



AGENDA

Time	Topic	Issues to Discuss	Instructor
8:30 am – 8:40 am	<i>Introduction</i>		Marc McAree
8:40 am – 8:55 am	<i>Who Regulates Environmental Law & Key Environmental Statutes</i>	<u>Federal</u> <ul style="list-style-type: none">♦ <i>Canadian Environmental Protection Act, 1999</i>♦ <i>Fisheries Act</i> <u>Provincial</u> <ul style="list-style-type: none">♦ <i>Environmental Protection Act</i>♦ <i>Ontario Water Resources Act</i>♦ <i>Clean Water Act, 2006</i>♦ <i>Toxic Substances Reduction Act</i>♦ <i>Municipal Act</i>♦ <i>Planning Act</i> <u>Municipalities & Conservation Authorities</u> <ul style="list-style-type: none">♦ fill control♦ flooding♦ drinking water protection♦ demolition and building permits	Chuck Birchall
8:55 am - 9:20 am	<i>Environmental Liability, For What and To Whom</i>	<u>Regulatory Enforcement</u> <ul style="list-style-type: none">♦ prohibitions – <i>Environmental Protection Act</i>, s. 14; <i>Ontario Water Resources Act</i>, s. 30; <i>Fisheries Act</i>, ss. 35 and 36♦ authorizing documents (ECA, licences, permits)♦ orders♦ prosecutions♦ penalties♦ corporate officers and directors	Marc McAree



Time	Topic	Issues to Discuss	Instructor
		<u>Civil Claims</u> <ul style="list-style-type: none">♦ lawsuits from neighbours for injunctions and/or damages♦ lawsuits from contracting parties for breach of contract♦ plead negligence, nuisance, trespass, <i>Rylands v. Fletcher</i> and breach of statute	
9:20 am - 9:35 am	<i>Definition Of Contaminant</i>	<u>Environmental Protection Act</u> <ul style="list-style-type: none">♦ definition of “contaminant”, “adverse effect” <u>Case Law Examples</u> <ul style="list-style-type: none">♦ sand blowing from a quarry♦ boulders, gravel, sand and silt that fell from a newly built causeway♦ chlorinated water from a broken municipal pipe♦ noise from a wood chipper♦ dust from a cement plant♦ <i>R. v. Clark Builders</i> (January 13, 2012)♦ <i>R. v. Castonguay Blasting Ltd.</i>	Matt Gardner
9:35 am - 10:00 am	<i>Spills and Spills Response</i>	<ul style="list-style-type: none">♦ abnormal discharges out of a structure, vehicle or other container♦ statutory obligations to:<ul style="list-style-type: none">♦ stop the spill♦ report♦ contain and clean up♦ absolute regulatory liability – You Spill, You Pay♦ civil liability based on statutory cause of action	Richard Butler
10:00 am - 10:15 am	<i>Networking Break</i>		



Time	Topic	Issues to Discuss	Instructor
10:15 am - 10:40 am	<i>Waste and Waste Management</i>	<ul style="list-style-type: none">♦ challenging rules about the definition of “waste”♦ Environmental Compliance Approvals for waste haulers and receiving sites♦ EPA, ss. 27, 40 and 41♦ hazardous waste cradle-to-grave♦ case law example	Chuck Birchall
10:40 am - 11:05 am	<i>Fill Management and Disposal</i>	<ul style="list-style-type: none">♦ <i>Municipal Act, 2001</i> powers♦ Approvals Exemption for “inert fill”♦ Where RSC; Where no RSC♦ case law example	Marc McAree
11:05 am - 11:30 am	<i>Water Takings, Discharges and Approvals</i>	<ul style="list-style-type: none">♦ permits to take water♦ discharge to the natural environment♦ discharge to municipal sewers♦ Sewer Use By-laws – imposed limits♦ case law example	Matt Gardner
11:30 am - 11:55 am	<i>Sediment and Silt Control, and the OWRA</i>	<ul style="list-style-type: none">♦ sediment and silt into waters, shores or banks may cause impairment♦ reporting obligation♦ OWRA offence and prosecution♦ the due diligence defence♦ lessons learned from a recent construction case	Chuck Birchall
11:55 am - Noon	<i>Conclusion</i>		Marc McAree

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