



"Great overview of regs. Grey areas well described."

Jason Verburg, Environmental Officer, Bruce Power

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What's New In

ENVIRONMENTAL LAW & REGULATION IN ONTARIO

New Enforcement Priorities • New Regulatory Developments

CONFERENCE CHAIR

Rosalind H. Cooper

Partner

Fasken Martineau DuMoulin LLP

SPEAKERS

Damian Bassett

CEO, Stewardship Ontario

Harry Dahme

Partner

Gowling Lafleur Henderson LLP

Jerry Herlihy

Counsel, Legal Services Branch
Ontario Ministry of the Environment

Steve Klose

Manager, Certificate of Approval Review
Section, Environmental Assessment
and Approval Branch
Ontario Ministry of the Environment

Bradley May

Head, Investigation Section
Emergencies & Enforcement Division
Environmental Protection Branch
Ontario Region, Environment Canada

Marc McAree

Willms & Shier Environmental Lawyers

Wilfred Ng

Director, Investigations and
Enforcement Branch
Ontario Ministry of the Environment

Isabelle O'Connor

Counsel, Legal Services Branch
Ontario Ministry of the Environment

Dianne Saxe, D. Jur.

Saxe Law Office

John R. Tidball

Partner, Miller Thomson LLP

Wednesday, October 15, 2003

Park Hyatt, 4 Avenue Road, Toronto, Ontario

An exceptional faculty of industry experts will provide valuable information and advice on the latest developments, including:

- New air emission standards and reporting requirements
- What's ahead in water and wastewater regulation?
- What inspectors are looking for now
- Who is suing whom, and with what results?
- What industry will pay under the new multi-million dollar Blue Box Program

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Wednesday, October 15, 2003

8:00 Registration Opens — Coffee Served ☞

9:00 Opening Remarks from the Chair

Rosalind H. Cooper
Partner
Fasken Martineau DuMoulin LLP

9:15 Inspections, Investigations and Enforcement: The Year in Review and a Look Ahead

Moderator and Speaker

Harry Dahme
Partner
Gowling Lafleur Henderson LLP

Speakers

Wilfred Ng
Director, Investigations and Enforcement Branch
Ontario Ministry of the Environment

Jerry Herlihy
Counsel, Legal Services Branch
Ontario Ministry of the Environment

Bradley May
Head, Investigation Section
Emergencies & Enforcement Division
Environmental Protection Branch
Ontario Region, Environment Canada

- Role of Provincial (Abatement) Officers v. SWAT Team members
- Update on budget and staffing
- Current activities and priorities
- Recent results of inspections
- Federal enforcement: overview and update
- Current resources and their use at the federal level
- Who is being charged, and with what, federally?
- A look ahead at enforcement priorities

10:30 Networking Coffee Break ☞

10:45 Environmental Litigation: The Latest Word from the Courts and Tribunals

Isabelle O'Connor
Counsel, Legal Services Branch
Ontario Ministry of the Environment

Marc McAree
Willms & Shier Environmental Lawyers

Ministry Litigation

- Outcomes of environmental charges
- Key recent decided cases
- Cases to watch in the year ahead

Other Civil Actions

- Update on toxic torts
- Brownfields: the aftermath of *Tridan*
- Update on environmental class actions
- Director and officer liability: piercing the corporate veil
- Impact of the *Limitations Act, 2002*
- Trends: a look at solvent contamination, mould and vermiculite

11:45 Air Issues for Industry: What's New and What's Ahead in Air?

Dianne Saxe, D.Jur.
Saxe Law Office

- The NOx and SO₂ plan for industry
- VOCs, particulate matter and smog: an update
- Drive Clean: new emissions standards for heavy-duty trucks and buses
- Emissions trading: one step forward and two steps back?
- Ontario Air Standards: progress on list of priority substances, but what about the new model?
- Climate change update
- Resources and priorities for the STAC enforcement program
- Noise, odour, vibration and light: current system and new opportunities for municipalities to regulate

12:30 Networking Luncheon for Delegates and Speakers 

1:45 Obtaining, Renewing and Reporting on Certificates of Approval: The Latest Word

Steve Klose
Manager, Certificate of Approval Review Section
Environmental Assessment and Approval Branch
Ontario Ministry of the Environment

- Trends in the use of comprehensive and consolidated C of A's
- How application processing is working
- Expediting the paperwork: tips for all applicants
- Sources of assistance
- Mistakes to avoid
- A look ahead: what to watch for

2:30 The New Blue Box Program: Who Will Pay, and How Much?

Damian Bassett
CEO, Stewardship Ontario

Ontario's Waste Diversion Act established Waste Diversion Ontario (WDO) as a non-government corporation charged with developing and managing waste diversion funding programs. WDO has developed and released a Blue Box Program Plan to fund the diversion of Blue Box wastes. Under the plan, municipalities will pay 50% of the net costs of the program, and industry will pay 50%. Stewardship Ontario is the new Industry Funding Organization (IFO) created to manage industry's contributions, which are estimated at over \$30 million in the first year. This speaker will describe the program in detail and address concerns that have been raised so far by industry, including:

- Process for determining net system costs: an overview
- Formula used to determine "Steward" fees
- How can contributors be satisfied that reasonable efficiencies were achieved?
- How will information be collected and analyzed?
- When do payments start?
- Projections of costs over a 5 year period
- How much will be spent on market development to increase cost recovery?
- Other key issues to monitor

SPECIAL SESSION

3:15 Networking Refreshment Break

3:30 Water and Wastewater: New Provincial and Municipal Requirements

John R. Tidball
Partner, Miller Thomson LLP

- *Safe Drinking Water Act* and *Regulations*: impact on industry
- Expanded MOE inspection and enforcement roles
- Update on MOE prosecution activity
- Update on full cost recovery requirements
- Update on municipal sewer use by-laws
- Moratorium on Permits to Take Water and related proposed regulatory changes regarding sourcewater protection
- Other developments for the year ahead

4:15 New Regulations Dealing with Contaminated Land: What Every Industry Needs to Know

Rosalind H. Cooper
Partner
Fasken Martineau DuMoulin LLP

Early in 2003 the Ontario Ministry of the Environment released additional draft regulations to accompany the Brownfields Amendment Act. The proposed regulations provide rules for determining when contaminated land must be cleaned up, how site assessments will work, standards for cleaning up these sites, and requirements for reporting on the cleanups. This session will cover:

- Overview of new regulations
- When must Records of Site Condition be filed?
- Phase One and Phase Two assessments: key changes
- Standards: the fine print and its implications
- Do the regulations address liability concerns raised by stakeholders?
- Strengths and weaknesses of the regulations from the property owner's perspective
- Other key issues raised by these regulations
- What issues are still outstanding?

5:00 Closing Remarks From Co-Chairs Conference Concludes

WHO SHOULD ATTEND

- Environmental managers from all sectors
- Manufacturing, oil and gas, petrochemical and natural resource industry managers
- In-house counsel
- Environmental lawyers
- Environmental audit, control, compliance and emergency response officials
- Environmental planners, consultants and engineers
- Government environmental managers, lawyers and enforcement officers
- Other environmental professionals

WHY YOU SHOULD ATTEND

There's a lot at stake for environmental managers in Ontario today. You need to stay on top of all the new legal developments that affect your compliance responsibilities, while keeping yourself apprised of what's happening on the litigation and enforcement fronts, so you can ensure you are covering all the bases with your compliance efforts.

This one-day **Canadian Institute** event was designed to give you the tools you need to keep your organization onside and avoid the serious costs of non-compliance. Top lawyers, senior regulators and industry professionals will give you the up-to-the-minute, practical information you need, including how to deal with new air emission standards and reporting requirements, new provincial and municipal requirements for water and wastewater, and new regulations dealing with contaminated land — plus much, much more.

Don't miss this chance to network with your peers and find out what others are doing to achieve compliance. Places will go quickly, so register today by calling **The Canadian Institute** at **1-877-927-7936** or in Toronto, **416-927-7936**, or registering online at **www.canadianinstitute.com**. We look forward to seeing you at the conference.

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Erica Seibert
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Canadian Liquid Processors

"Presenters very knowledgeable in their areas of expertise."

Val Kelmeckis
Regional Environmental Manager
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