

DOCUMENT REQUEST

APPENDIX H (I)

Moe Document Request # 1

Date: June 30, 2000

Definitions

“Central Agencies” refers to Management Board, the Cabinet Office, the Premier’s Office and the Ministry of Finance.

“document” refers to any memorandum, data, analysis, report, minutes, briefing material, submission, correspondence, record or any other note or communication in writing in the possession, custody or control of the MOE, its agents, servants or contractors including any present or former MOE employee, Minister or exempt (political) staff, including material in off-site storage or which has been archived, and specifically including any electronic communications including e-mail both internal to the Government of Ontario, and that which has been sent to or received from external sources, in relation to the matters listed below.

“government” means the Government of Ontario, unless otherwise specified.

“MOE” means the Ministry of the Environment and predecessor Ministries, and includes agencies, boards, commissions and Crown Corporations within the responsibility of the Ministry.

“OCWA” means the Ontario Clean Water Agency.

“OWRA” means the Ontario Water Resources Act.

“PUC” means the Public Utilities Commission of or associated with the Town of Walkerton.

“Town of Walkerton” includes the Municipality of Brockton.

Time Frame: In this request, unless otherwise specified, production is requested of all documents in the period April 1, 1993 to the present time and continuing.

Document Requests

For the period April 1, 1993 to the present time and continuing, produce documents, including all copies identified as to source and where relevant, indicating the author of marginalia, which are relevant to the following matters:

1. Since 1980, results of any inspections, tests or audits of drinking water and drinking water facilities in the Town of Walkerton including facilities operated by the PUC, including inspection reports conducted in 1991, 1995 and February, 1998, and including the inspections and audits carried out during and following the events of May, 2000.
2.
 - (a) Since 1979, certificates of approval under the OWRA issued to the Town of Walkerton, including the PUC, with respect to municipal water supply and water works, and any changes to the terms and conditions, including any exemptions; and
 - (b) Since 1979, all applications for such certificates of approval changes and exemptions, together with supporting documentation.
3. With respect to the Provincial Water Protection Fund and any other provincial loan, grant or capital programs related to water works or facilities, administered by MOE, Management Board or any other agency, board, commission, Crown Corporation or Ministry of the government, any applications, correspondence or other documents by the Town of Walkerton or any PUC related thereto, together with government response to any such applications and documents.
4. All warnings, citations, or concerns expressed by MOE staff to the Town of Walkerton or the PUC with respect to drinking water, drinking water testing or the water works.
5. All documents constituting communications between the MOE and the Town of Walkerton, between the MOE and any other Ministry, any of the Central Agencies, OCWA, and any other agency, board or commission, with respect to any of the matters giving rise to the Inquiry up to

the present time and continuing, including, if received, a letter from the Town of Walkerton to the Premier dated June 18, 1998 expressing concern with respect to water quality in the Town, and any attachments including any resolutions or motions by the Town Council and any reply to that letter by the Premier or any other representative of the government.

6. Documents from GAP EnviroMicrobial Services or GAP Microbial Services to MOE's Owen Sound offices, including reports and documents sent from February, 2000 and continuing, and any MOE documents relating thereto.
7. Documents from A&L Laboratories Canada East to MOE Owen Sound offices from April, 2000 and continuing, and any MOE documents related thereto.
8. Any draft Cabinet submission or internal MOE memo or document to the Minister entitled "A Cleaner Ontario" of approximately 61 pages dated on or about March 14, 2000, and all previous or subsequent drafts and documents related thereto.
9. With respect to the MOE Sewage and Water Inspection Program ("SWIP"), and all similar or predecessor programs, all documents relating to compliance and enforcement activity in or related to the Town of Walkerton, including water facilities operated by the Town of Walkerton or the PUC and the number of audits conducted under SWIP or predecessor programs in this period, by month.
10. All documents exchanged between the MOE and the Town of Walkerton including the PUC, including training materials and guidelines relating to drinking water, water works and water facilities, including testing.
11. All documents relating to the withdrawal of MOE resources from the water-related pollution control mandate of the Ministry, from drinking water labs, testing, audit and monitoring programs including documents relating to alternative service delivery strategies, risk assessment, implementation strategies, monitoring and evaluation, both prospective and actual.
12. The August 21, 1997 memorandum from the Operations Division of the MOE to the Program Development Branch of the MOE regarding

drinking water issues associated with the devolution of testing and monitoring responsibilities to the municipalities, and all draft memoranda and documents related thereto, and all documents in response or related thereto.

13. The November 14, 1997 “information briefing document” sent to the MOE Drinking Water Coordinating Committee, and all documents in preparation for, in response to, or otherwise related thereto.
14. Memoranda dated on or about January, 1997 and May, 1996 from Sheila Willis, then ADM Operations Division of MOE, with respect to budget, program or staff reductions and the impact thereto.
15. Documents and letters from the Canadian Institute of Public Health, including from Ron Hartnett, including a letter dated on or about April 4, 2000, and all letters since September, 1999, with respect to the safety of small drinking water systems in Ontario.
16. All minutes, memoranda or documents sent to or created by the MOE Drinking Water Coordinating Committee and its members, and similar, predecessor or successor groups or committees including Ad Hoc Committees.
17. Draft and final memorandum and documents prepared by the MOE Water Policy Branch entitled “Proposed Revisions to Ontario Drinking Water Objectives (ODWO) Related to Small Systems, Alternative Sampling and Monitoring”, presented to the Drinking Water Coordinating Committee, Ad Hoc Group, January 2000.
18. All correspondence from the MOE Deputy Minister or Minister to counterparts at other ministries with respect to drinking water, water works, testing, audits and drinking water enforcement/regulation.
19. With respect to the MOE’s Water Management Guidelines and Procedures and all predecessor guidelines and procedures, all documents and data with respect to the treatment requirements for drinking water and water works, changes in those requirements, with all supporting documentation including business cases, risk assessment, implementation and monitoring documents and variance requests by the Town of Walkerton, including the PUC, and results of variance requests.

20. (a) With respect to the Drinking Water Surveillance Program (“DWSP”), documents relating to the prioritization and criteria for inclusion of water works in the DWSP; changes to those criteria in the period; documents relating to whether or not the Town of Walkerton, including the PUC and its municipal water works, were considered for inclusion in the DWSP, and any documents relevant to a decision thereto;
 - (b) The DWSP sampling protocol and all changes thereto in this period, including documents relating to the reasons for the changes, risk assessment, implementation and monitoring, and the consideration of the effects, both prospective and retrospective;
 - (c) With respect to microbiological parameters, all documents relating to the decision to discontinue sampling for microbiological parameters by the DWSP in 1996, including all documents prior to and subsequent to that decision relating to risk assessment, implementation and monitoring the impact of the decision; and
 - (d) All documents relating to the DWSP Steering Committee, including minutes and reviews of the monitoring protocol and program modifications with all documents relating thereto.
21. With respect to watershed management and subwatershed projects, any requests for funding of watershed plans or subwatershed planning projects or pilot projects by the Town of Walkerton, or any PUC thereto related, and if any funding was allocated, all details of the project components.
 22. A description of all devolution, partnership, franchising and privatization activities developed through the Who Does What process as it impacted on the Town of Walkerton.
 23. All documents relating to provincial government consideration of, analysis and transfer, devolution, or discontinuation of provincial responsibility, funding or support for sewer and water infrastructure to municipalities, together with all funding allocations thereto, and all documents relating to Bill 107, the Water and Sewage Services Improvements Act including for all of the above:

- (a) draft and final Cabinet Board submissions, Management Board submissions, Policies and Priorities Board submissions, and minutes and documents related thereto;
 - (b) instructions, directions and documents from the Central Agencies to MOE related thereto;
 - (c) documents prepared for, submitted to or received from Who Does What Committees and the Red Tape Commissions or Committees related thereto;
 - (d) business cases prepared by MOE; and
 - (e) risk assessment and implementation strategy documents including monitoring and evaluation, performance measures and documents related thereto.
24. Budgetary, human resource and program reductions: For each year, the operating budget and capital budget allocated to the MOE, together with staffing levels by Regional District, Division, Area Office, Local Offices, Branch and Section, including occupational breakdown in each of those categories in each of those years, including background documents and documents prior to and subsequent to any such budgetary, human resource and program reductions assessing the anticipated or actual impact of those reductions by functional area and occupational breakdown, including estimates and draft estimates provided to the Central Agencies or designates of Central Agencies dealing with program or expenditure reduction, and instructions from the Central Agencies to MOE related thereto.
25. The reduction in investigation and enforcement branch staff of the MOE. Number of staff positions eliminated or laid off with respect to the following matters:
- water and drinking water;
 - groundwater and hydrogeology;
 - watershed management; and
 - waste water

- by Region, District Office, Area Office, Local Office, Branch and Section, including occupational breakdown, by year.
26. All documents relating to alternative service delivery strategies for MOE staff, including Summary Document for the Delivery Strategies - Draft, Ministry of the Environment, April 9, 1998, together with all other drafts and any final version, and any documents related thereto.
 27. A description of MOE's alternative service delivery strategies and standards relevant to drinking water, water works or drinking water facilities together with all business plans, risk assessment tools, implementation strategies, monitoring and evaluation measures.
 28. All documents relating to the September, 1996 termination of the provision of drinking water testing services by the MOE and the Ministry of Health to municipalities, including all documents relating to a review of the availability, capability, capacity and costs of private sector testing and consultation with the Ministry of Health, Medical Officers of Health, District Health Councils, Local Boards of Health and municipalities relating to same, and including:
 - (a) draft and final Cabinet Board submissions, Management Board submissions, Policies and Priorities Board submissions, and minutes and documents related thereto;
 - (b) instructions, directions and documents from the Central Agencies to MOE related thereto;
 - (c) documents prepared for, submitted to or received from Who Does What Committees and the Red Tape Commissions or Committees related thereto;
 - (d) business cases prepared by MOE; and
 - (e) risk assessment and implementation strategy documents including monitoring and evaluation, performance measures and documents related thereto.
 29. Regarding the Ontario Drinking Water Objectives ("ODWOs"), all documents relating to the development of the parameters and changes to any

of the parameters, as well as operational guidelines and changes to operational guidelines in this period, including business cases, risk assessment, implementation, monitoring and evaluation/performance documents related thereto.

30. All documents collected or received by the MOE relating to epidemiological data or information respecting drinking water related illnesses in Ontario.
31. All reports by the Environmental Commissioner and all briefing notes and documents related to such reports.
32. All documents relating to the budget (operating and capital) of OCWA.
33. Documents relating to the Federal-Provincial Sub-Committee on Drinking Water including changes to guideline limits.
34. All relevant documents tendered to any federal/provincial forum dealing with drinking water matters, including all communiqués signed by Ontario Ministers, and Minister's briefing notes and books for federal/provincial meetings dealing with water issues.
35. Briefing notes and House Minute Books pertaining to the contamination of the municipal water supply in the Town of Walkerton and other matters set out in the Terms of Reference of the Inquiry up to the present and on a continuing basis.
36. Issues notes prepared by the Issue Unit in the last 24 months relating to drinking water.
37. From the Regional Communications Section of the Communications Branch, all documents sent to the Area, Local or District Office responsible for the Town of Walkerton.
38. The annual performance contracts or agreements between the Deputy Minister and the Secretary of Cabinet.
39. From the Internal Audit Services Branch, audit plans and internal audit reports.

40. With respect to drinking water quality, inspection, testing and water works and facilities, all guidelines, training material, manuals, standards and performance guidelines for MOE staff and contractors in the Area, Local or District Office responsible for the Town of Walkerton.
41. Documents between MOE and the Ministry of the Attorney General regarding staffing of the MOE Legal Services Branch, and expenditures for outside counsel.

