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New Brunswick Ministry
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Tim Lotimer

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Past Chair, Ontario Water
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Peter Meerveld

Director, Nutrient
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Patrick Newland

Director, Water Supply
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4TH ANNUAL CONFERENCE ON SAFE DRINKING WATER

*Meeting Your Obligations
In An Era of Transition*

April 26 & 27, 2004

Metropolitan Hotel, 108 Chestnut Street, Toronto

Top water supply experts will offer up-to-the minute information and practical strategies for ensuring drinking water safety now and in the future including:

- Making sense of the federal/provincial/municipal patchwork of laws
- Ontario's *Safe Drinking Water Act*: the latest on compliance and enforcement
- Security of water: what you can learn from the results of Toronto's risk assessment - and Toronto's response
- Watershed-based Source Protection: the next focus of the new Ontario government
- Update from the U.S.: what can we learn from their successful safe drinking water strategies?
- Practical strategies for long-term environmental and infrastructure planning

And much more . . .

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Safe drinking water protection is undergoing a massive transition. Legal and practical questions abound. Do you have the answers?



If you are involved in drinking water protection, treatment, or delivery, then you have a critical role to play in ensuring the source-to-tap safety of

your community's drinking water. And it's a challenging role...the patchwork of legislation, guidelines, and by-laws, makes it more difficult than ever to know if your practices and operations are compliant. Furthermore, amendments to the Criminal Code mean that it will be easier to make organizations responsible for the criminally negligent acts of its employees. **The industry is experiencing a massive transition, enforcement of legislation is tightening, and the responsibilities and legal obligations have never been greater.** Are you prepared?

The Canadian Institute's 4th Annual Conference on Safe Drinking Water is **the** best forum for you to get the most up-to-date information on what you need to do **now** to ensure compliance, and get the tools you need to ensure safe drinking water. Hear directly from the experts about:

- How the latest federal guidelines and provincial legislation interact and how they are affecting municipal water management now
- How watershed-based source protection has been working in other jurisdictions, and what we can learn from their experiences
- Water Security: understanding the need, the challenges, and what can practically be done to protect your community's supply now and in the future
- What can we learn from the U.S.'s successful water safety initiatives?
- Liability for unsafe drinking water: understanding your responsibilities and legal obligations

And much more!

Don't miss this opportunity to dialogue with and learn from leading legal, water supply, and environmental experts. This must-attend event fills up quickly every year, so register now by calling **1-877-927-7936** or **(416) 927-7936**, faxing **(416) 927-1563**, or visiting our website at **www.canadianinstitute.com**.

WHO SHOULD ATTEND

- Municipal water utility and public works officials
- Managers of public utilities commissions
- Managers of water or wastewater treatment plants
- Managers of environmental services
- City solicitors
- Municipal and environmental lawyers
- Municipal managers, engineers, and planners
- Public health officials
- Private sector engineers and consultants
- Contractors and suppliers in the water, sewer and road construction industries
- Federal, provincial, and municipal elected representatives

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Monday, April 26, 2004

8:00 Registration Opens & Coffee Served

9:00 Opening Remarks from the Chair

Harry Dahme
Partner, Gowling Lafleur Henderson LLP

9:15 How to Navigate Multi-Jurisdictional Compliance Obligations for Safe Drinking Water

Juli Abouchar, Willms & Shier

Legislation governing safe drinking water is a patchwork of federal, provincial, and municipal laws. In addition, municipal powers can be much broader for water-related matters than for other utilities. Furthermore, in the post-Walkerton era of significant legislative amendments, it is difficult to know which laws apply, and whether or not you are in compliance. In this session, Juli Abouchar will help you to navigate the law of water, highlight some of the variances between the provinces, and explain how the various levels of government — and their laws — function together.

- Sorting out the responsibilities and jurisdictions:
 - federal legislation and guidelines
 - provincial legislation
 - municipal by-laws
 - understanding the force of regulations, by-laws, and guidelines
- Legislative developments to watch for on the horizon:
 - highlights of source protection initiatives across Canada
 - new possibilities for individual, organizational, and corporate criminal liability under Bill C-45
- Is there a cross-country standard? A brief look at some provincial and territorial acts and regulations: how are they similar, and how do they differ?
- How do municipalities share jurisdiction with provincial or federal legislation?

10:15 Networking Refreshment Break

10:30 Ontario's Safe Drinking Water Act and Regulations: Untangling the Complexities of Compliance

John L. Martin
Barrister and Solicitor

The SDWA and its regulations have brought about a time of massive transition. Some regulations are not yet in force, and those that are in force can make compliance an onerous and puzzling task. Adjusting to the transition requires a thorough understanding of the full reach of the legislation, its complexities, and its practical implications. Get expert advice on what the compliance issues are, and what solutions are available.

- Pre-Walkerton: What was the state of the law, and how were things done?
- Post-Walkerton: What has changed?
- Making practical sense of the changes under Ontario's *Safe Drinking Water Act and Regulations*
- Certificates of Approval, Permits to Take Water, and MOE Orders: Why it is more important than ever that you understand the ramifications
 - what you need to do when you receive a new or amended Approval, Permit, or Order
 - why you need to beware of "boilerplate" conditions
 - what can small municipalities do when expected to comply within a tight timeframe and budget?
- What *must* you do if you disagree with — or cannot practically implement — the conditions of an Approval or Order?
 - understanding the appeal process
 - when does the appeal clock start ticking?
 - the role of the Environmental Review Tribunal

11:30 Increasing Enforcement of Ontario's Safe Drinking Water Act... and How to Prepare

J. Bruce McMeekin
Partner
Miller Thomson LLP

With the Ministry of the Environment's 'zero tolerance' policy for violations of the Act and its Regulations, and with the province's recent increase of enforcement staff by 25%, chances are good that you will meet up with an inspector, an investigator, or other Ministry compliance staff. Get the latest word on what you need to know to be prepared for the enforcement process.

- Understanding the "enforcement ladder" — inspections, investigations, and prosecutions
- What should you do when the inspector arrives?
- What do inspectors look for? What might trigger an investigation?
- How do deal with an investigation
- What happens when there's going to be a prosecution?
- How to deal with a prosecution
- What are the available defences, and what is *not* a defence?
- What are the possible penalties?

12:30 Networking Luncheon for Delegates and Speakers



2:00 How to Comply with Ontario's Nutrient Management Act

Rod Northey
Partner, Birchall Northey

Peter Meerveld
Director, Nutrient Management Branch
Ontario Ministry of Agriculture and Food

The purpose of Ontario's Nutrient Management Act is to provide for the management of materials containing nutrients in ways that will enhance the protection of the natural environment. This is a crucial step in protecting our water supply. Find out what your legal obligations are, and what you need to do to comply with the Act.

- Implementing the *Nutrient Management Act/Regulations* on the ground — who is affected and when?
- What are your legal obligations under the *Act* and *Regulations*?
 - approvals and compliance
 - certification and training
- What do municipalities/producers need to do to comply with the *Act*?
- Does the *Act* have what it takes to achieve its intent? Has it gone too far?
- Bridging the gap between zoning by-laws and the *Act* — working with municipalities
- Preparing an effective Nutrient Management Strategy

3:00 Networking Refreshment Break

3:15 New Developments in Groundwater Protection

Peter Pickfield
Partner, Garrod Pickfield LLP

John Petrie
Principal, Golder Associates Ltd.

Over the past four years, the Ontario Ministry of the Environment has provided funding for municipalities and conservation authorities to study their groundwater resources and gather information on potential sources of contamination. Meanwhile, municipalities and the provincial government have begun to develop new regulatory strategies to protect groundwater. In this session, find out what the studies and the initial regulatory efforts reveal, and what challenges lay ahead.

- What do the results of the recent groundwater studies reveal?
- What potential sources of contamination are of greatest concern?
- What are the common trends and risks indicated by the studies?
- What regulatory strategies are being advanced, and how can you prepare for them?
- What can municipalities, organizations, or individuals do to help protect groundwater resources?
- What steps are necessary **now** to protect groundwater resources?
- What protection challenges lay ahead?

4:15 Water Security: How the City of Toronto Recognized and Minimized Their System's Security Risks

Case Study

Patrick Newland
Director, Water Supply, City of Toronto

Dwaine Nichol, CPP
Manager, Security & Life Safety
City of Toronto

Proactive Security:

- Vulnerability/Risk Assessments:
 - what was the scope of Toronto's risk assessment?
 - what were some of the weaknesses discovered?
 - how did Toronto respond?
- Threat Management: practices and selected security counter-measures
- Mobile patrol and response: the hidden return on investment
- What you need to consider in your cost/benefit analysis

Reactive Security:

- What can we learn from recent security breaches?
- What parts of the system can and cannot be secured?
- Emergency preparedness: what do you need to have in your security plan?
- What information do you — and do you not — make public?

5:15 Chair's Recap/Conference Adjourns

Tuesday, April 27, 2004

8:00 Registration Opens & Coffee Served

9:00 Opening Remarks from the Chair

Harry Dahme
Partner, Gowling Lafleur Henderson LLP

9:10 Watershed-Based Source Protection: The Next Critical Step in Ensuring Safe Drinking Water

Moderator:

Douglas Thomson
Partner, McCarthy Tétrault LLP

Panel:

Joseph F. Castrilli
Barrister and Solicitor

Tim Lotimer
Lotowater Geoscience Consultants Ltd., and
Past Chair, Ontario Water Works Association

Hershel Guttman
Director of Water Supply
R.V. Anderson Associates Ltd.

Kim Hughes
Director, Sustainable Planning
New Brunswick Ministry of the Environment
and Local Government

Steven Rowe
Environmental Planner

In November, 2003, The Ontario government announced its intention to focus on the issue of Watershed-based source protection, which was identified by the Walkerton Inquiry as the first barrier in a multi-barrier protection system. Learn about the challenges of source protection, what the municipality's role is in achieving it, and how it will affect treatment operations at the municipal level.

- Understanding the recommendations of Ontario's Advisory Committee on Watershed-based Source Protection Planning
- Why are our watershed-based sources at risk?
- Why water treatment is not an alternative to source protection
- How might protecting the sources affect the treatment required at the plant?
- What is the relationship between source protection and municipal water works?
- Is watershed-based source protection the best defence?
- How might source protection affect established businesses and facilities in protected areas?
- What are the advantages and limitations in using:
 - existing environmental laws?
 - the *Planning Act*?
- What is the municipality's role in source protection?
- What can we learn from the source protection initiatives in the Oak Ridges Moraine Conservation Plan?
- What can we learn from New Brunswick's experience with mandatory source protection?

11:00 Networking Refreshment Break

11:15 An Update on Water Safety Initiatives in the U.S.

Peter Shanaghan
Chief of Staff,
Office of Ground Water
and Drinking Water
U.S. Environmental Protection Agency
(Washington, D.C.)

- How Canada and the U.S. work together to protect drinking water
- What can Canadian water management stakeholders learn from the U.S.'s experience with centralized oversight?
- Could federal water management work in Canada?
- Where is the U.S. in its adoption of the Walkerton Inquiry's recommendations?
- Watershed-based source protection initiatives in the U.S.: what can we learn from their implementation experiences?
- What are the next water contaminants to be addressed by the EPA?
- How is the U.S. approaching the issue of more sustainable infrastructures?
- What is the U.S. doing about protecting their sources against terrorism?

12:15 Networking Luncheon for Delegates and Speakers 

1:45 Long-Term Strategic Planning: How to Ensure a Future of Safe Drinking Water

Jonathan W. Kahn
Partner, Blake, Cassels & Graydon LLP
William H. Stiebel, M.Sc., P.Geo.
Vice President and Principal Consultant
Jacques Whitford Environment Limited

As water regulations become more stringent, public expectations rise, and infrastructures age, ensuring legal compliance now — and in the future — requires careful environmental and infrastructure planning. In this session, find out what you need to include in your long-term strategic plan to ensure a future of safe drinking water.

- What do you need to think about now to prepare your long-term plan?
 - proper risk assessments
 - ensuring safe sources, supply mechanisms, and delivery mechanisms
 - protecting operations and maintenance levels
 - protecting your existing — and future — investments
- Anticipating future requirements and standards — will you be prepared to meet them?
 - technological advancements
 - increasing quality standards
 - capital costs for replacement or rehabilitation of infrastructures
 - raised public expectations
- Practical tips for managing the costs
- What are the long-term strategic plan 'must haves'?
- The legal and insurance liabilities associated with protection planning

2:45 Networking Refreshment Break

3:00 Responsibility and Liability for Unsafe Drinking Water: Who's Accountable Now?

Katherine M. van Rensburg
Partner, Gowling Lafleur Henderson LLP

- Understanding your daily responsibilities and legal obligations
- Who can be held civilly responsible?
- Who may be held criminally responsible under Bill C-45?
- What criminal penalties are possible for individuals or organizations?
- Understanding your responsibilities and obligations in the event of an emergency
- Recent developments in the defence of due diligence

4:00 Chair's Recap Conference Concludes

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The Canadian Institute's
4TH ANNUAL CONFERENCE ON
SAFE DRINKING WATER

Meeting Your Obligations In An Era of Transition

April 26 & 27, 2004 — Metropolitan Hotel, 108 Chestnut Street, Toronto



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