

ENVIRONMENTAL LAW AND REGULATION IN ONTARIO IMPACT ON ENGINEERS' RESPONSIBILITIES AND DUTIES TO THEIR CLIENT

1. Federal/Provincial Division of Legislative and Regulatory Environmental Issues

- Federal Regulation in Ontario - the changing position; Bill C38 etc.;
- *Fisheries Act*;
- *Species at Risk Act*;
- Provincial Regulation in Ontario - many provincial laws over and above the *Environmental Protection Act*; and
- concept of concurrent jurisdiction and the trend toward joint review of projects.

2. Environmental Protection Act of Ontario

- administered by Ministry of the Environment;
- numerous regulations under the Act regulate plethora of potential environmental impacts;
- concept of owner of the contaminant;
- concept of care and control of contaminant;
- concept of spill;
- concept of discharge, sections 14/15;
- reporting requirements when, how, by whom;
- section 92 of the EPA - preventative measures who, how and when;
- section 93 of the EPA - concept of adverse effect;
- prohibition against discharge;
- general reporting requirements; and
- see paper "Liability and Legal Defence" for consequences of failure to adhere to statutory provisions.

3. Remediation of Contamination

- delineation of the problem;
- designing Remediation Action Plan;

- reporting/paperwork to MOE;
- concept of qualified person - owners requirements and responsibility;
- concept of generic criteria; tables, risk assessment;
- effect of contamination on land values;
- regulation of what type of testing and by whom; and
- concept of record of site condition.

4. **Brownfields Redevelopment**

- origin of concept;
- Provincial legislation and policy;
- Municipal community improvement area;
- nuts and bolts of program;
- Brownfields as helpful solution for urban redevelopment;
- available incentives; and
- limitations on Brownfields usefulness.

5. **Reporting Older Contamination During Development**

- off-site migration issues;
- Kawartha Lakes case; and
- liability for MOE Orders and liability to adjoining land owners.

6. **Liability for Contamination of Lands**

- concept of nuisance;
- *Rylands v. Fletcher*;
- *Environmental Protection Act* Statutory Liability;
- Common Law;
- changing law with *Smith v. Inco*;
- MOE's Order making ability-concept of Provincial Officer, Director; and
- Section 57 Appeal to Environmental Review Tribunal.

7. **Toxics / Hazardous Wastes**

- Ontario's Toxic Reduction Program;
- present system;
 - licencing of generators;
 - strict rules and regulations for production and handling;
 - regulations for disposing of hazardous materials.

8. **Occupational Health and Safety Act**

- regulation on land and building renovation;
- ensure safety for workers dealing with hazardous substances especially in buildings; and
- landfills.

9. **Landfills**

- concept of attenuation zone;
- public consultation are input;
- terms of references; and
- certificate of approval.

10. **Regulation of Water**

- Federal Regulation - see Statutes - see attached paper;
- Provincial Regulations - see attached paper; and
- Municipal Sewer By-Laws - see attached paper.

11. **Renewable Energy in Ontario**

- FIT Program initial problems with compensation;
- renewal energy approvals;
- appeal process; and
- expedited procedure for appeals of Renewable Energy.