quite closely after Ontario in terms of regulatory structure.

The one area that is being considered under the USEPA legislation that, I think currently is something of a gap, relates to the export of waste from the country. There certainly is contemplation of, at the national level, and there is currently consultation going on with the waste management industry and including ourselves on these regulations related to the control of exports.

Canada is a major waste exporter, just as Manitoba is substantially a waste exporting province. It really results from OECD initiatives, concerns about exporting to the Third World. We do not export to the Third World. There will be in this country, I suspect, under federal initiative, export controls that will require the exporter to assume some responsibilities in terms of liabilities, qualification of his outlets, and things like that. That will fill a needed gap.

**Mr. Taylor:** Are there other areas that you have encountered any gaps in the work that you have been doing? Is it strictly then in that export area or has there been any cases where the procedures for transshipment between provinces after you have

Tuesday, March 7, 1989

accumulated a certain type of hazardous product here in Manitoba and you are shipping it somewhere else for disposal, have you run into any problems in the way the system has been set up for that interprovincial transportation, either in the sense of administratively or in the practical sense in the actual handling in any way?

**Mr. Cooke:** I have to answer that question from the point of view of the regulated. No, the current system is workable. It is not difficult to comply with. It is like any system. Once you figure out the forms it works reasonably well. There seems to be good liaison between the regulatory authorities in the various provinces. As a waste manager we find the system quite workable. That is the comment from the point of view of an operator. I would also offer the personal opinion that it does provide a high level of safety and protection.

**Mr. Taylor:** Just following on that, the way the whole system has been set up there is an expectation of compliance by the private sector. There is an expectation of compliance of provincial departments and agencies. There is an expectation of compliance of federal departments and their agencies with one notable exception, that being the Department of National Defence. I wonder if you care to make a comment on the fact that that department is not required to do any training and in fact in the recent shipments of PCBs in this province and into an export mode could not assure that there was any training done of the staff and the supervisors. This was done at a relatively high level by officers of that department. They could not offer that assurance.

I just wonder if you have a comment on, that somebody who is experienced in this area of handling commodities of that nature as to what degree just experience in handling explosives like shells is going to translate as automatically, therefore, experience in handling these types of commodities.

\* (1130)

**Mr. Connery:** That does not come under the perusal of the Hazardous Waste Management Corporation. It comes under the federal legislation which is strictly federal. There is no province that has any jurisdiction over it. We can make comments. I must say that that particular shipment of PCBs from the obsolete radar sites, the Government was notified in advance. It was shipped appropriately, and it was shipped to the airport appropriately and disposed of. There was no secret as was alluded to, that it was done secretly. In fact, the American Air Force or our air force was on Peter Warren's show sometime before the shipment left the City of Winnipeg, so there was nothing clandestine with the movement of that product. It was a hazardous waste going back to the original country that had brought it in, and it is nice to see them take their own product back.

While it is under federal jurisdiction, there is good communication between the Federal Government and provincial jurisdictions in the handling of product. I think

that is even improving where we have better communications and dialogue to ensure that even though it is under federal jurisdiction, that we are notified and satisfied that it is moving appropriately.

**Mr. Taylor:** I guess I understand what the Minister is saying in the sense of it being under federal jurisdiction. I do not question that at all. What the issue is, is what is this Minister's comfort level knowing that one federal department is not required to comply with the federal legislation and is specifically exempted, and does not require that its staff nor its supervisory staff have the same training in the handling of the goods that the other federal departments have, that his department has, that the other agencies under his control have, and that those in the private sector who are also involved must have? It is that comfort level that I am asking about. How does he feel about it or is he quite satisfied, whether he feels that there should be a requirement of DND, the Department of National Defence, that they should have the same training and experience before they start handling these commodities?

**Mr. Connery:** As a former employee of Transport Canada you might be able to enlighten us on some of these things. What is your comfort level?

**Mr. Taylor:** On a point of order, Mr. Chairman.

**Mr. Chairman:** On a point of order, Mr. Taylor?

**Mr. Taylor:** Yes, to inform the Minister that a 20,000 person department working in all areas of transportation, mine was hardly in hazardous goods.

**Mr. Chairman:** A dispute of the facts is not a point of order. Order, please; order, please.

Mr. Minister, is this on the point of order?

**Mr. Connery:** Yes, on the point of order. For the edification of the members of the committee, the Member for Wolseley (Mr. Taylor) was also affectionately known as "Captain Chaos" in the federal Transport Department.

**Mr. Chairman:** Order, please. A dispute of the facts is not a point of order.

**Mr. Taylor:** On a point of order, Mr. Chairperson.

**Mr. Chairman:** On a different point of order?

**Mr. Taylor:** On a different point of order, I would ask that the Minister withdraw that comment and get on with the subject matter.

**Mr. Chairman:** Again, let us stick to the report that we are discussing. Are there any more questions? Mr. Storie.

**Mr. Taylor:** Excuse me. I believe I still have the floor.

**Mr. Storie:** Mr. Chairperson, on a point of order, I am not going to leap to the defence of—

**Mr. Chairman:** Mr. Storie, on a point of order.

**Mr. Storie:** —my colleague, the Member for Wolseley (Mr. Taylor), but I do think that the Minister's comment was somewhat out of order.

**Mr. Connery:** If it would make the committee pleased, I will withdraw the comment. The fact remains that it is there, but I will withdraw it.

**Mr. Storie:** We have better names for you. We are not going to put them on record.

**Mr. Chairman:** Order, please. You should be recognized before you speak.

**Mr. Taylor:** Thank you very much, Mr. Chairperson.

**Mr. Chairman:** Is this on that point of order?

**Mr. Taylor:** No. The point of order I believe has been dealt with, and I was prepared to continue my questioning.

**Mr. Chairman:** Okay. Proceed, Mr. Taylor.

**Mr. Taylor:** Thank you. The last question posed did not receive an answer. If there is no answer to it from the Minister, I will pose an additional question, but is there a response on that aspect of the comfort level regarding this exception of that department?

**Mr. Connery:** Based on the fact that we have no jurisdiction over the national legislation or the Department of National Defence is one thing. The fact that we have good cooperation between the Federal Government and the provinces gives me a comfort zone that when things are happening in this particular case, I think that should indicate that there would be a comfort zone. The previous Government obviously did not feel threatened by what was happening, and I do not think that they should have felt threatened by what was happening because—it is getting difficult to hear, Mr. Chairperson.

**Mr. Chairman:** Mr. Minister, would you please continue.

**Mr. Connery:** I give up, thank you.

**Mr. Taylor:** It is getting difficult both ways to hear what is going on.

My concern about that comfort level relates also to the same thing we saw with the situation in the North Transcona CP Yards where everything was thought to be in order through federal Environment Canada. At least that is what our provincial Government said, but that was not what the federal Minister said. I will go on and ask the question here is that our expectation is that we will —(Interjection)— I am trying to raise a question, but I am having trouble here with the noise that is going on on the sidelines, Mr. Chairperson.

**Mr. Chairman:** Please, Members, could we have your attention, please. If you want to have any discussions,

let us have them outside this room. Let us stick to the report that is before us, the Annual Report, and Mr. Taylor you have the floor.

**Mr. Taylor:** Yes, thank you very much, Mr. Chairperson. In that we are expecting to see very shortly a shipment by rail through this province of PCBs and assorted burned debris from the recent fire at St. Basile-Le-Grand just outside Montreal, is this Minister using the Hazardous Waste Management Corporation in any way as an advisor on how to handle that particular very large and obviously high profile shipment across Manitoba?

**Mr. Connery:** They have been in contact with Environment Canada? No.

**Mr. Taylor:** Just to confirm that, Mr. Chairperson, they are not playing any advisory role to the Minister then on this matter is what I am hearing. Is it the Minister's intention to have an observer on that train riding shotgun as it crosses Manitoba in the way that the Ontario Minister is doing?

**Mr. Connery:** Is the Member for Wolseley (Mr. Taylor) volunteering? I accept your offer.

**Mr. Taylor:** It is obvious that this Minister does not take the matter seriously and we know the knowledge level that he has exhibited on PCBs has not been terribly great. I put that to him in all seriousness, because I am aware that the Ontario Minister will have an observer on that train for that purpose when it crosses Ontario and I ask the question in all seriousness. Is it the intention of Mr. Connery to in any way have a role played by his department or other agencies in the same sort of fashion in Manitoba to assure Manitobans as to the safe conduct of that very special train across our territory?

**Mr. Connery:** Once again, Mr. Chairman, we are deviating from the discussions of the Hazardous Waste Management Corporation but, for that Member's edification, we will be notified in advance. We will be notified 30 days in advance of the shipment coming through; we will be notifying the RCMP as to the dates, and dates it is. It is not one date, there are going to be several shipments, because the Hazardous Waste Corporation in Alberta and that is on hold until after the federal election as you may be aware—

**An Honourable Member:** Provincial election.

**Mr. Connery:** —or provincial election, then maybe they will reopen the border to that particular shipment. Right, at this point, it is closed.

There will be several shipments. We do not know for sure how many, as you know, because it is a hazardous waste material. It will be manifested. The train crews will be fully aware and informed of how to handle any incident—that is unlikely to happen—but in any case they must be prepared and aware. We will notify every responding unit throughout Manitoba that could respond to an accident. When those shipments are



Tuesday, March 7, 1989

going through, the RCMP will be notified so that all towns along that line, whichever line it is, and we will be given the routing of the shipments. They will be notified in advance that the product is coming through just in case something should be necessary. They are familiar with how to respond to a PCB spill.

As you are very well aware, the product will be very well containerized. The shipments of hazardous goods under the federal Hazardous Goods Transportation Act is very, very stringent, and in fact a car could probably roll over and nothing leaked out of the car of any PCBs. The handling of it and the containerizing for the shipment are under very, very stringent regulations. We will be kept informed when it is coming and also the people down the line will be informed. We will be watching the shipment of those PCBs very, very carefully and we are assured that there is no problem, but we will be prepared.

\* (1140)

**Mr. Taylor:** I thank the Minister for some information. In any case, I assume though that the role of his ministry and agencies will not be in a participation sense, but just that they are aware of and passing information on to the appropriate sub-agencies such as the RCMP. I think that point is quite clear.

Before we get into voting on a report, I had a question of the Chairman of the Board, Mr. Carter, and that we are dealing here with the first annual report of the corporation and the date that this report is good for is the calendar year 1987. Now that is fine to deal with that. The question I have is that some—a little over two, almost two-and-one-half months ago, we ended the second fiscal year of the corporation. When will we be dealing annual report No. 2?

**Mr. R. L. (Nick) Carter (Chairman):** The short answer to that is when the Minister chooses to table it. The report is, of course, in preparation. We will be ready for him at the time that he does it. The customary fashion, I believe, is controlled by the Rules of the House at the very least.

**Mr. Taylor:** Yes, then my question following that response from Mr. Carter is to the Minister in saying, will we be seeing annual report No. 2 for 1988 a year from now, or is the expectation we could see it later this spring?

**Mr. Connery:** I would assume when the House goes back in the report should be ready—I will find out when the report will be.

**Mr. Cooke:** The Provincial Auditor, who is our internal auditor, has finished his audit on our 1988 books and the text of the report was supposed to be on my desk this morning, by happenstance, for presentation to our board at its next board meeting. That is scheduled so that the report will be available at the next sitting of the Legislature as, I believe, the convention is.

**Mr. Taylor:** Thank you, Mr. Cooke, and the only concern I have, Mr. Chairperson, is that one of Mr. Connery's

cabinet colleagues last week suggested to one of our Members that there will not a spring Session at all and that we will be getting together the 15th of September. This is from a Minister's mouth and I thought that was a little more than hearsay. I hope it is only hearsay, but that is what we have had.

What I would like to know is then the Minister fully expects to be presenting this spring and, if there is not a spring Session would he be prepared for there to be a meeting of this committee so that presentation could be made and that we do not have to wait till next fall?

**Mr. Connery:** The Member is aware of the procedures and, as it says, we have a certain period of time after the House reconvenes to table it in the House. There is no desire, there is no attempt to not present the next annual report. It will be presented as quickly as we can. There is no attempt to hide the facts from the members of this committee.

I will echo the sentiments from the Member for Dauphin (Mr. Plohman), that I think the Hazardous Waste Corporation has done a good job for the province in the whole process. Even if they were not doing a good job we would not be trying to hide it, but I think in this case they are doing a good job, an excellent job, and it will be presently, as quickly as we can.

**Mr. Taylor:** I would like to echo those comments of the Minister about the performance of the corporation to date and also we will expect to see him in short order in some sort of a format to deal with it.

**Mr. Connery:** Be careful about that short stuff.

**Some Honourable Members:** Oh, oh!

**Mr. Storie:** I would like to follow up on a couple of questions that I had asked earlier. Perhaps the Minister can indicate whether the corporation currently has any schedule or is preparing a schedule of charges for those who deposit waste or leave waste with the Hazardous Waste Corporation.

**Mr. Cooke:** It is a process of we provide estimates to our customers of what the costs are and, in effect, bid the jobs. Those estimates are based, in part, because we are dependent on other people, other treatment and disposal facilities dependent obviously on estimates that we receive from them. In the longer term, as part of our long-term business plan, when we have our own facilities, I think we will probably be in a position to publish price lists which is conventional in other places. We are not able to do that at this time. We use, for example, the price lists that the Alberta Crown corporation publish as references.

**Mr. Storie:** Will there be provision for individuals? Can individuals drop off hazardous wastes?

**Mr. Cooke:** Yes, there is that provision now. We certainly, in any emergency situations, will often respond to. We do conduct periodic household hazardous waste collections. We participate in a major one here in

Winnipeg providing the technical support. It is done by people, really volunteers of the Department of the Environment, city, some of the environmental groups and our own staff.

We also are offering a service to small communities, particularly volunteer fire departments, any smaller community that is having a community clean-up, those kinds of events. We will supply staff to collect any household hazardous waste that is brought in. We have done them as far away as Snow Lake and certainly this spring expect to have quite a number of them of that kind of activity.

The third thing we are doing—and again this will be subject to regulatory approval—we hope this spring or summer to establish a collection depot here in Winnipeg, a small self-contained facility that would be available probably on a one-day-a-week basis for people to deliver waste that they have on a regular basis year round. That is an initiative that we are presently working on.

**Mr. Storie:** Would there be any fee attached to the one that you are talking about now?

**Mr. Cooke:** No. This is a public program that is, in effect, a service we are providing the provincial Government.

**Mr. Storie:** Thank you and I appreciate that. I hope I gather from that there is no intention of establishing fees, depositing fees, dumping fees for individuals.

**Mr. Cooke:** Yes, that is correct.

**Mr. Storie:** Thank you, Mr. Chairperson.

**Mr. Edward Helwer (Gimli):** I just have a question. While they were talking about car washes earlier, are car washes governed under the Manitoba Building Code? Do they have to have a similar system to garages or service stations whereby they have catch basins for the different weight materials, such as oil or heavier weight materials such as grit? Service stations now have to have a certain type of catch basin to meet the code. Do car washes come under that same jurisdiction?

**Mr. Cooke:** I quite frankly do not know. I would make that assumption, but I am not familiar with the building codes and the codes that would be applicable to the design of a car wash. The environmental regulatory authorities could probably advise on that.

**Mr. Connery:** We will get that information for the Member.

**Mr. Chairman:** Mr. Helwer, any more questions?

**Mr. Helwer:** No.

**Mr. Harapiak:** I wanted to echo the words that were expressed by my colleague from Dauphin (Mr. Plohman) and the Minister on the tremendous job that the Manitoba Hazardous Waste Corporation is doing.

I am a little concerned about the viability of the corporation with all the private industries in setting up and creaming off some of the opportunities that exist in the hazardous waste field. My colleague centers around a set of regulations that apply to two Manitoba hazardous waste regulations, and I think the playing field should be levelled off. I think the same regulations should apply to the private corporations.

So, therefore, I move that the committee recommend to the Minister that they implement this regulation as set out in schedule "A" which has been circulated by my colleague from Dauphin.

**Mr. Chairman:** It has been moved by Mr. Harapiak that the regulations, as circulated—are there any corrections to be made to these regulations, as circulated?

**Mr. Harapiak:** I believe there are some corrections to the lettering: (d) becomes (e) and then the changes are changed all the way down as a result of that, just the letter (d) becomes (e).

**Mr. Chairman:** The (d) becomes (e)?

**Mr. Harapiak:** Right.

\* (1150)

**Mr. Chairman:** And another correction on the last paragraph.

THEREFORE that the committee recommend to the Minister that the—

**Mr. Connery:** I read that change.

**Mr. Chairman:** Oh, you read that change into it. Okay, thank you very much. Mr. Enns.

**Mr. Enns:** Mr. Chairman, I have no objections to the motion put on the table by Mr. Harapiak, but I do object to the process. Regulations are an extremely important adjunct of the whole legislative process. To ask a committee and committee Members who have, certainly in my instance, little or no opportunity to study the implication of the regulations being proposed is simply not acceptable to me. I wish to make it known, however, that my objections do not stem from any particular opposition to the regulations per se. It is just the manner in which they are being introduced that I have some difficulty with. Regulations drawn up under any act require a great deal of consideration, a great deal of thought, presented by the administrators responsible to the responsible Minister, then are put forward and promulgated eventually as the regulations pertaining to that act. I just do not feel that this committee at this stage of its deliberations can accept at face value the motion put forward by the Member for The Pas (Mr. Harapiak) for the reasons cited.

**Mr. Taylor:** Mr. Chairperson, there has been discussion at this table the last two meeting days that there may be some gaps that were left unfortunately in the regulations and that this proposed set of regulations

might help fill that gap. In that sense, the principle of what is being proposed might be quite acceptable. But to take a set of regulations that have been presented here without the benefit of vetting it by the officials who will have to employ those regulations, without having it vetted by legal counsel that we would normally have at the table and, in all fairness, without having it vetted by the other two caucuses and the series of critics that probably will want to have a look at this, I am not prepared to deal with it in this fashion and at this time because I feel that would be totally imprudent. If, however, we can deal with it on an expeditious basis in the sense of the officials able to respond on a priority basis to this and have it brought back, if the will is amongst the three Parties that on a fairly early basis—and by that I mean within a couple of months at most—then let us get on with it.

I think if this was to have been dealt with today in this fashion, then it should have been dealt with in a different fashion through the offices of the three House Leaders, so that there was the opportunity to deal with each of us in our caucuses and in our critic roles, so that we knew roughly what our feelings were on it and came back with close to identical positions between the three groups after private discussions and talk with our appropriate research staff, we could deal with it. But I think it would be very unwise to just accept willy-nilly this document now.

I understand the essence of it. I understand the concern of the NDP proposers wanting to put it forward there. I am not questioning sincerity on their part. I think they have recognized that we potentially might have a gap there, and they have put this forward. But I think it has to be dealt with and handled in a little different fashion. I am not prepared as a Member, and I will recommend that to my colleagues here, today in vote.

**Mr. Connerly:** I agree with the Member for Wolseley (Mr. Taylor) that had there been need to pass them, they should have been vetted earlier. It could have been submitted to our various caucuses a month or two months ago that this was a concern that was there. To pass them just at this point without the benefit of legal counsel, without the benefit of department input, so I agree. I think it would be inappropriate, not that we want to stifle any need for regulation where regulation is needed that should be put in place, but I think it is not appropriate in this fashion to do it at today's meeting.

**Mr. Bob Rose (St. Vital):** I just was going to ask, express the same views . . .

**Mr. Harapiak:** Mr. Chairman, these recommendations or guidelines have been around for quite some time. The Minister was in the House when they were debated and put into place, as to how they would affect the Crown corporation. So there has been ample opportunity to debate that. We were under the impression that these regulations were applicable to corporations that were coming into the province. It was just last Thursday that we learned they did not apply to the corporation they were making application to locate in Manitoba.

As you will see from the closing THEREFORE, it is a recommendation to you and therefore we are not expecting you to take it word for word, but I think you can take it to Cabinet, as it has to be carried out. You have to take it to your Cabinet colleagues. So it is a recommendation that you do take it to your Cabinet colleagues and then they can do what they like with it.

**Mr. Connerly:** I appreciate the sincerity of the Member for the Pas, and I can assure him that I will take these regulations to our department for vetting to have a thorough look at and to see what can be accommodated in this light.

**Mr. Chairman:** Okay, then anyone else who wants to speak on this motion? Mr. Harapiak?

**Mr. Harapiak:** No. Question.

**Mr. Chairman:** The question before you is whether these recommendations of regulations as moved by Mr. Harapiak shall pass. All those in favour? Against? It is not carried. It is defeated. Mr. Taylor.

**Mr. Taylor:** If it is in order, Mr. Chairperson, I would like to move a motion of referral of this material through the Minister of Environment to his departmental staff for review and report back to this committee on an ASAP basis.

**Mr. Chairman:** Unfortunately, Mr. Taylor, if you want to make a motion, it has to be presented in writing. I believe that you would have to speak to the Government House Leader before you would want to make that type of a motion for another meeting. The meeting would have to be set by the Government House Leader.

**Mr. Taylor:** Mr. Chairperson, we know that this committee will be meeting for the other annual report, the '88 annual report in any case, of the Manitoba Hazardous Waste Management Corporation. It would be an opportune time. There would be the window. I do not see why a motion of this nature requires the concurrence of the Government House Leader. It is a case of saying there is something on the table that is worth discussing. I do not want to see it lost and I do not want to see it unofficial. I would like to see it in the official record and that it will be dealt with and responded back in a timely way, and that is the motivation that I make the motion and I would question the Assistant Clerk as to whether my motion is out of order. I am saying, is that motion out of order? I am suggesting it is not. If this motion is not out of order and we are only relating to meeting time, then I put in an as-soon-as-possible basis. I did not set a date. Therefore the motion should be in order.

**Mr. Chairman:** The Government House Leader will have to set the date. I think, Mr. Taylor, you are agreeing to that basis.

**Mr. Connerly:** I made a commitment to vet it through our department and to have a close look at it along with all of the other regulations and part of the

legislation. When we sit again as a committee, then you will have the full opportunity to question us on what we did. If we have not acted in an appropriate way, you will have the opportunity to criticize us.

**Mr. Jay Cowan (Churchill):** There is an easy way out of this which I think resolves the problem and that is not to have this committee approve the report. The committee therefore has to come back for another meeting. The dates and times of those meetings are set in consultation between the three House Leaders. If people want time to review the matter, and if the Minister wants time to have his department review the matter, and I want to come back to that with a question in just one moment, my recommendation to the committee would be that as soon as it finishes today's deliberations, it adjourn, but it not pass the report and therefore there is a requirement for it to come back.

\* (1200)

**Mr. Connery:** If the House is going to be sitting, and I have no way of being able to tell you when the date is, I do not know, I would not want to really see us reconvene this committee just to review that if we are going to be presenting the new annual report because, as you know, when we meet out of the Session there is a per diem for every Member that sits, and also there is a cost for all of the factors going on, so it is a fairly expensive item for the Government.

This is not an attempt to not report back. But if we are going to be sitting and we are going to be making the next annual report in a reasonable period of time, would this not be the opportunity then to discuss it once more?

**Mr. Taylor:** The NDP House Leader (Mr. Cowan) puts forward an interesting way of dealing with this and it may be the way we should look at it. The other report we know will be ready in a couple of months, at the worst a couple of months, I think probably faster than that.

My motion on the table stands and I would put some sort of a condition on it that they review and report back through the Minister on this matter before us would be within what would be generous, by the middle of May. Does that seem reasonable?

**Mr. Chairman:** Mr. Taylor, I understand the point where your motion conflicts is with setting the time, because the time, the Government House Leader sets. The rest of your motion would be at the next meeting. I think that would be appropriate.

**Mr. Taylor:** I did make the suggestion but I did not get a response. I had altered the wording and I had said on an as soon as possible basis which is not setting a date, it just says what is practical. And I would be satisfied with that, but I do not want this left where we walk away this morning and something has been put on the table and it is left hanging. I have seen this happen too often in Government, and not just in this realm of Government either.

**Mr. Chairman:** Or even this level of Government.

**Mr. Taylor:** That is exactly what I am talking about. So I think it is important that it be officially dealt with by motion and I think the motion from my viewpoint and my experience is in order and all we have is a hang-up of dates, so we will say as soon as possible and leave it open-ended like that. We are going to be looking for the good intentions of this Minister and his companion, the Government House Leader.

**Mr. Connery:** They have still got to agree when it is going to come back in so you can set times and if they do not agree, the time is irrelevant.

**Mr. Chairman:** I understand that the mover is not setting a time. He is just stating next time when this committee would reconvene.

**Mr. Cowan:** Before we call the question, just a question to the Minister. The Minister indicated that he wanted his staff to review these regulations. Have staff of the department not reviewed the regulations to date?

**Mr. Connery:** They have reviewed regulations on an ongoing basis, but I will get the information and bring it back to you.

**Mr. Cowan:** But on these specific regulations themselves, it would seem to me that—or the criteria—they would be reviewed with staff as they are being developed. Was that not the case? Maybe someone from the corporation can assist.

**Mr. Cooke:** The Department of the Environment, along with many other people, have those documents, have reviewed them and provided us with a response where we as a proponent have approached them in our follow-up.

**Mr. Cowan:** Perhaps then we can have some indication as to what the response from the department was with respect to them.

**Mr. Cooke:** This is not an official response. This is a professional response. It has been generally favourable in our understanding, and acceptable to them. Certainly the other major group that we feel should respond to those criteria are the specific communities that will be involved in deciding and certainly that is the stage that we are only just embarking on now.

**Mr. Cowan:** So to clarify in my own mind then, the Minister said that he would want to take these criteria back to his departmental staff for review. It appears as if the criteria have been reviewed by the departmental staff and that the response was for the most part favourable and positive.

If that is the case, then I wonder why it is necessary to take the criteria back to departmental staff.

**Mr. Enns:** Mr. Chairman, on a point of order. We are not progressing in a direction that surely is not appropriate for a committee of this nature. We have had some indication from the administrators of this corporation before us that, yes, as you would expect,

Tuesday, March 7, 1989

they have been made aware of certain regulations being drawn up but the House Leader of the New Democrats (Mr. Cowan), a former Minister, above all is aware of the procedure that is followed. That then has to proceed through departmental staff, decisions have to be arrived at, ministerial decisions have to be arrived at. The corporation has to present the proposed regulations to their Board of Directors—or not necessarily to the Board of Directors but certainly be made aware of the implications of the regulations before they can be considered in a manner that now is being suggested.

I just think that the Member for Churchill (Mr. Cowan) is leapfrogging, a process here in a way that is not traditional for this committee to behave and I still voice my original objections. I think that the process here is extremely important that we allow the Minister and his department to proceed with it in a normal acceptable way.

I can accept the desire, the request for the Member for Wolseley (Mr. Taylor) to have this committee go on official note or on official record that some time frame be put on to it, that this committee is interested in seeing this particular set of regulations being reviewed and back before us, but surely the Minister has to have some leeway in working out the mechanics of this and to suggest anything less is simply not being reasonable.

**Mr. Chairman:** We have a motion before us, and on that motion, Mr. Cowan.

**Mr. Cowan:** Speaking to the motion, what I am trying to do is get a better understanding of what the Minister intends to do. The Minister put this matter off on the basis that he needed his departmental staff to take a look at the criteria.

In subsequent questioning to the corporation, we found out that the Minister's staff have in fact taken a look at the criteria and in fact have found the criteria to be generally acceptable and their response was generally positive. That undercuts what the Minister suggested needed to be done and that was that the staff review it.

Now, I understand that others want to take a look at the criteria as well and I think that is important, but I do not think that at this point in time we should do it on the basis of what the Minister suggested, that is that his staff look at it because he was obviously unaware that his staff had already looked at it and had already given some sort of tentative positive response to it.

Now, if I am incorrect in that, I should be told, so that we can clarify exactly what needs to be done in order to expedite this matter. No one is suggesting that it has to be dealt with today, but I think what is being suggested by Mr. Taylor (Wolseley) and by others, and I think what is being accepted by the Government, is that this matter must be dealt with as expeditiously as possible. In order to determine how expeditious one can be in dealing with it, one needs to know what needs to be done.

If it is a matter of the communities reviewing it, that is one matter; if it is a matter of the departmental staff

reviewing it when they have already reviewed it, that is another matter. I think we need a bit of clarification. There is a bit of a contradiction on the floor right now.

**Mr. Chairman:** Okay, thank you for your comments. Before us we have at the present time a motion moved by Mr. Taylor that this committee recommends to the Government House Leader (Mr. McCrae) to include the recommendations and regulations tabled today to be included in the next committee meeting which will be set by the Government House Leader in regard to the Manitoba Hazardous Waste Management Corporation. Mr. Taylor.

**Mr. Taylor:** Mr. Chairperson, the Second Opposition Party House Leader (Mr. Cowan) just made a comment. I saw that the Minister was about to make a response. If I could hear that, I would not mind if we could get that on the table before the vote.

**Mr. Connery:** Well, department officials can take a look at regulations and make some comment to other groups and have maybe some opinions, but they are not official opinions of the Government. Until that happens, then—

**Mr. Chairman:** Okay, then—

**Mr. Cowan:** For clarification, each time the Minister addresses this subject, there is a bit less clarity. He said earlier that he wanted to hold this so that departmental staff could review it. I understand from the corporation that departmental staff have already reviewed it. Well, now I listened carefully to these things, but maybe I misunderstood. Perhaps I misunderstood what was being said. If the corporation can clarify exactly how this has been reviewed by departmental staff, that might be helpful.

\* (1210)

**Mr. Cooke:** There has been no official review by the Department of Environment. There has been no official review of these proposal documents by the Department of Environment or other departments which might well be involved. We have consulted with them on their development, and the opportunity to provide us with that technical input has existed. We have not made any official proposal nor have received any official response. I am sorry my earlier comment of having received some, I guess, positive response from them, I think was unofficially. They have given us an indication that they do not see any difficulties with our applying them. They are a criteria for application by a proponent as opposed to regulations. I think there is a subtle distinction there.

**Mr. Cowan:** So, if I understand it correctly, the departmental staff who have reviewed it, like it.

**Mr. Enns:** Mr. Chairman, on a point of order.

**Mr. Chairman:** On a point of order, Mr. Enns.

**Mr. Enns:** With all due respect, it is not simply not appropriate for Members of the committee to attempt

to create a debate between staff, the Minister, to try to solicit from staff decisions which obviously have not been made yet. But a clever debater that I am prepared to acknowledge Mr. Cowan is, if we give him another half an hour, he will have some fun with Mr. Cooke and whatever other staff is brought before us.

I think the position has been made very clear. Staff has looked at these proposals. Unofficially, many of the proposals look attractive, but have not officially informed the Minister whose final responsibility it is to carry these regulations forward. Up until that point in time there is really little that this committee should be doing, other than suggest, as Mr. Taylor has suggested, that we look at them expeditiously.

**Mr. Chairman:** Mr. Cowan, on a point of order.

**Mr. Cowan:** No.

**Mr. Chairman:** Then I would like to go back to the proposal of Mr. Taylor and, if that still stands, his motion still stands, I will require that be in writing from you, Mr. Taylor. I have it here before me. If you can initial it, then it is actually—

**Mr. Taylor:** You read it out before and it was acceptable.

**Mr. Chairman:** That is right.

**Mr. Cowan:** On a point of order, Mr. Chairperson.

**Mr. Chairperson:** On a point of order, Mr. Cowan.

**Mr. Cowan:** Let me be certain in my own mind as to what is happening here. You are concluding the debate even though there are still questions that we would like to put forward to the Minister.

**Mr. Chairman:** No, as the chairman of this committee, I would say that Mr. Taylor brought forward a motion and we are dealing with that motion.

**An Honourable Member:** Hear, hear!

**Mr. Chairman:** Just to clarify. This is a second meeting that has been had and this is the first time for a few minutes that you have sat in on this meeting. There might be a lot of questions that you have to this committee at the present time, but unfortunately you have not been around the last two meetings. With that, we have this motion before us, and I am dealing with this motion at this present time.

**Mr. Cowan:** On a point of order, what are you doing with this motion at this time? I might remind you, Mr. Chairperson, that it is the right, the privilege and the responsibility of any Member of this Legislature to sit in on any committee meeting at any time, to put forward questions which they believe are in the best interests of their constituents and in the best interests of the people of this province. I resent quite frankly any suggestion by yourself or any other individual on this committee that what is going on today by this line of questioning is in any way out of order, or is in any way

not in keeping with the common practises of these committees over a long period of time.

We know that members can come in the committees at any time and can leave committee meetings at any time in order to deal with issues which are of importance to them. I certainly hope that there was no reflection or no impugning of motives on my part, no impugning of any sort of violation of the traditions of these committees by your comments, Mr. Chairperson. I think that is important to clarify, firstly.

Secondly, when a member does come in and there is a motion before the floor, there is generally an opportunity for debate for that motion. If you are going to cut that debate short, there are ways to do that, and you will need the support of the committee in order to do that. But as long as the motion is on the floor, and as long as there are questions to be put to the Minister or any other member of the Minister's staff through yourself, then I would suggest that we have a right and a responsibility to do so.

**An Honourable Member:** Turn up earlier next time.

**Mr. Cowan:** It has nothing to do with earlier. If you cannot read these things, then that is your problem.

**Mr. Chairman:** Mr. Cowan spoke on a point of order and a dispute over the facts is not a point of order. I, at this point in time, would like to get back to the motion that is on hand and I will call for the question. All those in favour of that motion?

**Mr. Cowan:** No, I am sorry, if you are calling for the question, we will call for the question. We will then determine whether or not the motion is put and we will see if the Members of the Liberal Party are prepared to join with the Conservative Party to cut off the debate on this important issue.

**Mr. Chairman:** I called for the question, all those in favour?

**Mr. Kevin Lamoureux (Inkster):** Mr. Chairperson, on a point of order.

**Mr. Chairman:** Mr. Lamoureux, on a point of order.

**Mr. Lamoureux:** If the NDP House Leader has questions to put forward to the Minister regarding this report, he should be given the opportunity to ask the questions prior to the motion if the questions are pertaining to the motion directly.

**Mr. Cowan:** Which they are.

**Mr. Lamoureux:** Then let us hear the questions.

**Mr. Chairman:** I think in all fairness as Chairman of this committee I would like to clarify one thing and that is the questions I think I addressed every Member that posed a question to the motion. That is what is in question at this point in time, so I would once again like to ask all those in favour of the motion, please raise your hand?

Tuesday, March 7, 1989

**Mr. Cowan:** No, no, no, you are going to have to do it right. If you want to railroad it, you are going to have to railroad it right.

**Mr. Chairman:** Okay, wait a minute. Are there any more questions in regard to the motion? Mr. Harapiak.

**Mr. Harapiak:** A question on the regulations just put forward. Has Mr. Connery said that the department staff have not had the opportunity to have an opportunity to evaluate them and see how they would affect private corporations that are coming into it, so that the same regulations that would apply to the Crown corporation would not be put in a position where it would come into the province, or what is his concern about having these regulations brought in?

**Mr. Connery:** There is no question that the department has had an opportunity to review them. I am not satisfied that we have had sufficient review of them and, as Minister, I am not prepared to say that I am prepared to accept them as they are. We are not opposed to regulation and we are not going to be having different methods of site selection for the private sector versus the public sector, but I want a better opportunity to review these regulations with the department and at such time then be prepared to make a valid statement as to whether we think they are appropriate or not.

**Mr. Plohman:** Mr. Chairman, I think clearly the Minister's concerns with this whole thing is whether he wants to regulate the criteria for site selection in this province for the private sector or not, not whether the regulations or the criteria that we have proposed are suitable or not. I would like him to clarify that point. There is a big difference there.

The fact is that he has not said that he would agree to passing regulations dealing with site selection for the private sector. That is why we brought the motion forward in the first place. He said that he did not want those kind of regulations for the private sector, he said that he would determine on a case-by-case basis.

That made me concerned. We have criteria that are in place for the public corporation and we have to question the Minister as to whether his problem with this whole process is whether he does not want regulations at all, or whether he does not in fact like what is the substance of the criteria that we have put forward. He has left the impression now on the record that it is the substance of those criteria. He is not sure he likes those criteria. I would submit to him and ask for his clarification as to whether in fact it is because he has not even made up his mind as to whether he wants to regulate or not. That is the question.

\* (1220)

**Mr. Chairman:** Well, Mr. Plohman, in all fairness as Chairman of this committee, that is not what is before us at the present in our motion.

**Mr. Plohman:** Well, that deals with this particular issue, Mr. Chairman.

**Mr. Chairman:** I believe that is out of order to demand the Minister to make a firm commitment on regulations

that have been submitted to this committee. I believe before us we have that these regulations will be reviewed next time when this committee will sit. That is basically in short what our resolution is reading, or what our motion is made by Mr. Taylor (Wolseley), and I think that will give the Minister and his staff an opportunity to be questioned on these regulations and also to make comments.

**Mr. Plohman:** On a point of order, Mr. Chairman. What we have done here is defeated a motion that would recommend to the Minister that he submits these particular regulations. So that is not what we are asking him at this time, that he must take these recommendations to Cabinet. That is not on the floor any more. What it is is that he is going to study them. I asked him and asked, Mr. Chairman, what is on the floor now, whether for clarification for this committee, whether he is studying the substance of those particular criteria or whether it is not that issue at all he is studying, but he is studying whether he wants to regulate or not.

**Mr. Chairman:** Mr. Plohman, the motion before us—

**Mr. Taylor:** I think we might be able to get some unanimity on this between the three Parties, quite frankly.

In discussions with Mr. Cowan, the NDP House Leader, there is only one issue. It is not the getting this document to the department right away so that they can look at it and bring it back on a priority basis. They agree with the principle of the motion. The only concern they have is that normally when we set dates for different things, including committees of this nature, it is done on a consensus basis by the three House Leaders. The request of the third Party is that that be reflected in the motion.

I am prepared to amend the motion to reflect that point, that this committee recommend to the Government House Leader to set a date, on a consensus basis, with the other two House Leaders. If that sort of wording is acceptable, I will make that change, and I think we could have a three-Party agreement on the motion.

**Mr. Chairman:** On the amendment?

**Mr. Enns:** I just believe this indicates once you fall on a path that is fundamentally wrong, you get into trouble. I was certainly prepared as a Member of the Government caucus, to acknowledge the concern of Members of the committee that there be some urgency attached to these particular regulations, that there be some official notice given by this committee to impress the Minister, staff, the corporation, of the will of the committee to have these particular and other regulations viewed at, but it is all out of order.

Before this committee may ever sit again, the corporation, because of its own Act, may well have formulated regulations encompassing these and/or other regulations. The Cabinet, the Minister may well take regulations that he, in conferring with his department, may well take to Cabinet for ratification.

**Tuesday, March 7, 1989**

---

There is nothing incumbent on this Minister, nor should there be, from this committee that tells him how, when and what regulations to put forward to.

So that it is an exercise, if you will, Mr. Minister, that the Honourable Members in the Opposition are engaging in, but I wish to assure you that you will carry on with due process, regulations will be formulated, that you will have an opportunity to review with your departmental people, with the corporation involved, with outside agencies involved, I would hope, and indeed, with your caucus before specific regulations are actually passed into law. So this exercise that goes on here has now gotten totally out of hand. I just put this on the record to clearly indicate that it has no official function or bearing on what happens to any set of regulations that have been presented to this committee.

**Mr. Taylor:** I am scribbling here. I will just be a second.

**Mr. Chairman:** We have an amendment that will be presented to the committee Members immediately.- (Interjection)- Okay, do you withdraw the other motion? We have an amendment to the previous motion put forward by Mr. Taylor.

Be it resolved that this committee recommend that the Government House Leaders set a date on a consensus basis with the other two House Leaders to continue reviewing the Annual Report of the Manitoba Hazardous Waste Management Corporation and include the recommendations of the regulations tabled today by Mr. Harapiak. Signed by Mr. Taylor.- (Interjection)- To review.

**Mr. Connery:** To review. To review them, yes.

**Mr. Chairman:** Be it resolved that this committee recommend to the Government House Leader—to continue reviewing the Annual Report.

All in favour of the amendment, as read? Hands up, please, once more, I will count. Five in favour. Against? So, first of all, the committee has to give leave to Mr. Taylor that he can make an amendment to his own motion.

**Mr. Taylor:** I am sorry, on a point of order. Mr. Chairperson, I went over this with the Assistant Clerk, that the amendment to that motion did not change the intent of the motion, and in fact only clarified it and it should be accepted as an amendment in a normal fashion.

**Mr. Chairman:** Mr. Taylor, I think the clarification is not in the changes. The clarification is that the committee has to give you consensus that you can make an amendment to your motion because you are moving the same—agreed? Is that agreed? Okay. Now we will vote on the amended motion. Shall it pass? Pass. Shall the original motion, as amended, pass? Pass. Shall the Annual Report, 1987, of the Manitoba Hazardous Waste Corporation pass? Pass? All those in favour? All those against? Against, it does not pass.

Committee rise.

**COMMITTEE ROSE AT:** 12:31 p.m.