

**Third Session - Thirty-Ninth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Public Accounts**

*Chairperson*  
*Mr. Leonard Derkach*  
*Constituency of Russell*

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**Thirty-Ninth Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON PUBLIC ACCOUNTS**

**Wednesday, May 13, 2009**

**TIME – 7 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Leonard Derkach (Russell)**

**VICE-CHAIRPERSON – Ms. Jennifer Howard (Fort Rouge)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

Hon. Mr. Selinger

Mr. Borotsik, Ms. Braun, Messrs. Derkach, Dewar, Ms. Howard, Messrs. Jha, Lamoureux, Maguire, Ms. Selby, Mrs. Stefanson

**APPEARING:**

Mr. Ralph Eichler, MLA for Lakeside  
Hon. Stan Struthers, MLA for Dauphin-Roblin  
Mr. Stuart Briese, MLA for Ste. Rose  
Ms. Carol Bellringer, Auditor General of Manitoba  
Mr. Donald Cook, Deputy Minister of Conservation

**MATTERS UNDER CONSIDERATION:**

Auditor General's Report – Audit of the Department of Conservation's Management of the Environmental Livestock Program, dated October 2007

Auditor General's Report – Audit of the Province's Management of Contaminated Sites and Landfills, dated October 2007

\* \* \*

**Mr. Chairperson:** Good evening. Will the Standing Committee on Public Accounts please come to order. This meeting has been called to consider the following Auditor General's reports: the Audit of the Department of Conservation's Management of the Environmental Livestock Program, dated October 2007, and the Audit of the Province's Management of Contaminated Sites and Landfills, dated October 2007.

Before we get started, are there any suggestions from the committee as to how long we should sit this evening?

**Mr. Rick Borotsik (Brandon West):** Mr. Chairperson, I would suggest we sit until 9 o'clock.

**Mr. Chairperson:** Thank you. Any other suggestions?

**An Honourable Member:** Till the end of the second period.

**Mr. Chairperson:** End of the second period.

Is it agreed that we will sit till 9 o'clock this evening, or sooner if the committee should decide to conclude their investigations? *[Agreed]* Thank you.

Are there any suggestions as to the order in which we should consider the reports?

**Ms. Jennifer Howard (Fort Rouge):** I would suggest we consider them as printed on the agenda.

**Mr. Chairperson:** Thank you. Any other suggestions?

**An Honourable Member:** Agreed.

**Mr. Chairperson:** So agreed.

Before we get started, I want to make one comment. That is that we are not here to consider the merits of policies that are implemented by government. Rather, we are to address the administrative issues as have been recommended by the Auditor in her report. So, having considered that, I'm going to ask the Auditor General if she has some opening comments on her report.

\* (19:10)

**Ms. Carol Bellringer (Auditor General of Manitoba):** So this is on the Environmental Livestock Program report, and having talked about the merit of policy, I have to point to the first objective which got right into legislation. But we

weren't looking at the legislation from the perspective of whether or not there should be legislation, but our first objective did do a comparison of the regulation which is the Livestock Manure and Mortalities Management Regulation. We did compare it to other Canadian jurisdictions.

The second objective that this audit looked at was whether the processes in place were adequate—and this is from the perspective of the Department of Conservation—to ensure operators of livestock operations comply with the key provisions of the regulation. The third objective, we looked at whether Conservation used information available to further its efforts to protect surface and ground water from contamination. The fourth objective, whether Conservation was sufficiently consulting with other stakeholders, departments of Agriculture, Food and Rural Initiatives, Health, Intergovernmental Affairs, Water Stewardship, as well as municipalities on common issues related to water quality.

Section 3 of the report deals with the legislation. What we did in there was point out some areas that were not addressed in Manitoba's regulation and some that were addressed more stringently in other jurisdictions. There were five areas that we then made recommendations be considered by the department for potential amendment.

Am I causing a buzz? Okay.

The areas had to do—the first one was: Controls related to the application of manure by operations with multiple species. Second area was with respect to minimum acceptable storage capacity for manure storage facility constructions. The third: Controls to address the effects of chemical fertilizers combined with manure application. The fourth: Submission of contingency plans to deal with potential emergencies related to livestock manure. The last one was: Controls related to the application of manure on frozen or snow-covered ground. So that was the section 3.

Section 4, around the processes in place to address provisions of the regulation, we had several recommendations in this chapter, all to do with just areas where we saw some opportunities to strengthen various processes. It covered everything from issuing permits, permits for construction, modification or expansion of the storage facilities; the monitoring of construction for the manure storage facilities; post-construction monitoring; identification, assessment and approval of non-permitted manure storage facilities; monitoring the manure application to land

and utilization of the department's information system; all of the things that the Department of Conservation is doing on a regular basis.

The third area around the use of information, we did have a recommendation around just conducting a comprehensive analysis of the data that was available. There was a significant amount of information available to the department. And the last area, on consultation, we did get some feedback from other organizations that there could be some increase in that area.

**Mr. Chairperson:** Thank you very much, Madam Auditor.

As agreed to, we will dispense with any opening statements from either the minister or the critic, and I appreciate the co-operation in that regard. I'm going to ask the deputy minister if he would like to make some opening comments.

**Mr. Donald Cook (Deputy Minister of Conservation):** Thanks, Mr. Chairperson.

First, I'd like to thank you for the opportunity to update the committee on the department's response to the OAG's audits. We want to recognize the office of the Auditor General for the collaborative and constructive nature that was taken throughout the review process. Participation in these audits is obviously in keeping with our desire for continuous improvement, so it's much appreciated.

Some comments on livestock: just point out and remind folks that the review period was December '04 to June '05, and I think it's worth pointing out that many of the recommendations from the report have been implemented and on the other ones, we really feel that significant process has been made on many of some of the procedural suggestions and recommendations from the Auditor General.

We have since, subsequent to the audit, and they are listed, and we appreciate that, there have been several things, regulations through—I'll refer to it as the L3M reg: the livestock, mortalities, manure management regulations. Can I refer to it as the L3M reg? We have, in fact, brought in several changes through that regulation that include, as was suggested in the report, further restrictions on winter spreading in the Red River Valley. That has been done. It was mentioned in the report.

In addition, we've become, I think, the second jurisdiction in Canada to bring in the phosphorous component into the L3M reg. Prior to that it was

focussed on nitrogen levels. It's now focussed on phosphorous levels. Changes like that have been implemented.

\* (19:20)

I think it's also worth noting that through the last four budget years, there have been significant staff resources added to this area, to the livestock program: 13 new staff over the last four fiscal years. That includes everything from livestock engineers for inspecting manure storage facilities to on-the-ground environment officers that are located out in the regions to agrologists that are located in head office. So there has been a lot of progress made in the livestock program since the time of the audit.

I think with those opening remarks—one more worth mentioning, I think, is that in fact we are now in the process of responding to a recommendation from the Auditor under the legislative discussion in terms of requiring a minimum number of storage days on our manure storage facility permits. We didn't have that. We felt we were meeting the objective of ensuring that, when we were approving the actual manure storage facilities, there would be adequate storage, but we have followed up on that. We've publicly placed that information up for public input, information and comment, and we're looking at 400 storage days for the earthen manure storage facilities and 250 days for the steel and concrete manure storage facilities.

So, with that, that's probably enough comments and by way of introduction. Thanks for the opportunity to do this.

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

Now, I think we'll open the floor up for questions.

**Mrs. Heather Stefanson (Tuxedo):** Recognizing, of course, that this report, the timing of this report, is looking at, I guess, back in 2004-2005. It is quite some time ago, and the report itself came out in 2007.

I think what would be helpful to us is if we got a bit of an update. You have given us some of an update, a bit of an overview, with respect to some of the things, but maybe a little bit more detail in terms of, and, specifically again, just going to the recommendations in the Auditor General's report.

If we could look, first of all, under the legislation section, and certainly we know over the last little while there have been many different regulations that

have been brought in with respect to this area, some legislation brought in, as well.

Could you update us? I know there are five recommendations here. Maybe if we could start with the first one: Preventing over-application of manure by operations with multiple species.

Where are we at with that? Have there been further regulations that have been brought forward by the government? If so, what do they state? If not, what is the plan going forward from here?

**Mr. Cook:** Yes, thank you for the question.

1.1 Government policy has been to consider animal units cumulatively for planning purposes such as through the TRC committee process, The Planning Act, but not cumulatively under our livestock manure and mortality—the L3M regulation.

We have been focussed—and this is I think where the Auditor referred to it that we weren't necessarily on the same wavelength. In the past, we've been focussed on what the actual results of field sampling told us, what was actually in the soil to indicate to us whether or not there was a problem.

So, through the audits that we do on the manure management plans, where we actually have field officers go out and take samples, tube samples, from farmers' fields—of course, with their permission—get them analyzed, and from there we determine the level of nitrates and the level of phosphorus in the soil, we felt we were accomplishing that objective.

So, in terms of whether or not we've come to a total agreement on whether or not we need to make a regulation change in that area, we haven't yet, but we do feel we have the tools to accomplish the objective that the Auditor was looking for.

**Mrs. Stefanson:** What would be the time frame, then, dealing with what you're talking about now, if there's some discrepancy or perhaps a dispute or whatever it is internally, as to how are you going to resolve this internally, and what are the steps that you're taking to move forward?

**Mr. Cook:** The answer to that really lies in the importance of us doing the audits and getting adequate percentage. We target for about 10 percent of the manure management plans, and, reviewing those results, the sense is that if the results are showing that they're staying within the regulatory requirements for—whether it be two times phosphorus that's allowed on the fields for spreading on the fields. If we have any issues, then I think we do have

to take another look at it in terms of being species specific. The key point for us is that the vast majority of manure really is liquid hog manure, and so that's the key for us. The sources, whether it be from hogs, cattle or poultry, it's still phosphorus and nitrogen. So that's where the difference is.

I think when our sampling shows that we do have to make some further changes, we will do that.

**Ms. Bellringer:** If I could just add, because we had previously spoken to the fact that we weren't exactly on the same page on this particular one, I think where the difference lies our recommendation kind of focussed in at the front end in saying there are certain other jurisdictions that address this by upfront saying, you can't do certain things.

We had an example in the report. I think it came from Québec. It was getting it in from the control end in terms of writing it into the regulation, and what the department is doing is looking at it at the back end, and saying, okay, so, if it isn't measuring over and above that specified level, then we know we don't have a problem, and then we don't have to address it at the front end.

So I don't have a problem with that from the perspective of what we saw at the time. We were looking at it from a risk perspective as opposed to having seen a problem and said, you're not fixing it; had you considered putting it into the regulation upfront so that they weren't allowed to do certain things as opposed to making sure that it wasn't harming the output on the fields. So, beyond that, we wouldn't expect something further than that unless there was a problem that we saw going forward.

**Mr. Chairperson:** Thank you.

**Mrs. Stefanson:** Just to go to the second recommendation and, again, I'll just read it out here. This is the Auditor General's recommendation: Incorporating a minimum acceptable manure storage capacity for manure storage facility construction. The minimum capacity should be set at a level which will avoid the need to dispose of manure during winter months.

Can you tell me what your government department is doing with respect to that recommendation, what regulations have been brought forward, and what we can expect in the near future?

**Mr. Cook:** That is a regulation that we have agreed to move forward with. It's an important one in terms

of minimum storage, number of days, capacity that you have. We've gone one step further and actually put it up for public consultation and comment and included, actually, a maximum storage, as well. So the idea would be that you couldn't have such a huge facility that you could actually expand beyond what the original permit that was set up for it to operate under.

So, again, what's out on the Web for public consultation is 400 days for the earth and manure storage facilities and I think it's 250 days for concrete and steel.

**Mrs. Stefanson:** There's significant public consultation that's going on with respect to that over the next little while. Who will be involved with the consultation?

**Mr. Cook:** Actually, it's up on the Web, right now, and our livestock program folks are working with AMM, I believe, and KAP, and going through the information. The consultation period closes on May 29, so it's close.

**Mrs. Stefanson:** Just moving quickly through, and I know some of my colleagues may have some questions with respect to this area, but I'd like to just go through the next three recommendations and maybe get an update from them, as well.

\* (19:30)

First of all, incorporating controls to address the effects of chemical fertilizers combined with manure application on soil nutrient levels. Again, just looking at what regulations have been brought in since this report came in, or what people and what Manitobans can expect to see over the next little while, and what kind of public consultation will be brought forward as a result of that as well?

**Mr. Cook:** In terms of the effects of chemical fertilizers, yes, our L3M reg deals with manure from animals. The nutrient management regulation that's regulated through Water Stewardship is dealing with the chemical synthetic fertilizer side of things. Our manure management plans that we deal with the producers on have been updated to account for non-manure sources of nutrients, and, again, our audits, our sampling, our testing that we do don't differentiate between where the phosphorus is from.

So the short answer is, yes, Water Stewardship has brought in a regulation to deal with the chemical fertilizer side of things.

**Mrs. Stefanson:** And just bringing up another question in mind here, how closely are your government departments working with respect to this?

I know there have been some issues in the past certainly from what I can see in terms of—and not to be critical but just to—you know, it's difficult when one department brings in some regulations, and I know certainly in Water Stewardship the focus is on more phosphorus, and, obviously, that trickles down into other government departments.

What are you doing to ensure that you're following through with what the recommendations are with other government departments?

**Mr. Cook:** Actually, the deputies sit on something together now called the Interdepartmental Planning Board, where we deal with issues like this, where there's crossover. We hope not to have to deal with too many issues that there's not agreement on because we do have an ADMs' committee as well with representation from various departments that reviews these types of issues.

So that's something that's been done recently to try to create the consensus-seeking mechanism that I think you're referring to.

**Mrs. Stefanson:** Mr. Chairperson, will that include separate meetings with respect to and especially when it comes to this manure management strategy? Would there be other separate meetings, and would it include the deputy minister of Agriculture as well as Water Stewardship? Who else would be involved specifically in this area, so we don't sort of go across the board and bring this up at every deputy ministers' meeting. Is there sort of a focus group specifically on this, so that all relevant government departments are up to speed and have a say in how the departments move forward with implementing the policy of the government?

**Mr. Cook:** Yes, there is good representation from MAFRI, from Water, from Intergovernmental Affairs, and you're right; it goes beyond sort of the deputy meetings. It starts right at the review of manure management plans amongst staff in the livestock program, where there is direct contact with whether it be MAFRI or clearly with Water and their contacts within the department on any issues that we might have with reviewing manure management plans.

So it's tightening up. I think the level of dialogue is getting to where it needs to be and it has improved.

**Mrs. Stefanson:** Appreciate that, and just the last two recommendations in this section with respect to regulation and legislation since these recommendations came forward requiring the submission of contingency plans to deal with potential emergencies related to livestock manure and limiting the spreading of manure on frozen and snow-covered ground for all livestock operations—again, could you just give us an update with what the plan is here since these recommendations came forward?

**Mr. Cook:** In terms of the contingency plans dealing with potential emergencies, really we feel the objectives of this regulation have been addressed through a regulatory amendment which requires that the environment be protected in the event of a structural failure of the manure storage facility.

Additionally, the department's developed better and more accurate guidelines for design criteria bringing on the livestock engineers and ensuring that the initial design of the storage facilities are really where they need to be. So that's really how we meant the intent and the objective of the recommendation. We think this is one that we do have to stay on top of and continue to monitor and evaluate.

In terms of limiting the spreading of manure on frozen—*[interjection]*—I can tell you that we feel we've made significant progress in terms of limiting the spread of manure on frozen or snow-covered ground, Mr. Chair. The Minister of Conservation (Mr. Struthers) has announced the livestock and the L3M reg will be amended by a ban on winter spreading by 2013 throughout the entire province. So we're already done in the Red River Valley, and the intent is to go province-wide on this approach by 2013.

**Ms. Erna Braun (Rossmere):** You were talking about the intergovernmental committees that are sort of from different jurisdictions looking at water quality issues. So I was just wondering if you also look at ways in which we can involve all Manitobans in recognizing that they've got some responsibility in water quality.

**Mr. Cook:** I think that's a question that—we certainly do through our regular contacts with the AMM, KAP and our client groups. Water Stewardship is doing the same thing among their client groups and I know they're addressing the intent of the recommendation through the Lake Winnipeg Stewardship initiative, et cetera. So they would be the lead in terms of the overall strategy. We're certainly hooked into that

approach and we do work with AMM and others on this as well.

**Mr. Ralph Eichler (Lakeside):** Just a couple of questions in regard, first of all, to the technical review committee. Is that committee still in place and what role do they play in developing regulations?

**Mr. Cook:** Yes, the review committee is in place. It hasn't been meeting as often as it used to. It is still in place. Through the group that I mentioned to you earlier in terms of the interdepartmental group, the restructuring of that group is being looked at and considered and actually very close to a recommendation coming forward as was directed or recommended in the Clean Environment Commission report.

**Mr. Eichler:** One of the recommendations, I believe on page 29, the manure management plan submitted at the request of municipalities, was not reviewed by Conservation. Has that changed, or do you have an update on that?

**Mr. Cook:** Yes, that has changed and we are reviewing all plans now.

**Mr. Eichler:** The follow-up on the same page to confirm manure spreading, could you update us in regard to that? Have there been any changes in regard to whether or not there will be changes, regulation-wise, to the manure spread?

**Mr. Cook:** Yes, the regulation came in in 2006 that brought phosphorus into play for the first time. Prior to that it was nitrogen. There's a need to review that recommendation every five years. It is one of the recommendations that CEC has requested we take a look at through this next period; to take a look at whether there are better and different approaches that we can use to the phosphorus approach that we're using right now, where we're using Olsen. It's recommended that we go to a phosphorus index approach or just at least take a look at that as an approach that could be used in Manitoba. So I think the answer to that is that it's currently under review.

**Mr. Eichler:** Could you just outline for us the process of what would be—how you would follow through to get those recommendations back through your department for development of those regulations?

**Mr. Cook:** I can tell you, the last time we used what I felt was a pretty successful approach and created the phosphorus expert committee which brought in a

good cross-representation of folks from KAP, from science, from agriculture, from water, and universities as well. At this stage, we're still just taking a look at the different models or jurisdictions that are using the phosphorus index and sort of troubleshooting that. Then from there we would take a look at a similar type of approach.

\* (19:40)

**Mr. Eichler:** More of a comment than a question. I would encourage the department to do that because we certainly know the need of nitrogen and the role that it plays. Certainly, just to put out the same policy that was adopted in 2006, I think, you know, has some flaws in it. I think we need to have a very good hard look at that, and probably sooner than later.

**Mr. Cook:** Thank you for that comment.

**Mrs. Stefanson:** Again, just moving on through some of the—

**Mr. Chairperson:** I'm sorry. Hold it, hold it. I'm out of order here. I'm going to have to ask you to wait with your question. Ms. Howard had her hand up before you did, so I would ask Ms. Howard to ask her question. I'm sorry.

**Ms. Howard:** Thank you, Mr. Chairperson.

My question has to do with the recommendations on page 85 about certification. I'm not that familiar with the certification process, so I'm interested to hear what is the current process. But especially some of the recommendations that had to do with conditional certifications and how those were being followed up on. Section 4.2.4, page 85, at the bottom.

So, Mr. Chairperson, I guess my question is, what is the current practice? The recommendation had been for follow-up on conditional certifications, that they be flagged and there be follow-up, and then an unconditional certification be obtained before approval for use of the manure storage facilities issues. Is that the current practice, or what is the current practice with regard to conditional certifications?

**Mr. Cook:** Conditional certification is approval to use before all the concrete works are completely done; all the ramps are in place, that type of thing.

**Ms. Howard:** So the recommendation, I guess, was to flag where there are conditional use, where that's allowed, and to follow up on those. Is that being



done currently? How are they followed up when a conditional permit is given?

**Mr. Cook:** We actually have a checklist system in place of certain items that have to be done, and you have to go through the checklist process to actually get the conditional certification.

**Ms. Howard:** So then, before the final certification or approval is given, is there a check back to make sure those conditions have all been met, and that the storage facility is completed and ready to go?

**Mr. Cook:** The answer is that, in the rare occasion that we use conditional certification that, yes, there is that check back to make sure that all those things have been done.

**Mrs. Stefanson:** I'll defer to my colleague now.

**Mr. Larry Maguire (Arthur-Virden):** Thank you, Mr. Chairperson, and thanks to my colleague for that deferral.

Just in regard to, on page 30, on the conclusions, objective and criteria in section 4.6 on the information systems, it states that they should be effectively used to track all aspects of environmental livestock programs.

I'm just wondering if you can expand on, you know, in the conclusions it says that there could be better use, perhaps, of the tracking mechanisms and that sort of thing. I wonder if you could just expand on how the department—what has been done to fulfil that conclusion or make any changes to it in regard to data entry issues, environmental management systems being underutilized in a number of those areas.

**Mr. Cook:** Yes, this was pointed out as an area that we needed to make some improvements in, and it's our environmental management system that we are now targeting. We've been really focussed on the on-the-ground issues, audits and inspections in manure storage facilities, but we know now we have to make sure that we actually have good records in place to show the work we've been doing.

But, yes, it also does become an intelligent system for us as well, that all the department can use to zero in on where the most and highest risk type situations exist. So we are in the position of hiring and just have recently hired a co-ordinator to crack the whip on our staff, to make sure that they're using the EMS system to report and track some of the field reports and findings that they've had. We're making progress in that area, but we do know that's an area

that we need to continue to focus on. Meanwhile, that's not to say we're not using the intelligence of staff out there in identifying where the highest risk situations are and targeting those areas.

**Mr. Maguire:** Just as a follow-up to that, I know a few years back when I was Intergovernmental Affairs critic, we looked at changing the—there was new legislation brought in to develop planning for each municipality in the province of Manitoba has to table the planning program with the departments. There were specific issues to each municipality that they had in their business development plan for land-use policy—land-use planning, pardon me, is the term I'm looking for.

When it came to technical review committees, I know that they were a part of the development of any of those new facilities in livestock that might be developed—over 300 animal units—in the province and I wonder if, you know, in your comments through my colleague from Lakeside's question about TRCs maybe not being used as much anymore. Does some of the planning that's come out of this report or Auditor's report or the new programs that you're looking at kind of replace what some of the technical review committee was doing on the ground there? Or does the technical review committee still work in each of those individual cases?

**Mr. Cook:** Yes, I gave the wrong impression that as to why it's not being used as much.

It just hasn't been that many applications but, certainly, we do see an improved TRC process, actually, as being the way to go on this, and to allow local people more input at an earlier phase, actually, in terms of what is being proposed, and we think our new process is going to allow for that.

**Mr. Maguire:** I concur with that. I felt that it was a good move back when the plan came through in land-use planning in some of those areas, and it allowed the municipalities flexibility in determining their own programs, but it also took into consideration the land use and the type of land and opportunities that were there for each individual case. So, you know, I think local people feel much more comfortable with that because they've had a say in it, as well, and a good public process of—venting's the wrong word—but of providing an opportunity for everybody to have their input, and I commend you for that in that area.

I wondered just in regard to—had a question, I guess, in regard to the type of monitoring in regard to

the information systems that I was asking about before and the amount of staff that it takes to do that. I know that one of the programs that I was involved with back a number of years ago in the federal program was to do with encouraging environmental sustainability of many products through some of the agriculture policy framework issues that the federal government brought out that time that I know the provincial government worked closely with. There was and is a—more was, I guess, than is now—farm stewardship environmental program in place in Manitoba that I felt worked well because it provided incentives for farmers to get involved and provide information on their environmental aspects of their operations, not just as related to livestock, but other components as well.

I wonder, you know, some of the federal people, when we first started to talk to them on that, wanted to use sticks to get that approach done, and I think that you and the ministers here in Manitoba would agree that that's not a very sound way to get positive information or true information on the sheet of paper that you want somebody to provide you with. Our approach as farmers at that time on those committees was to use carrots as an approach to that, and it worked well. Manitoba and Saskatchewan have had some of the largest sign-up in those areas of any provinces in Canada.

\* (19:50)

My question is more or less to your department, in relation to these criteria for environmental programs to get the sound information that you have and so that your people on the ground can co-operate and work with the agricultural industry. Were you ever in a position to be able to put some incentives in place? I know some of the departments were, but did the Department of Conservation in your recommendations put any of those kinds of incentives in place?

I don't even know if I'm out of line in asking about a financial contribution to those—to put an incentive in place or if it's purely even from a—I guess, probably more pertinently to our concerns here tonight would be the kind of expertise made available to help get information, sound information, out and help farmers put the plans together that they need. I don't know if that's for—I'll ask the deputy, but I don't know if Mr. Struthers wants to answer that—or the Member for Dauphin-Roblin (Mr. Struthers)—wants to answer that or not. I'll let the Chairman decide who can answer that. Thanks.

**Hon. Stan Struthers (Minister of Conservation):** This department plays a role in regulating, in putting forward the rules by which we protect water, by which we protect soil, our ecosystem. So the reason I wanted to answer this question is that I wanted to make that distinction. The question seemed to be more in terms of a financial incentive in terms of work that the Department of Agriculture has been following up on.

I think the Member for Turtle Mountain (Mr. Cullen)—sorry, Member for Arthur-Virden (Mr. Maguire)—makes some very good points in terms of providing carrots rather than sticks. When I talked to farmers, one of the carrots they talk about is that when they make good environmental decisions within their own operation, that's not just a good environmental decision, but it pays off and they see the difference in their wallets as well. So there's an intrinsic good to that, and I think the farming community needs to get more credit for the kind of work and the kind of decisions that they've been making on their own farm operations.

When it comes to—including the Chair—when it comes to those kinds of incentives, I know my colleague the Minister of Agriculture, Food and Rural Initiatives (Ms. Wowchuk) has worked in terms of the alternative land use program that is taking place out at the R.M. of Blanchard, which, I think, is a good example of carrots rather than sticks.

So those sorts of things we have looked at. We have looked at trying to help in terms of hog operations, especially. We've made some commitments in terms of helping farmers transition into the new regulatory regime that we're talking about. So I'm open to that kind of advice from the Member for Arthur-Virden as well.

**Mr. Gregory Dewar (Selkirk):** Mr. Chair, I want to follow up on the issue of the banning of spreading on frozen or snow-covered ground. I know that Mrs. Stefanson asked the question earlier, but if you could just once again inform us as to when that activity will cease.

**Mr. Cook:** Yes, I should have clarified that, actually, for the larger operations it's in place right now. So there is a ban on winter spreading for the operations that are over 300 animal units. Come 2013, it'll be in place right across the province for all sized operations, which will include 300 and under.

**Mr. Dewar:** Do you have an idea, then, what the volume of waste that was spread on frozen or

snow-covered ground? It seems to me that, unfortunately, our winter seems to be getting longer and longer, and livestock, of course, the livestock don't take the winter off. Do you have an idea—again, in terms of the volume of waste that was spread in the winter?

**Mr. Cook:** Al was just telling me that at one point in time there were the same number of hog operations in Manitoba as there were guitar pickers in Nashville, so I was trying to convert that.

I think that the estimate is about 10 percent or 15 percent of the operations would have been spreading during the winter, so this would decrease the amount of winter spreading by 10 percent or 15 percent.

**Mr. Dewar:** So a producer, then, who is now banned from spreading the waste on frozen ground, what are they expected to do with it?

**Mr. Cook:** They'll need to develop or build earthen manure storage facilities. They'll have to find ways to store it or they'll have to ensure that it's spread in the fields during the time of year that it's allowed to be spread.

**Mr. Kevin Lamoureux (Inkster):** Mr. Chair, I just had a couple of questions. If we turn to page 83 of the report, what interests me was the one comment here where it says: "We recommend that Conservation consult with other departments and municipalities to identify issues of common interest in sustaining an agricultural economy while at the same time protecting the environment."

Mr. Cook, could you give some sort of indication in terms of how you would be addressing that sort of an issue? What would you be doing that would be different today than prior to the report coming out?

**Mr. Cook:** Actually, this recommendation includes some of the tasks assigned by the minister to the CEC for their investigation into the sustainability of hog production industry in Manitoba. Mr. Chair, the CEC report was accepted in principle, and a multi-department committee consisting of staff from MAFRI, from Conservation, from Water Stewardship, from Intergovernmental Affairs, has been established to implement the intent of those recommendations.

We think that meets the objective of that approach, of working with other departments that are involved in these discussions and looking for ways to

ensure that the economy is sustained while at the same time protecting the environment.

**Mr. Lamoureux:** To what degree would you be looking at having discussions, let's say with municipalities or other stakeholders, or is it just strictly more of the provincial government and arm's-length organizations of the government that you'd be talking to?

**Mr. Cook:** We certainly reach out with stakeholders we think in a big way, work very closely with KAP and work very closely with AMM and stakeholder groups. Our staff go to many meetings and are wide open to discussing the issues and receiving recommendations and hearing folks out. So, yes, I would say, to answer your question, to a large degree.

**Mr. Lamoureux:** Obviously, you would be receiving feedback from the different organizations. Here, they make reference below, in terms of the response by the officials, it talks about the hog industry which went to CEC.

Would there, then, have been a report? Maybe I missed out on that particular report. What would have come of that?

**Mr. Cook:** Yes, the CEC did produce a report, published it. I think it's available on the Web as well. It's been distributed far and wide.

**Mr. Lamoureux:** Finally, just in some—I wasn't going to ask this question, but because of a couple of other members, I'm kind of intrigued by it, and that is, we have this new policy that's coming out, and because it's policy, you might not necessarily feel comfortable. Mr. Chair, you can make the decision whether or not to allow the question, but there's this thought about not being able to spread manure during the winter months. I understand that that applies to the larger farms, 300 head and larger, currently.

\* (20:00)

Then there are the smaller herds. To what degree would your department be consulting with, let's say, the smaller stakeholders, of a herd of a hundred cattle, for example. Just kind of, like, walk through the process. Would you be consulting with them and then saying to the minister, here is the situation as a result of this particular implementation of a policy? Then I'll just leave it at that.

**Mr. Cook:** Yes, we work very closely with MAFRI to understand the implications of the path forward of

the complete ban on winter spreading. We're open to going into communities and working with farm groups, local communities in terms of creative solutions, such as maybe teaming up and using one manure storage facility in an area, and reporting back to the minister in terms of what we do here and any adjustments that we have to make to a regulation. That's a normal part of the process, so we'll produce feedback for the minister to be made aware of prior to actually implementing regulations. Getting a better understanding and a full understanding of the full implications.

**Mr. Maguire:** In the spirit of co-operation and clarity, I guess, with my colleague from Selkirk, I know that I thank him for his questions and concern around the timing of it. Application of manure on frozen ground has been in place for some years. I believe that on page 27 it states you can't spread it from November 10 to April 10. Then there's also a situation of being able to look at, I think, in sort of—if I could use another analogy of the burning of straw, if particular conditions occur on a particular day, you can't. There's an announcement of when you can and cannot burn straw.

I'm wondering if it's the same in regard to the clarification of spreading of manure on frozen ground as well. It may not just be frozen. Some of it was probably still frozen after April 10 this year, but the deputy referred to a situation where ground was extremely wet. I mean, if it's too wet, you can't go out and spread it anyway because, of course, you can't get on the land, but are there other circumstances taken into consideration besides frozen ground?

**Mr. Cook:** The director does have the flexibility, depending on the season and the freeze up, to allow for an exception to be made. November 10, yes, I hear you. I mean, some years maybe it's still warm and there's still opportunity for spreading manure. In that type of situation, a permit can be issued to allow that type of a situation to occur.

**Mr. Maguire:** Thank you, Mr. Cook. I was thinking more on the other end, the spring side. Obviously, you couldn't get on anything south of the city here right now anyway, but in relation to the clarity. Just for clarification, I guess. It's all in the eye of the beholder, but, just to be in parallel language to what the Auditor General's report has, I see nowhere in the report where it refers to what we're talking about tonight as waste.

My colleague from Inkster had it right when he was referring to this as manure, and I know that's what my colleague from Selkirk meant as well, and not the term "waste." But, you know, in his three questions, it was referred to as waste. The Auditor General has quite rightly recognized, I think, that there's a difference. Manure can be quite valuable in the eye of the beholder, and in most farm operations it is quite a valuable product to have on the lands. So I think that's just a clarification issue, unless the deputy wants to confirm or the Auditor General can confirm that as well.

**Mr. Cook:** My counterparts in MAFRI make sure they remind me of that, and I think actually the Auditor made a reference to manure as a valued resource and even might have put a price tag in the report somewhere, as I recall. In fact, I think it's more and more being recognized as a fertilizer, so thanks for that reminder.

**Mr. Maguire:** My last volley will be, I hope that the parallel continues as we move toward carbon credits in the agricultural industry and that the carbon credits are accrued to the farmers down the road in the future as well. I just put that on the table for the deputy to consider in regard to his department's work in future cases, because there has been a tremendous change in our agricultural society from ploughing tandem disking and even now to zero tillage conservation. That is, certainly, a means of allowing farmers to look at a resource that is more valuable than what we may have sometimes traditionally looked at 20 or 30 years ago as straw being waste as well. It is also a valuable resource, so I just leave that. Thank you.

**Mr. Chairperson:** Seeing that that's beyond the scope of the audit, I'm just going to allow some flexibility for the deputy to either choose to answer it or just take it as notice.

**Mr. Cook:** Thanks for the heads up on that on. I appreciate it.

**Mr. Chairperson:** Seeing no other questions before me at this time,

Auditor General's Report—Audit of the Department of Conservation's Management of the Environmental Livestock Program, dated October 2007—pass.

We will now turn to the second report, Audit of the Province's Management of Contaminated Sites and Landfills.

Madam Auditor General, do you have any opening comments?

**Ms. Bellringer:** Thank you, Mr. Chair.

This audit had five objectives, and I'm going to deal with them in a different order than they're presented.

The first section in section 3 and then the next one in section 6 and the third in section 7 are dealing with matters that cross various departments and other organizations—are outside of the Department of Conservation. Then I'll focus on the objectives that deal with the Department of Conservation.

Mr. Chairperson, those three, the first one in section 3, we looked at the process for agencies, boards, Crown organizations, school divisions, universities, colleges, hospitals, municipalities for the identification of contaminated land sites and estimating the costs associated with remediating those sites; looking to see whether or not the accounting information was available and whether or not they were reported in their financial statements. This is something we had looked at for core government a couple years prior to that, and it was an extension of that work. What we did find was that most of those organizations were not following the same accounting policies that the Province followed, and that they weren't tracking a lot of that information.

The section 6 looked at the processes within the Department of Finance for compiling costs associated with remediation of contaminated sites owned by entities to determine whether or not the compilation of those costs was adequate to ensure completeness of the estimates in the Province's Public Accounts. We did conclude that the Department of Finance's processes were sufficient to ensure completeness of those estimates.

Section 7 looks at whether the Province and the municipalities were reporting their potential environmental liabilities associated with landfills, and there were some inconsistencies that we noted there as well.

Getting to section 4 and 5, these sections were looking more from a compliance perspective. We looked at whether in section 4 the Department of Conservation was adequately monitoring for compliance the government entities, municipalities and industry with The Contaminated Sites Remediation Act, the storage handling of petroleum

products and allied products regulation of The Dangerous Goods Handling and Transportation Act, and we did identify some opportunities to improve that. In section 5 we looked at whether the department was adequately licensing, permitting and monitoring landfills to ensure compliance by the landfill owners and operators with The Environment Act and the waste disposal grounds regulation of The Environment Act. We made recommendations to make some improvements in that area. There was one specific landfill that was operating under a permit, where we found landfills of a similar size operating under the authority of more stringent environmental licences.

**Mr. Chairperson:** Thank you.

Mr. Cook, would you like to make some opening comments?

\*(20:10)

**Mr. Cook:** Thank you, just a few.

We've already discussed the parts about what Conservation can respond to here. I thought I'd just help maybe a little bit by indicating that in a previous audit that had been provided to Conservation, it was recommended that sort of an intergovernmental multi-department team be established to sort of monitor and co-ordinate the efforts around contaminated sites and government as a whole.

That is worth pointing out, that that group has been established. It's actually chaired by MIT, and it is through that process that things like, for example, we understand and we've been part of that. Intergovernmental Affairs has prepared a reference manual for municipalities with respect to the identification and reporting of environmental liabilities.

So, through a previous recommendation of the Auditor General, a committee has been struck to deal with the multi-department issues. Not that I can specifically answer some of the questions that relate to the municipalities and the entities, I just wanted to let you know that that process has been set in place, and those discussions are occurring.

I should also mention that, as a result of the first '05 audit that was done, we have put most of our resources, in the area of contaminated sites, into booking our environmental liability. The Auditor has given us some grace on this, I think, but the reporting period is done now, right. I mean, we've got to report

to you for the period that ends March '09. We now have a time line that we have to meet: it's mid-May, and we're going to do that.

But it has been a huge effort. We've brought on five additional staff to help us visit each one of the orphaned and abandoned petroleum sites throughout the province, and we're talking hundreds of those. So, this has been a period of time where it's been all about assessment, quantifying what we think the liability is. After May 15, we're going to—hopefully, the rules don't change so much that we have to start over again.

We're then going to move into a phase where it's actually implementation, cleaning up and additional repairs over and above what you've heard about in terms of some of the work that's gone on at Brandon and Grosse Isle and some of the major projects that we've been working on. So that has been the main focus of our task in terms of the contaminated sites area.

In terms of waste disposal grounds, we're making progress there, but I think we can get into those during the questions, as well.

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

Before we proceed with questions, I perhaps would just like to reiterate the flavour of discussion we had previously, and that was that we have the deputy of Conservation with us here today. In the Auditor's report, I think there are cross-jurisdictional issues that have to be answered by perhaps other deputies.

So, if I could ask the committee to contain their questions to matters that relate to the Department of Conservation, because it would be unfair for us to pose questions that relate to either the Department of Finance or, perhaps, Intergovernmental Affairs or other departments.

So, if I could have your co-operation in that respect, we will proceed with questions.

**Mrs. Stefanson:** Mr. Chair, yes, given the fact that it is only the deputy from Conservation that is here today, we're happy to stick to the areas of the reports that specifically are concerned with the Conservation area.

Having said that, there are obviously some other areas within this report. Certainly, by the end of the questions here, I think we may want to have a recommendation going forward of some sort, and we'll bring that later before the committee to ensure

that, at a future date, we'll have the opportunity as a committee to be able to question deputy ministers of other departments that are also pertaining to this report.

Having said that, I've got a couple of quick questions, and I know, rather than going through all of the recommendations and I know, again, this report came out in 2007, I'm sure that there has been a number of things that have been done to deal with some of the recommendations with this report.

One of the things that I noticed, though, and I just wanted to get some feedback from the deputy minister with respect to the staff positions. At the time of the audit, there was a total of 68 positions, and almost 30 percent of those positions were vacant at the time, and those were positions that were either directly, or through oversight, responsible for areas like the Contaminated Sites Program, the Petroleum Storage Program, Dangerous Goods Program, municipal waste-water facilities, hazardous waste, PCB storage, those types of things that are obviously very serious environmental concerns in our province.

It just struck me as being a fairly high vacancy rate within the department with respect to the staffing, and I'm wondering what steps the department has taken. Is there still that number or that percentage of vacancies within the department open right now overseeing those specific areas?

**Mr. Cook:** Yes, we had a very high vacancy rate when this report was done, and we're somewhere below 15 percent now, closer to 10 percent.

Steps that we've taken include sort of mass hirings approaches as opposed to one at a time bulletining for a single environment officer position. Rather than taking that approach, we're taking the eligibility list approach where we're having an open competition for a grouping of environment officers, and that has been successful. That has led to some success.

I think actually that we're somewhere between 10 percent and 15 percent. We're much better off, but we still need to get it below 10 percent. We've actually had some reorganization occur since the time of 2007, as well, to sort of strengthen the whole environment services approach in the department where we've created directors' positions, two directors' positions, and field staff now have a much stronger connection to an environment director.

We're thinking it's getting to be a better place to work through that approach, Mr. Chair. It's creating

environment teams to be working on whether it be livestock issues or on-site issues, teams getting together to talk about program development.

I went to a meeting the other day with the minister, and I think there were quite a few young people in the crowd that we hadn't met before. So, from that perspective, I believe things are looking up.

**Mrs. Stefanson:** Thank you very much for that update.

Just moving on, it's a bit of a red flag, this one, that comes out with respect to the Brady Road Landfill that was operating under a permit dated back to October of 1993. I'm wondering if the deputy minister could update on whether or not that permit has been updated.

**Mr. Cook:** I can give you an update that the Brady Landfill folks, people, have just submitted an application to capture greenhouse gases from the Brady Landfill, and that will be a licence that's issued under The Environment Act licence. That's a big step. By the way, that has been up for public review already and it's been on the Web and we've received—I don't think we received any comments, actually. Certainly, there were no negative comments about that and you wouldn't expect any.

So we are making progress in that area. Having said that, the Brady Landfill, it's a modern facility. It captures effluents and it treats those effluents, but the environment licensing approach will provide for more reporting and diligence. We are going to head down that path of, step one, bring them under the umbrella of the environment licence through the capture of the greenhouse gas, the methane gas, and then, step two, the entire operation is where we'd like to go with it, yes.

**Mrs. Stefanson:** I think there have been other permits that have been issued since 1993, I'm sure, in other jurisdictions in the province. What would be the reason behind this one not being updated? Can the deputy minister maybe just update us on that as to where we're at?

\* (20:20)

**Mr. Cook:** Yeah, it is the situation in Manitoba where The Environment Act came into place in 1988, I believe it was, and it did grandfather existing operations. So that's the situation we're dealing with, that certain landfills, even though they're the class 1, the big landfills that are out there, are operating

underneath that permit. So, as opportunity provides itself, we are going to bring them under the umbrella of the environment licence, as is recommended in this report.

I can't really give you the answer on other jurisdictions. I'd have to look into that.

**Mrs. Stefanson:** Sorry. Just what is the process, then, for that taking place for it to be updated, or is it grandfathered and there's really nothing to be done right now? Can you just walk us through what the process is from here with respect to that?

**Mr. Cook:** The process is that when there is a change, when the owner of the waste disposal ground is seeking a change to modernize or to upgrade or to meet environmental requirements, that's when we can capture them under the umbrella of the environment licence.

The idea of just outright requiring it is something that we've looked at. It's a big step, but, again, that's more of a policy discussion here.

**Mrs. Stefanson:** Yes, fair enough. Just to get back to some of the key conclusions of the audit in the area of the Conservation Department, where that Conservation is monitoring procedures to ensure compliance by entities, municipalities and industry were not sufficient. Mr. Chairperson, it went on to say Conservation did not adequately monitor all identified contaminated sites.

Can the deputy minister just update us as to what steps are being taken, or have been taken, since this report came out with respect to monitoring the contaminated sites?

**Mr. Cook:** So some of the changes that have occurred certainly are the interdepartmental committee, where we have representation from the various departments that might have responsibility for contaminated sites as a result of them owning the site. We're a lot closer to those departments in sharing information, and we actually have that formal mechanism for sharing the information than what was in existence before.

In terms of sort of staff direction on this, yes, standard operating procedures have been updated, not yet finalized, but staff are aware that they need to work under those standard operating procedures. I'd say the final thing is this filling of the co-ordinator position for our EMS system to ensure that reporting is done electronically and housed under one umbrella

so that information is available to all to view and use as a tool.

**Mrs. Stefanson:** Just back in an article in the *Free Press* in November of 2007, and I think that probably coincided with when this report came out, the minister indicated that there would be a review of legislation governing landfills and to hire a solid waste manager to oversee environmental assessment efforts by landfills.

Did that take place? Is there now a solid waste manager, and when was this person hired, if they were?

**Mr. Cook:** Actually, there are two positions. One is the solid waste manager-engineer, which has been filled. We're in the process of filling the solid waste manager position. That will be the key position for developing a program and path forward for incorporating, I think, the Auditor General's recommendations as well as a previous work by a commission on regional waste sites.

I should have introduced Mike Gilbertson. He's the manager of our Contaminated Sites Program. My apologies, Mike. I missed Al Beck as well; he's our Environment Livestock Program. So sorry about that.

So, meanwhile, Mike has been initiating the process of the program review, and we're indicating, by the end of 2009, that review will have been done and will be moving out to the public and sort of reinvigorating the waste disposal ground regulation and our approach to the whole management of waste disposal grounds in Manitoba. It is time for another shot at this. It's been 15 years since a real good hard look was taken at it. So that's our intent is to move that forward real quick.

**Mrs. Stefanson:** The minister also indicated, and I know the deputy minister indicated earlier, that they had the opportunity to go out and visit several sites in Manitoba and contaminated sites. The minister had indicated at the time that he would look at developing a database to track the contaminated sites. Has that been developed?

**Mr. Cook:** There are two systems. It is our environment management tracking system that environment officers have been—the training has been updated for them in terms of classifying and describing those sites, Mr. Chair. Then, through the co-ordinating committee, we have the tracking system where government sites are being tracked as well.

**Mrs. Stefanson:** Back at the time of this report, less than half the sites identified—were identified as needed to be cleaned up—have had a plan in place to do so. Could you just update us as to where we're at with those plans? Have they been presented to you? Where are we at with the plans for those that have been identified?

**Mr. Cook:** Yes, certainly, the procedures are in place that staff understand the standard operating procedures for following through with the clean-up requirements. Our real effort for the last couple of years has been in quantifying and describing the liability that we have. But, certainly, where we're doing clean-up, yes, we do have standard operating procedures for the clean-up and the procedures that are to be followed through with staff.

So, in terms of getting to the final answer on when we're going to be done, there are many sites—we'll be public about it, I think, shortly, in terms of the work that we've done in terms of quantifying on the numbers of sites. But that is sort of the implementation time for getting in and doing further clean-up on these orphaned and abandoned petroleum sites and other contaminated sites.

**Mrs. Stefanson:** Are the locations of these sites and where they are, how hazardous they are, et cetera—is that public knowledge now? Is that posted somewhere where the public has the opportunity to see where these sites are located, or is that something that is in the plan, to be able to ensure that the public has access to that information?

**Mr. Cook:** Yes, it's available on the Web and reminds me of some of the early discussions that we did have with the Auditor General on the whole word or definition around contaminated sites. We got over it, didn't we? But initially we argued quite a bit about—you know, I would say, look, really and truly, there are only six or seven contaminated sites recognized, contaminated sites in the province of Manitoba. Those are the ones that we've identified that have a threat, an immediate threat, to human health or the environment. The rest are impacted sites, sites that have received contaminant but don't necessarily have that immediate impact to human health or environment. We got over that and just agreed. You'll note in the report that there are two definitions in there, that they all do need attention.

Sorry, the answer to your question is, yes, it is available on the public Web, and there is a description of the contaminants that we're dealing with.



**Mr. Bidhu Jha (Radisson):** The Auditor has also recommended, I was going to read, that related to the contaminated sites Conservation establish and record who is responsible for all currently and potentially contaminated sites as and when they become aware of them. What has the department done on that regard, and what's the planning?

\* (20:30)

**Mr. Cook:** That's one of the items that have been brought up early on, that we really did need to raise the profile of contaminated sites throughout the province with all our staff in the department. I mean, we've got offices everywhere from Churchill to Boissevain and to Sprague, and the message is that everybody in the department needs to be the eyes and ears for this and report it to the environment officer. But the answer to your question is, it's our environment officers in the field that are sort of the first point of contact for taking down this information and recording it and getting into the system that we've created here in the environment programs branch, and getting it registered through the environmental management system.

**Mr. Stuart Briese (Ste. Rose):** Somewhat along the same lines, I've always had a problem, and I think you described it fairly well, on the difference between contaminated sites and impacted sites, and I think they all need to be addressed. But it seems to me that one of the recommendations in here, once again, goes towards municipalities and that they have to have, basically, a plan in place to deal with any contaminated sites that are within the municipality and a record of what's going on with them, and along that line. I'm not aware of any regulation that maybe says to the municipalities, you have to do that. Is there something that you've been working with to get that co-operation out of municipalities?

**Mr. Cook:** It's an IGA issue. We certainly work with IGA on that interdepartmental working group in developing the manuals that they can make available to the R.M.s. The recording of it, I'm not sure either, so I'd better defer.

**Mr. Chairperson:** Yes, and before I sort of close this section, I'd like to have our committee understand that it's quite acceptable for the deputy to indicate that this belongs in another department. We accept that because we're not sure sometimes where the jurisdictions perhaps end or begin. So our apologies if we go that way, but it's appropriate for the deputy to answer in that way.

**Mr. Borotsik:** Mr. Chairman, to the deputy minister, one very quick question. It goes back to when Mrs. Stefanson said about the Brady Landfill. On page 78 it deals with the Brady Landfill recommendation with respect to class 1 landfills: should "operate under similar conditions and restrictions, including licensing requirements." I take it, and I appreciate your comment, actually, that if the Brady Landfill is asking for an expansion, if you will, of their use—and I believe you talked about methane retrieval—then they will fall into the new licensing requirements, if you will.

Are there other class 1 landfills that are treated in a similar fashion to the Brady Landfill at the present time?

**Mr. Cook:** Yes, there are other class 1 landfills that are operating under an operating permit versus an environment licence. Yes.

**Mr. Borotsik:** Those class 1 landfills, are they currently up to the top standard that's required now under your department? I do appreciate that there are changes to the licensing requirements on an ongoing basis, but are there other landfills that have to be brought up to standard and, if so, how, in fact, will you be bringing those up to standard if, in fact, they don't apply for any change to their existing permits?

**Mr. Cook:** The point we argue is that really the operating permit is quite stringent in terms of the requirements that the landfill is operated under. The rebuttal point has been, well, yes, but there are certain elements that are missing. A lot of that is sort of the timeliness of reporting, the annual reporting requirements. So, to get at that, we know that our staff have to be out there monitoring these landfills and working with the operators, and making sure that there is an operator on-site making sure that there is cover happening, and making sure that the separation of materials is required. So getting to the environment licence stage from a, you know, staff time perspective might be a better way. So we do keep our eyes open for all those opportunities to trigger that environmental licence requirement, and when it's there, we go for it.

**Ms. Howard:** This might be out of your scope, but I'm going to ask anyway. Maybe it's something you've come into contact with in the interdepartmental working group. On page 19, there's a recommendation that government entities and municipalities that have had experience with property contamination develop and implement a

documented strategy for the management of contaminated sites.

My question is what thought has there been given to developing either a kind of a boilerplate strategy or a checklist of what should go into a strategy or a document that outlines these are the best practices in the strategy? I'm thinking that might be of assistance to different government entities, that they don't all have to start all over again from scratch, but that might be able to provide them with some help and guidance on what should go into a strategy, what a sample strategy might look like.

Is that something that's been discussed and maybe already done?

**Mr. Cook:** Yes, actually, that is one of the products of the interdepartmental working group. Intergovernmental Affairs has prepared a reference manual for municipalities with respect to the identification and reporting of liabilities. Certainly, Conservation staff, the expertise from our department was used in the development of the reference manual, and I understand it is up on the Web, AMM Web. So it is being shared. So that's a step in the right direction on that one.

**Ms. Howard:** Do you know if anyone in your department is involved in offering training to officials in those municipalities or government entities on how to do this work?

**Mr. Cook:** We don't offer direct training programs. We certainly do offer our services to interpret and provide guidance, but in terms of formal training programs with the R.M.s, no, we haven't gone down that path.

**Ms. Howard:** Is that something that would be under consideration, or what's been the reason for not engaging in that direct training?

**Mr. Cook:** Probably our big focus to get our environmental liability book, but it is a topic for discussion by the interdepartmental working group to identify the need for it and path forward it. It does get back to the minister's point about we are the regulator, and that's really where our focus has to be, but it's not to say we can't be out there to provide advice if there are many different ways to get to compliance. Education is one of them, for sure.

**Mr. Lamoureux:** I'm going to refer to page 56 of the report. There seems to be an emphasis that there is a need for possible legislative changes. It indicates in the Conclusion column that legislation did not

adequately address the risks and liabilities and due diligence associated with landfills. Also, legislation did not require the permanent record of landfill sites to be maintained. Has that issue been addressed either through possible legislative changes or through regulations of the department, Mr. Cook?

**Mr. Chairperson:** Mr. Minister, I understand that this question could go two ways. It's both administrative, but I also think it falls into the policy category, so perhaps the minister could answer the policy side of it, and then we'll ask the deputy if he could answer the administrative side.

\* (20:40)

**Mr. Struthers:** Okay, thank you, Mr. Chairperson. Yes, we talked earlier, deputy minister talked earlier about a review that we are doing and that we're hoping that we have that wrapped up by the end of '09. Depending on the review and the input that we get from the people of Manitoba and many of the stakeholders that we have and will be consulting with, if there's a need, coming out of that review, to bring forward legislation or regulation, then, certainly, we will be doing that. We will, of course, take a look at the recommendations in this report to form the basis of that, but that decision I can make once the review has been completed.

**Mr. Chairperson:** Mr. Cook, do you have anything to add to that?

**Floor Comment:** No.

**Mr. Chairperson:** Okay.

**Mr. Lamoureux:** Again, I'm thinking in terms of the process of it. When the provincial auditor does the review and comes back and makes that sort of recommendation—and, Madam Auditor, you might even want to comment on it—is there something that, generally speaking, would happen that raises the flag that says, yes, we do need legislation as opposed to, let's say, a regulation? I don't quite understand how that would work.

**Ms. Bellringer:** This section, similar to the same type of thing that we did in the report that we just reviewed previously, where we had done the comparison of the regulation in Manitoba to other jurisdictions. Where we found differences and other areas that were what we considered to be stronger in other jurisdictions, we drew attention to them and said consideration may be given to addressing these

things. So we do it in a comparative fashion. We don't get into format or whether it should be addressed through—whether it's an act, a regulation or any other kind of guidance. That was where it was coming from, from the comparison.

**Mrs. Stefanson:** I'm wondering if I could just ask the Auditor General—and I know, as we're concluding and there may not be any more questions with respect to these sections in this area for this deputy minister—with respect to what I brought up earlier. There are obviously other government departments that will probably have to be here for us to be able to ask adequate questions to fully cover the scope of this report. I know it was mentioned that sections 3, 6 and 7 were areas—were those the only sections that were not dealt with and have to be dealt with under other deputy ministers in your opinion, or should we broaden that a little bit for what we deal with next time?

**Ms. Bellringer:** I'm just going to quickly check to make sure, but I'm fairly certain that everything in sections 4 and 5 related to the Department of Conservation. I'm just going to take a quick look and make sure that that's the case.

**Mrs. Stefanson:** Another question with respect to that. Sections 3, 6 and 7: would that also include the Department of Conservation in those areas as well?

**Ms. Bellringer:** Just going through sections 4 and 5 recommendations—and I'm not drawing attention to anything because it's in any way more critical than any of the others, but just in the context of whether it's relating to an area outside of Conservation—there is one that refers to the Land Titles Office and I don't think that's in the Department of Conservation. That was looking at notification for properties that have been or are being used as landfills.

There are a few policy kind of comments that are province-wide or government-oriented as opposed to specifically, the Department of Conservation. One of them is we recommend monitoring procedures or standards be established provincially. I think that is in sections 4 and 5.

**Mrs. Stefanson:** I'm just wondering if there's leave of the committee to then defer the entire report rather than specific sections of the report, so that all the deputy ministers with respect to the report could be here as well and defer this to another future

committee meeting to be determined by the Chairperson.

**Mr. Chairperson:** Okay, that's a question for the committee.

The question has been asked if there would be leave of the committee to defer the entire report rather than sections of it. Just before I give the floor over to Ms. Howard, I'm assuming, to this point, we have set—not that we've set a precedent, but in a previous report we did pass certain sections of a report and that was reported to the House, and certain sections of the report were not passed. So that's another way that we could deal with this if we have satisfied ourselves that this section is now complete, and we can move on.

**Ms. Howard:** I want to make a recommendation on this. I think the cleanest procedural way to deal with this is to—if there are further questions on sections of the report and we can't quite separate it all out, the cleanest way, I think, to deal with it would be to not pass the report. Then, certainly, the Chairperson and I will work together on finding a time and day when the deputies are available and prepared to answer those questions.

I would love to see the report passed, but I'm willing to accept the fact that we haven't had all the information that we wanted tonight. We didn't ask those people to appear, so I don't want anyone to feel responsible for that, but I think that's the cleanest way to do it—that we just do it that way.

**Mr. Chairperson:** Other comments?

So Ms. Howard has a suggestion that we perhaps not pass the report this evening, and we will work together to try to establish another date when we can have other deputies here in the spirit of trying to complete and pass the report.

**Mr. Borotsik:** Just a comment to that. I'd think you would find consensus around the table that we would prefer to have this report dealt with sooner than later. The recommendation, I know, would be to have this report not passed, but dealt with fairly quickly. If we can leave it to the steering committee, and the Chairperson and the co-chair to try to have that accomplished at a sooner date, then I'm sure the committee would agree with that.

Thank you, Mr. Chairperson.

**Mr. Chairperson:** Is that agreed to? *[Agreed]*  
Thank you very much.

Seeing no other questions this evening, and that was the last report on our agenda, before we rise, it would be appreciated if members would leave behind any unused copies of the report so they may be collected and reused at the next meeting.

The hour now being 8:48, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Mr. Chairperson:** Committee rise.

**COMMITTEE ROSE AT:** 8:48 p.m.

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