

BILL 133

**Nov.
29
2006**

Toronto

*Board of Trade Airport Centre
830 Dixon Road,
Toronto, Ontario*

SPIILLS MANAGEMENT & COMPLIANCE

**PREPARE YOURSELF AND YOUR ORGANIZATION FOR ONTARIO'S NEW
"YOU SPILL, YOU PAY" ENVIRONMENTAL LIABILITY & PENALTY REGIME**

Read, register and route to:

- ✓ **Senior Management**
- ✓ **Corporate counsel**
- ✓ **Environmental Managers**
- ✓ **Environmental Lawyers**
- ✓ **Plant Managers**
- ✓ **Municipal managers**
- ✓ **Emergency Response Teams**
- ✓ **Maintenance & inspection staff**
- ✓ **Environmental consultants**
- ✓ **Supervisory staff**
- ✓ **Emergency Services**

In June last year with the passage of Ontario's controversial new "you spill, you pay" law (Bill 133) the government signalled that the rules on spill reporting, management, enforcement and due diligence had changed.

Under the new legislation, corporate directors and officers who fail to prevent spills or breaches of approval conditions have been made individually liable for such failures.

In addition, harsher sentencing provisions include new "aggravating factors" that Judges must add up to increase fines.

New mandatory minimum fines of \$25,000 for companies and \$5,000 for individuals apply on conviction for discharge offences. These new changes apply to ALL regulated companies and individuals.

In addition, in some instances, MOE Directors will be authorized to levy Environmental Penalties (EPs) of up to \$100,000 per day for spills, with absolute liability. There will be no due diligence defence to an EP.

What's more, being ordered to pay an EP will not rule out an MOE prosecution for the same spill through the courts at a later date!

But Bill 133 is only the latest ratcheting-up of proactive spill and environmental emergency reporting requirements enacted in recent years at both the federal and provincial levels.

(Continued inside...)

BILL 133 SPILLS MANAGEMENT & COMPLIANCE

Over the past few years, both provincial and federal levels of government have introduced clear requirements for companies to report spills and environmental emergencies and put in place pre-tested plans to respond appropriately should the worst occur.

This one-day course features a full briefing by leading environmental lawyers and MOE's Spills Action Centre (SAC) on the essentials of reporting spills and environmental emergencies.

These essentials are complemented by commentary which will update you and your team on the new and stricter requirements recently imposed under Bill 133 (the *Environmental Enforcement Statute Law Amendment Act*). Particular emphasis is given to the environmental management implications of the new legislation and the best way to respond to the challenges it presents.

These 'essentials of spill reporting' are complemented by a practical, checklist-based series of response planning 'musts' and actions which you and your team can immediately use to build, test or upgrade a competent and compliant spills and environmental emergency response plan.

To assist in this, all registrants will receive a bound copy of "*Industrial Guidance Manual for the Development of Emergency Plans*" by course leader, Cliff Holland.

By attending this unique, practically-oriented course you and your colleagues will:

- ✓ Learn what are your main responsibilities and your liabilities – both as a manager and a company – with regard to preventing, reporting, mitigating and planning for spills and environmental emergencies under key federal and provincial statutes
- ✓ Understand the new liability and environmental penalty regime imposed under Ontario's new *Environmental Enforcement Statute Law Amendment Act* ("Bill 133") and how you need to respond
- ✓ Gain a clear idea of what you need to have in place in order to ensure that your operations comply with all the legislation and that your key directors, officers, supervisors and managers are protected
- ✓ Work towards a strategic spill prevention and management plan whereby risks can be assessed and a proactive spills prevention program can be implemented
- ✓ Learn how to systematically assess the risk of a potential spill at your plant
- ✓ Learn how to deal proactively with spills and environmental emergencies – from reporting obligations to dealing with environmental investigators
- ✓ Know what to do to respond professionally if the worst occurs and how your company can avoid potentially-disastrous errors and pitfalls
- ✓ Take home a comprehensive course manual with notes on all the presentations
- ✓ Earn a handsome *Certificate of Participation*, a great addition to your personnel file and proof positive of your organization's commitment to environmental due diligence!

THE SPONSORS: Environmental Science & Engineering magazine and Canadian Environmental Regulation & Compliance News

This essential environmental compliance course is jointly sponsored by *Environmental Science & Engineering magazine* and *Canadian Environmental Regulation & Compliance News*. Operating together, as Envirogate Event Management Inc. the partnership jointly produces the annual Canadian Environmental Conference & Tradeshow (CANECT) and related conferences and courses for environmental and EHS practitioners across Canada.

For more information visit the envirogate website at: <http://www.envirogate.ca>

To subscribe to *Canadian Environmental Regulation & Compliance News*, obtain a sample publication, or for more information, call (416)920-0768 or email templetegate@rogers.com and headline your request **Sample Issues**.

THE PROGRAM:

8:00 to 9:00
9:00 to 9:05

Registration and Continental Breakfast
Introductions & course logistics

THE EXPERTISE:

*Vivienne Ball, Willms & Shier,
Environmental Lawyers LLP;
Janet Bobechko, Blaney McMurtry LLP;
Rosalind Cooper, Fasken Martineau DuMoulin LLP;
Cliff Holland, Spills Management Inc.
Gary Zikovitz, Ministry of Environment
Spills Action Centre (SAC)*

SPILL REPORTING 'ESSENTIALS'

• Spills and environmental emergencies: The Legal framework Federal framework for spills and environmental emergencies

- CEPA 1999 Environmental Emergency (E2) Regulations; the federal Fisheries Act
Transportation of Dangerous Goods Act (Emergency Response Action Plans)

Provincial framework for spills and environmental emergencies in Ontario

- Emergency Management Act; Environmental Protection Act (EPA); Ontario Water Resources Act (OWRA)

Vivienne Ball, Willms & Shier Environmental Lawyers LLP

• Spill reporting: The Spills Action Centre and specific actions and requirements

- spill reporting under provincial and federal legislation
- the role of the Spills Action Centre (SAC) and what happens when a spill is reported
- insight into the Emergency Management Act

Gary Zikovitz, Spills Action Centre

10:30 to 10:45 *Coffee*

BILL 133 FOCUS: IMPLICATIONS FOR MANAGEMENT

• Key components of Bill 133: New reporting thresholds; environmental penalties; etc.

- Overview of Bill 133, the Environmental Enforcement Statute Law Amendment Act, 2004
- What are the main components of the new legislation and how do they differ from what went before?
- Which companies are affected now, and who is likely to be affected in the future?
- What are the new stricter spill reporting thresholds? What is the interpretation of "may cause adverse effect"?
- What should your company be doing to comply with the new thresholds?

Rosalind Cooper, Fasken Martineau DuMoulin LLP

• Implications for environmental managers and environmental management systems

- How the new legislation changes the legal playing field
- What impacts the new legislation will have for those responsible for environmental management
- Why the new legislation reinforces the need for an Environmental Management System and how such an EMS can protect company officers and managers against liability
- How the new legislation will affect the defence of environmental due diligence
- Strategies for minimizing risk

Janet Bobechko, Blaney McMurtry LLP

12:15 to 1:15 *Lunch (served in Dining Room)*

SPILLS & EMERGENCY RESPONSE PLANNING ESSENTIALS

1) Assessing the potential problems

- quick-check system for gathering the facts
- identify drivers that influence contingency /ER Planning
- prioritize preventive, preparedness, response & recovery measures
- determine training, communication and response capability

2) Command & Control: Nuts and bolts of effective ER planning

- incidents, emergencies, disasters: Who's in charge? Who has authority? Who is responsible? Who is accountable?
- Unified Command System for industry, labs, institutions, etc.
- plan objectives; accessing resources, managing the event
- communication and communications
- interface with regulatory agencies, contractors and ER services
- location specific ER plans, Appendices, Annexes
- how to establish a user-friendly planning format
- testing or practising the plan

2:45 to 3:00

Coffee

Cliff Holland, President of Spill Management Inc.

3) Response activation: Facing the worst-case scenario

- suddenly there's a spill - what do you do?
- dealing with 'time critical issues' and the 'hierarchy of an event'
- ability to "size-up" and take action to control & modify conditions
- the difference between response 'confidence' vs 'competence'
- apply the 'golden rules' to response activities and site safety
- determine the 'cut off limit' for responders, supplies & equipment
- combine prevention, preparedness & skills for response capability
- develop location-specific response skills, procedures and guidelines

Cliff Holland, President of Spill Management Inc.

DILIGENTLY MANAGING INTERNAL & EXTERNAL INVESTIGATIONS

How to diligently manage the internal investigation; managing communications between staff, MOE investigators, media and public to minimize risk

- essential guidelines for diligently managing the conduct of your own internal investigation
- preparing management and staff for interviews with MOE investigators and inspectors
- legal powers of an MOE investigator with regard to interviewing staff and obtaining information
- how to respond diligently to requests for company documents and background information
- diligently managing media and public relations issues

Rosalind Cooper, Fasken Martineau DuMoulin LLP

4:30

Ask the experts: Compliance Q & A

Bill 133 SPILLS MANAGEMENT & COMPLIANCE

Wednesday Nov. 29
Toronto Board of Trade Airport Centre,
830 Dixon Road, Etobicoke, Ontario

To register: Complete and mail the Registration Form (below) with your payment today. Cheques should be made payable to: *Envirogate Event Management Inc.* (GST # 835958141RT0001) and addressed to: **Envirogate Event Management Inc., c/o Templegate, Ste. 200-206, 131 Bloor Street West, Toronto, Ontario, Canada M5S 1R8.** You may reserve your place by calling (416)920-0768 or by faxing the completed Registration Form to (416)920-0620.

Discounts: There are generous discounts for multiple registrations (see order form below). Also, sign up now for our companion courses on

- Environmental Regulation & Compliance 2006 - Update and Overview (Nov. 27), and
- Troubleshooting Industrial Air Emissions (Nov. 28) at the same location and receive an additional \$100 discount off each additional first registration!

Materials and Certificates of attendance: Each participant will receive a binder presentation and reference materials as well as a handsome Certificate of Attendance.

Location and Accommodation: The Metro Toronto Board of Trade Airport Centre is conveniently located close to Toronto's Pearson International Airport. Nearby hotels include: Renaissance Toronto Airport (416)675-6100; Park Plaza Toronto Airport (416)675-1234; Toronto Airport Marriott (416)674-9400; Radisson Suites Toronto Airport (416)242-7400.

Cancellations and Substitutions: Refunds will be given for cancellations received in writing 20 days prior to the course date. Refunds cannot be given after this time. Delegate substitution is permitted at all times. Please note, if you register for the course and do not attend, you are liable for the full registration fee, unless you cancel within the time period stated above. Note that Envirogate reserves the right to change program content, substitute speakers, or change dates and venues if circumstances require, and assumes no liability for such changes.

**\$100
SIGNING BONUS**

When you attend
companion courses on
Nov. 27 and Nov. 28

First registrants for the Bill 133, **Spills Management & Compliance** course offered in this brochure who also wish to attend our companion courses at the same venue on:

- Environmental Regulation & Compliance 2006-Update and Overview (Monday, Nov.27th), and
- Troubleshooting Industrial Air Emissions (Nov. 28)

receive a \$100 discount off the cost of registering for each subsequent course. To receive more information on companion courses, call (416)920-0768 today or visit: <http://www.envirogate.ca>

PLUS

All registrants for the Bill 133, **Spills Management & Compliance** course will receive a complimentary copy of "Industrial Guidance Manual For The Development of Emergency Plans" – a bound publication authored by Cliff Holland, President of Spill Management Inc. featuring pages of essential information complemented by pages of useful checklists and charts!

**Industrial Guidance
Manual for
The Development of
Emergency Plans**

by Cliff Holland

Bill 133 Spills Management & Compliance

PRIORITY REGISTRATION FORM.....

✓ **YES!**

Register me/us for:

BILL 133, SPILLS MANAGEMENT & COMPLIANCE

ONE DAY ONLY, Nov. 29th at: The Airport Club, Metro Toronto Board of Trade, 830 Dixon Road, Etobicoke, Ont. Canada

Registrant #1 @ \$635 (+6% GST) ± Registrant #2 @ \$595 (+6% GST) ± Registrant #3 @ \$555 (+6% GST)

Name(s)..... ± ±

Job title(s)..... ± ±

Company/Org.....

Street address: City: Province..... Postal Code:

Tel: (.....) Fax:(.....) E-mail (Complete accurately to receive bonus) :.....

I have enclosed cheque for \$..... + \$ GST(@6%) = \$..... payable to: **Envirogate Event Management Inc.**
(GST # 835958141RT0001)

I wish to pay by VISA / MASTERCARD: Card #/...../.....
Card Holder's Name: Date of Expiry

Mail the completed Registration Form, along with payment, to: Envirogate Event Management Inc./c/o Templegate, Ste.200-206, 131 Bloor Street West, Toronto, ON, Canada M5S 1R8. Fax to our Order Desk at (416)920-0620 to secure early registration. To register by phone, or for more information, call (416)920-0768 or visit:<http://www.envirogate.ca>

Signing Bonus: Register now for this course and receive a \$100 Signing Bonus when you also register for one or both companion courses on Nov. 27th and Nov. 28th. (N.B. Bonus applies to 1st registrants [i.e. Registrant #1] only)