

CERCN

Canadian Environmental Regulation and Compliance News

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FEDERAL Consultations on new Framework Regulations for frontier and offshore oil and gas areas scheduled for this Fall

A series of one-day, multi-stakeholder consultation sessions on a draft regulatory text of Framework Regulations developed under the Frontier and Offshore Regulatory Renewal Initiative (FORRI) is reportedly being scheduled by NRCAN for this Fall.

The multi-government FORRI process, initiated last year through NRCAN, aims to modernize the regulatory framework governing oil and gas activities in Canada's frontier and offshore oil and gas areas.

A central feature of the FORRI process will be the modernization of the following five regulations: Drilling and Production Regulations; Geophysical Regulations; Certificate of Fitness Regulations; Installations Regulations; and Operations Regulations and their amalgamation into one Framework Regulation.

The new Framework Regulations will apply to activities related to the exploration and drilling for, and the production, conservation, processing and transportation of oil and gas in Canada's frontier and offshore areas, and will include geophysical operations (such as seismic activities), exploration and development drilling, and the construction, certification, and operation of production facilities.

Consultation consternation

NRCAN posted a release, dated August 9, 2017, designed to provide an update on ongoing FORRI consultations. The release contains links to a number of documents which outline the policy intent of the Framework Regulations and which provides preliminary feedback - primarily from the petroleum industry.

News of the proposals seems to have taken many environmental, indigenous and Inuit by surprise. A report in the Globe and Mail on September 7, 2017 noted that at least four organizations have written to Natural Resources Minister Jim Carr in recent weeks urging him to halt further development of the FORRI process to allow all stakeholders to participate and provide input.

"We are extremely active on this issue all over Canada, so we were very surprised that we hadn't been formally notified," said David Miller, the WWF-Canada president. "And when we contacted colleagues, whether in Indigenous communities including in the North, or other [environmental organizations], we found the same reaction. Almost nobody had heard about it."

In response, an NRCAN spokesperson has said that stakeholders will be able to review and comment during a final consultation phase next spring.

Meanwhile, ongoing consultations on the policy intent stages of the process continues to be being carried out in the following three phases:

• **Phase 1:** Board Powers, Applications, Management Systems and Management System requirements and Operator Duties - including requirements relating to: Emergency Response procedures; Safety and Environmental Protection:

<https://www.nrcan.gc.ca/energy/crude-petroleum/18666>

• **Phase 2:** Reporting, Resource Management, Decommissioning and Terminations: <http://www.nrcan.gc.ca/energy/crude-petroleum/18758>

• **Phase 3:** Installations and Operations (including 'Environmental Operations): <http://www.nrcan.gc.ca/energy/crude-petroleum/19864>

FORRI website: <http://www.nrcan.gc.ca/energy/crude-petroleum/17729>

Regulatory alert: Federal initiatives

FEDERAL CNLOPB issues guidelines on updated Drilling & Production Regs

The Canada-Nova Scotia Offshore Petroleum Board and Canada-Newfoundland and Labrador Offshore Petroleum Board (the Boards) announced on August 1, 2017 that they have issued the guidelines to assist in understanding the requirements of the Drilling and Production Regulations.

http://www.cnlopb.ca/pdfs/guidelines/drill_prod_guide.pdf?lphisphreq=1

FEDERAL Canada planning to consolidate cross-border movement of hazardous waste and hazardous recyclable materials regulations

Environment and Climate Change Canada (ECCC) is developing new Cross-border Movement of Hazardous Waste and Hazardous Recyclable Material Regulations (the Regulations) to update and consolidate the following three regulations that are currently in force:

- the Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations;
- the Interprovincial Movement of Hazardous Waste Regulations; and
- the PCB Waste Export Regulations, 1996.

ECCC plans to structure the consolidated Regulations so that all requirements related to international movements of hazardous waste and hazardous recyclable material would be grouped together, along with the requirements for all interprovincial movements.

- **Notification, permit and movement tracking:** The proposed regulations will include municipalities, along with provincial or federal agencies, among the entities who will be permitted to apply for a permit to export or import. A web-based system, currently under development, will be used for the notification and movement tracking of exports, imports and transits of hazardous waste and hazardous recyclable material.

New criteria for refusing to issue a permit or for suspending or revoking a permit will be added, along with other initiatives to expand tracking; confirm disposal or recycling; and revise current practices regarding returns and re-routing.

- **Definitions and exclusions:** The definitions of hazardous waste and hazardous recyclable materials will be changed to better align them with other jurisdictions. The changes include changes related to additional types of wastes or materials that would be considered hazardous as a result of the application of Toxicity Characteristic Leaching Procedure test methodologies.

- **Exports of waste and recyclable material containing PCBs:** ECCC is proposing to remove the partial prohibition on exports of waste containing PCBs in a concentration equal to or greater than 50 ppm currently set out in the PCB Waste Export Regulations, 1996.

- **International movements of electrical and electronic equipment destined for disposal or recycling:** ECCC is further proposing to capture designated electrical and electronic equipment (EEE) destined for disposal or recycling in the definitions of hazardous waste or hazardous recyclable material.

- **Movements between provinces and territories:** With respect to movements of hazardous waste and hazardous recyclable materials between provinces and territories, the proposed Regulations would repeal and replace the Interprovincial Movement of Hazardous Waste Regulations (IMHWR). Requirements for tracking interprovincial movements would be maintained but some changes would be proposed to streamline requirements.

- **Consultations:** Consultations have been launched to get feedback from stakeholders prior to the publication of the proposed Regulations in Canada Gazette, Part I.

Interested parties have until October 6, 2017 to provide comments in writing.

Access discussion document at:

<http://ec.gc.ca/gdd-mw/default.asp?lang=En&n=3946A1C6-1>

FEDERAL Feltmate to head up expert panel on adapting to climate change

On August 29, 2017, the Minister of Environment and Climate Change, Catherine McKenna, announced the launch of the Expert Panel on Climate Change Adaptation and Resilience Results. Dr. Blair Feltmate, Head of the Intact Centre on Climate Adaptation at the University of Waterloo, will chair the Panel which will also include academic, private sector, government, non-government, and Indigenous representation.

For more information, access Adapting to Climate Change in Canada at:

<https://www.canada.ca/en/environment-climate-change/services/climate-change/adapting-climate-change.html>

Red flag reports

Syncrude charged following blue heron deaths

A first court appearance has been scheduled for September 27, 2017 to allow Syncrude Canada Ltd. to respond to charges relating to the death of 31 blue herons at a sump at the company's Mildred Lake oil sands mine north of Fort McMurray in August 2015.

The incident was reported to the Alberta's Energy Regulator (AER) on August 7, 2015.

On August 3, 2017, AER charged Syncrude with one count under the province's Environmental Protection and Enhancement Act for failing to store a

hazardous substance in a manner that ensures that it does not come into direct contact with, or contaminate, animals.

If convicted, Syncrude could face a financial penalty of up to \$500,000.

Syncrude was previously fined \$3-million for an incident in 2008 when more than 1,600 ducks died after landing on a tailings pond.

Two years later, more than 550 birds had to be killed when an early winter storm forced them to land on waste ponds belonging to Syncrude and Suncor Energy.

Access AER release at:

<https://www.aer.ca/about-aer/media-centre/news-releases/news-release-2017-08-03>

Regulatory alert: - Federal initiatives

FEDERAL Preliminary NPRI data for 2016 now available; ECCC continuing to consult on future changes

Preliminary 2016 NPRI Data is now available for the purpose of engaging reporting facilities to review their submitted data and signal any necessary corrections or updates. Reviewed 2016 NPRI data will be made available once the annual quality control process is complete.

The following proposals for changes to NPRI were the subject of recent consultations:

- proposed changes for chlorinated alkanes;
- a proposal to add unit-level reporting requirements for releases of criteria air contaminants and mercury from electricity generation; and
- a proposal to update the list of Part 5 speciated volatile organic compounds.

A proposal regarding NPRI reporting for releases less than one tonne for Part 1A substances has been completed and is planned for inclusion in the NPRI notice for 2018.

For more details re: ongoing discussion of proposals to change the NPRI, visit:

<http://www.ec.gc.ca/inrp-npri/default.asp?lang=en&n=680415BC-1t>

FEDERAL NEB launches environmental assessment process for Manitoba-Minnesota Transmission Project

News Release from National Energy Board; July 21, 2017

The NEB has announced that it will conduct a federal environmental assessment for Manitoba Hydro's Manitoba-Minnesota Transmission Project. Manitoba Hydro has applied for a permit under the NEB Act to construct and operate a 500 kV international power line extending from the Winnipeg area to the US border.

https://www.canada.ca/en/national-energy-board/news/2017/07/neb_launches_environmentalassessmentprocessformanitoba-minnesota0.html

FEDERAL NEB releases abandonment cost estimates framework for review

On August 16, 2017, the NEB released a refined Abandonment Cost Estimates (ACE)

Framework that includes a Spreadsheet and User Guide. The ACE update will require all regulated pipeline companies to operate in line with new technologies and best practices.

Comment deadline: Sept. 20, 2017. <https://apps.neb-one.gc.ca/REGDOCS/Item/Filing/A85505>

FEDERAL Notice re: environmental occurrences notification agreements

On August 12, 2017, the government posted a Notice indicating that the Minister of the Environment has entered into an environmental occurrences notification agreement with the government of each of the following provinces and territories: Alberta, British Columbia, Manitoba, Northwest Territories, Ontario, Saskatchewan and the Yukon.

All of the notification agreements are available on the CEPA Environmental Registry at:

<http://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=5200AB4B-1>.

FEDERAL DFO gives notice of amendments to regulation dealing with movements of live fish

Fisheries and Oceans Canada (DFO) recently issued a Notice of intent to amend section 56 of the Fishery (General) Regulations (GFGR) in order to clarify the scope of aquatic animal diseases regulated by DFO and the Canadian Food Inspection Agency (CFIA) and reflect implementation of the National Aquatic Animal Health Program (NAAHP).

Comment deadline: November 23, 2017.

Notice of intent: <http://www.dfo-mpo.gc.ca/aquaculture/management-gestion/fgr-rpdg-eng.htm>

FEDERAL Government posts Species at Risk Act (SARA) notifications

- On August 28, the DFO posted a "Report on the Progress of Management Plan Implementation for the **Rocky Mountain Ridged Mussel** (*Gonidea angulata*) in Canada. Access report at: http://registrelep-sararegistry.gc.ca/document/default_e.cfm?documentID=3177
- DFO is also consulting on adding the **Eastern Pondmussel** to the List of Wildlife Species at Risk under the Species at Risk Act (SARA). Comment deadline: September 24, 2017. The consultation documents for the species can be found at: http://registrelep-sararegistry.gc.ca/document/default_e.cfm?documentID=3176
- A federal recovery strategy for the **Wallis' Dark Saltflat Tiger Beetle** (*Cicindela parowana wallisi*) in Canada under the Species at Risk Act has also been posted. Access the strategy at:

https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_wallis%27_dark_saltflat_tiger_beetle_e_proposed.pdf

Red flag reports

Company fined \$100,000 for selling Tetrachloroethylene

On August 16, 2017, Dalex Canada Inc., located in Concord, Ontario, pleaded guilty in the Ontario Court of Justice to one count of contravening the Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations made pursuant to the Canadian Environmental Protection Act, 1999. Dalex Canada Inc. was fined \$100,000, which will be directed to the Environmental Damages Fund.

The charges follow an inspection in 2014 by Environment and Climate Change Canada (ECCC) enforcement officers which identified instances where tetrachloroethylene was being sold to owners and operators of dry-cleaning facilities who did not meet regulatory standards. As a result of ECCC's investigation, Dalex Canada Inc. pleaded guilty to selling tetrachloroethylene to an owner or operator of a dry-cleaning facility who was not in compliance with certain sections of the regulations.

In addition to the fine, the court ordered Dalex Canada Inc. to publish an article in an industry publication, subject to ECCC's approval. Dalex Canada Inc. is also required to notify Environment and Climate Change Canada before resuming sales of the regulated product to dry cleaners. As a result of this conviction, the company's name will be added to the federal Environmental Offenders Registry. Source:

<http://www.cites.ec.gc.ca/inf-ewo/default.asp?lang=En&n=A41DACEB-1>

Regulatory alert: - Federal initiatives – Substances

Under the *Canadian Environmental Protection Act, 1999* (CEPA 1999), the federal government publishes notice in *Canada Gazette Part I* and *Canada Gazette Part II*, and/or posts on the Department of the Environment and/or Health Canada websites, notice of government activities affecting the management of substances in Canada. The following table summarizes the latest initiatives. For complete details, refer to the applicable posting.

Definitions	Government notices
<p>Toxic Substances List: Schedule 1 contains substances that meet at least one of the criteria set out in section 64 of CEPA 1999. If a substance is found to be "toxic", the Ministers of the Environment and of Health recommend that the substance be added to the Toxic Substances List (CEPA 1999 Schedule 1). The federal government then works with the provinces, territories, industry, non-government organisations (NGOs) and other interested parties to develop a management plan to reduce or eliminate the harmful effects the substance has on the environment and the health of Canadians.</p> <p>The Significant New Activity (SNAc) provisions of the <i>Canadian Environmental Protection Act, 1999</i> (CEPA) trigger an obligation for a person to provide the Government of Canada with information about a substance when proposing to use, import or manufacture the substance for a significant new activity. The government then assesses the substance for potential risks to human health and/or the environment. If risks are identified, the government may impose management measures.</p> <p>The Domestic Substances List (DSL) is an inventory of substances in the Canadian marketplace. Substances that are not on the DSL are considered new to Canada and are subject to notification and assessment requirements before they can be manufactured in or imported into Canada. Substances that are added to the DSL are no longer subject to the notification and assessment requirements as set out in CEPA's New Substances Notification Regulations.</p> <p>The Non-Domestic Substance List (NDSL) is a list of substances believed to be in international commerce. The substances on this list still require notification, but the trigger limits are higher and the amount of information to submit is less than if the substance is not on the NDSL.</p>	<p>FEDERAL Decision re: three distillate aromatic extract substances <i>August 26, 2017 edition of Canada Gazette Part I</i> Following publication of final decision after screening assessment, the government proposes to take no further action at this time under section 77 of the CEPA 1999 regarding the following three distillate aromatic extract substances:</p> <ul style="list-style-type: none"> • extracts (petroleum), heavy paraffinic distillate solvent, CAS RN 64742-04-7; • extracts (petroleum), light paraffinic distillate solvent, CAS RN 64742-05-8; and • extracts (petroleum), heavy naphthenic distillate solvent, CAS RN 64742-11-6. <p>The substances are specified on the Domestic Substances List (subsection 77(6) of CEPA1999. Access Gazette notice at: http://www.gazette.gc.ca/rp-pr/p1/2017/2017-08-26/html/notice-avis-eng.php</p> <p>FEDERAL Decision after screening assessment of asphalt and oxidized asphalt <i>August 26, 2017 edition of Canada Gazette Part I</i> Following publication of final decision after screening assessment, the government proposes to take no further action at this time under section 77 of the CEPA 1999 regarding the following two substances:</p> <ul style="list-style-type: none"> • asphalt, CAS RN 8052-42-4, and • oxidized asphalt, CAS RN 64742-93-4. <p>Access Gazette notice at: http://www.gazette.gc.ca/rp-pr/p1/2017/2017-08-26/html/notice-avis-eng.php</p> <p>FEDERAL Amendments to the Domestic Substances List <i>August 23, 2017 edition of Canada Gazette Part II</i></p> <ul style="list-style-type: none"> • Order 2017-66-06-01 amends the DSL to correct typographical errors in the masked names of substances 19113-6 and 19116-0. • Order 2017-87-06-01 adds 15 substances to the DSL while maintaining significant new activity requirements for two of these substances. <p>Access Gazette notice at: http://www.gazette.gc.ca/rp-pr/p2/2017/2017-08-23/html/sor-dors157-eng.php</p> <p>FEDERAL Notice that chlorhexidine is to be added to List of Toxic Substances <i>August 19, 2017 edition of Canada Gazette Part I</i> Following a draft screening assessment conducted on chlorhexidine and its salts, it is proposed to recommend that chlorhexidine and its salts be added to CEPA 1999 Schedule 1 List of Toxic substances. The Minister of the Environment and the Minister of Health have released a risk management scope document for chlorhexidine and its salts to initiate discussions with stakeholders on the development of risk management actions. Comments on this initiative will be accepted for 60 days after publication of the notice. Access Gazette notice at: http://www.gazette.gc.ca/rp-pr/p1/2017/2017-08-19/pdf/g1-15133.pdf</p> <p>FEDERAL Order 2017-87-06-02 Amending the Non-Domestic Substances List <i>August 12, 2017 edition of Canada Gazette Part I</i> Part I of the Non-domestic Substances List is amended by deleting the following:19073-12-0. Access Gazette notice at: http://www.gazette.gc.ca/rp-pr/p1/2017/2017-08-12/html/notice-avis-eng.php</p> <p>FEDERAL ECCC posts results of revised In-Commerce List included under Phase 3 of Chemicals Management Plan (CMP) On Aug.10, 2017, Environment and Climate Change Canada (ECCC) posted updated results regarding the prioritization of 678 substances from the revised In Commerce List (R-ICL). Under the Chemicals Management Plan (CMP), Health Canada prioritizes substances on the R-ICL to identify those that require further evaluation to determine whether they pose a risk to human health or the environment. The List is limited to Food and Drug Act controlled substances/activities such as: cosmetics, food additives, natural health products and medical devices. Substances identified on the R-ICL for further consideration will undergo further evaluation to determine whether they may pose a risk to human health or to the environment. Their identification for further consideration is based on information indicating potential health or environmental hazard, or because the quantities in use were potentially high with insufficient hazard information to mitigate concerns. Enquiries related to the prioritization of the R-ICL, including requests for a searchable format of the Table of prioritization results of substances on the Revised In Commerce List, may be sent by email to: RICL-LRSC@hc-sc.gc.ca The current table listing the prioritization results of the R-ICL substances can be found at: https://www.canada.ca/en/health-canada/services/chemical-substances/chemicals-management-plan/initiatives/results-prioritization-substances-revised-commerce-list/table-prioritization-results.html</p> <p>FEDERAL Current CEPA registry consultations An updated list of current CEPA Registry consultations regarding substances under evaluation can be found at: http://www.ec.gc.ca/lcpe-cepa/eng/participation/ParticipationList.cfm?intYear=2017</p>

Regulatory alert: - Provincial initiatives - Ontario – Announcements

ONTARIO Province announces funding to support municipalities in fighting climate change

On August 14, 2017, Chris Ballard, Minister of the Environment and Climate Change, announced at the annual Association of Municipalities of Ontario conference in Ottawa that the province is investing up to \$100 million of proceeds from its carbon market in the **Municipal GHG Challenge Fund** in 2017/18.

Municipalities are invited to submit applications for the fund by Nov. 14, 2017. Selected projects will be announced in 2018.

Any Ontario municipality with a community-wide greenhouse gas emissions inventory, emissions reduction targets and a strategy to reduce emissions is eligible to apply. Municipalities may request up to \$10 million per project.

Municipalities with a population of less than 10,000 that do not have a community-wide greenhouse gas emissions inventory, reduction targets and a plan, may be eligible for the Very Small Municipalities Stream.

Ontario is planning to host webinars on the Municipal GHG Challenge Fund this month to help applicants get a better understanding of the program and its requirements.

Municipal GHG Challenge Fund Program Guide:

http://www.grants.gov.on.ca/prodconsum/groups/grants_web_contents/documents/grants_web_contents/prdr017561.pdf

Related Notice: New Low Carbon Innovation Fund now open

On August 29, 2017, Ontario launched the Low Carbon Innovation Fund (LCIF) to support emerging, innovative technologies in areas such as alternative energy generation and conservation, new biofuels or bioproducts, next-generation transportation or novel carbon capture and usage technologies. This initiative is also being funded by proceeds from the province's carbon market. The innovation fund includes two streams:

The Technology Demonstration stream will support the development and commercialization of innovative low carbon technologies through testing in real-world settings. Self-assessments and Expressions of Interest for the Technology Demonstration stream are due September 22, 2017.

The Technology Validation stream will fund proof of concept or prototype projects from eligible Ontario companies or academic organizations in order to seed game-changing technologies and help them get to market faster. Applications for the Technology Validation stream will open in fall 2017.

\$25.8 million has been allocated to the Low Carbon Innovation Fund.

Low Carbon Innovation Fund (LCIF): <https://www.ontario.ca/page/low-carbon-innovation-fund>

ONTARIO RPRA to consult on fee setting policy

Ontario's Resource Productivity and Recovery Authority (RPRA) has announced that it will be conducting consultations regarding the development of the RPRA's General Fee Setting Policy this fall (2017). Consultation dates are now being finalized.

For more information refer to the General Fee Setting Policy August 2017 backgrounder at:

http://rprra.ca/Portals/0/Document_Folder/RPRA%20General%20Fee%20Setting%20Policy%20Consultation%20Backgrounder_August%202017.pdf

ONTARIO Energy conservation continues to pay off - ECO report states

On August 24, 2017, the Environmental Commissioner of Ontario, Dianne Saxe, released the organization's latest report on energy conservation. Called "Every Joule Counts", the report confirms that investments made in energy conservation remain the cheapest form of energy in the province, and that, thanks in part to conservation, Ontario has been able to grow its economy and population over the past decade without increasing its energy use. Every Joule Counts analyzes the conservation performances of Ontario's gas and electric utilities under the first year of their respective 2015-2020 frameworks and reveals that electricity and gas conservation initiatives over the past decade reduced overall energy use in 2015 by 3%.

"For electricity, conservation remains the cheapest and most environmentally friendly source of generation in Ontario," the report notes. "Ontarians pay 3.5 cents for every kWh saved through conservation. Other sources of new generation cost much more: 6.5-26 cents per kWh for renewable energy (e.g., biofuel, wind and solar); 12-24 cents per kWh for hydro generation; 12-29 cents per kWh for nuclear generation; and 8-31 cents for every kWh of gas generation.

"Like electricity, natural gas conservation is also cost-effective at roughly \$3 in benefits for every dollar spent."

Access Every Joule Counts at: <http://docs.assets.eco.on.ca/reports/energy/2016-2017/Every-Joule-Counts.pdf>

Access blog at: <https://eco.on.ca/blog/investment-in-conservation-still-the-way-to-go-for-ontario/>

Red flag reports

Company sues BC for cancelling permit to landfill soil

The owner of a BC quarry that was used as a landfill for contaminated soil is suing the provincial government and the former environment minister who ordered it shut down.

Cobble Hill Holdings Ltd. recently filed suit in BC's Supreme Court against the Province and Mary Polak, BC's former environment minister and current Liberal MLA for Langley.

The company said it is seeking special, aggravated and punitive damages, special costs and any other relief that the court "may deem fit to grant."

The company's operating permit, issued in 2013, had been suspended in January when BC's Environment Ministry asked for certain financial securities as well as a closure plan, including a cost estimate, and water management review reports. Cobble Hill Holdings said it submitted updated plans to the ministry for approval on Feb. 20. Three days later, its permit was cancelled.

As a result, the suit claims that the land is contaminated and that Cobble Hill Holdings has suffered financial damages. The permit, issued in 2013, allowed the company to receive and store up to 100,000 tonnes of contaminated soil a year at its quarry.

It was upheld by the Environmental Appeal Board in 2015, but faced multiple court challenges before it was finally cancelled in February.

At that time, the government stressed that the decision had been made "on the principle of escalating enforcement and repeated failure by the company to meet deadlines and comply with permit requirements."

(Source/courtesy: Vancouver Sun)

Regulatory alert: - Provincial initiatives - Ontario - Recent EBR and Environmental Registry postings

ONTARIO Policy proposal on adjusting certain Public Lands Act administrative fees

EBR Registry Number: 013-1208; Ministry of Natural Resources and Forestry; Date Proposal loaded: August 25, 2017

The purpose of this proposal is to adjust certain Public Lands Act administrative fees. If approved, MNRF will affect these various fee increases for April 1, 2018 implementation through revisions relevant to the PLA policies.

<https://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTMzMjcx&statusId=MjAyNTQy&language=en>

ONTARIO MMAH posts amendment re: zoning approvals

EBR Registry Number: RF06E0004; Ministry of Municipal Affairs and Housing; Date posted: August 16, 2017

MMAH has posted notice of a proposed regulation under the proposed Planning and Conservation Land Statute Law Amendment Act, 2006 (Bill 51) to establish conditions that could be imposed by a municipality as part of zoning approval.

Proposed prescribed conditions include, in part, measures that:

- are identified in studies completed prior to enactment of the by-law (e.g. noise attenuation measures - on site and off site);
- relate to the adequate provision of permitted hard services (e.g. water, waste, energy);
- provide for energy conservation and alternative energy provisions (e.g. district energy);
- provide assessment and remediation of contaminated land (e.g. brownfield site clean up).

The notice was first posted on the Environmental Registry on July 4, 2016 and re-posted without change on August 14, 2017. Registry posting:

<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MjgwNzM=&statusId=MjgwNzM=&language=en>

ONTARIO Notice re: Rond Lake Mine Rehabilitation Project

EBR Registry Number: 013-1256; Ministry of Northern Development and Mines; Date Notice loaded: August 17, 2017

Ontario's Ministry of Northern Development and Mines (MNDM) has posted an information notice discussing the Rond Lake Mine Rehabilitation Project. The purpose of the notice is to inform interested persons that the MNDM is proposing the placement of a cap on a flooded mine shaft in order to address safety concerns, as well as the possible removal of two potentially pressurized gas containers from the site.

Registry posting:

<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTMzMzE4&statusId=MjAyNjQy&language=en>

ONTARIO Forest Management Plan for Northshore Forest

EBR Registry Number: 013-1213; Ministry of Natural Resources and Forestry; Date Information Notice loaded: August 18, 2017

The posting provides notice that a fourth forest management plan for the Northshore Forest (NF) for the 10-year period from April 1, 2020 to March 31, 2030 is currently being prepared. Stage One invites interested parties to participate in the process. The NF is comprised of the former Mississagi and Spanish River management units, which were amalgamated to form the NF prior to the 2000 forest management plan.

Registry posting:

<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTMzMjc2&statusId=MjAyNTQ4&language=en>

ONTARIO Drive Clean-Remote On-Board Diagnostic Testing Program Regulatory Amendments

EBR Registry Number: 013-1051; Ministry of the Environment and Climate Change; Date Information Notice loaded to the Registry: August 15, 2017.

On August 15, 2017, MOECC posted an Information Notice re: Drive Clean-Remote On-Board Diagnostic Testing Program Regulatory Amendments. If approved, the regulatory amendments would enable emissions testing using remote on-board diagnostics (OBD) technologies.

<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTMzMtIz&statusId=MjAyMjU3&language=en>

ONTARIO Update for Ontario's Red Tape Challenge (RTC) - Chemical Manufacturing

Proposal Number: 17-MEDG003; Posting Date: August 2, 2017; Comments due: September 30, 2017 Contact: redtapechallenge@ontario.ca

On August 2, 2017, Ontario posed an update to its Red Tape Challenge (RTC) dealing with the chemical manufacturing sector. The RTC is an online consultation tool designed to eliminate regulatory duplication in 7 sectors: auto parts manufacturing, food processing, financial services, mining, chemical manufacturing, forestry and tourism.

Registry posting: <http://www.ontariocanada.com/registry/view.do?postingId=24630&language=en>

ONTARIO Lakes and Rivers Improvement Act Administrative Guide 2017

EBR Registry Number:013-1070; Ministry of Natural Resources and Forestry; date loaded to the Registry: August 04, 2017

The purpose of this posting is to inform interested parties of administrative updates made to the 2011 Lakes and Rivers Improvement Act Administrative Guide.

The Lakes and Rivers Improvement Act (LRIA) provides the Minister of Natural Resources and Forestry with authority to regulate the design, construction, operation, maintenance and safety of dams in Ontario.

EBR posting: <https://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTMzMTM2&statusId=MjAyMjgz>

Regulatory alert: - Provincial initiatives - Ontario – Gazette notices**Summary of regulatory amendments published in the August 12 edition of the Ontario Gazette Part III**

A large number of regulatory amendments related to current environmental legislation were published in the Aug. 12, 2017 edition of the Ontario Gazette Part III. Some of these amendments are routine 'housekeeping' measures designed to revoke spent provisions. Others incorporate more significant changes to various prescriptive Schedules contained in the regulations. The amendments are summarized below and briefly characterized.

For more detailed information, it is recommended that readers consult the full text of the amending regulations.

Amendments under the Environmental Protection Act**Technical amendments to General Waste Management Regulation**

O.Reg. 297/17, amending O.Reg.347 (General - Waste Management)

Amendments relate to various tables referenced in Reg.347 (General - Waste Management).

1. Subsections 75 (4), 76 (4), 77 (4) and 79 (7) of Regulation 347 are revoked.
2. Schedule 1 to Regulation 347 is amended.
3. Part A of Schedule 2 to the Regulation is amended.
4. Part B of Schedule 2 to the Regulation is amended.
5. Schedule 3 to the Regulation is revoked and a new table with notes on 'Severely Toxic Contaminants' is substituted.
6. Schedule 4 to the Regulation is revoked and a new table with notes on 'Leachate Quality Criteria' is substituted.
7. Schedule 5 to the Regulation is amended.
8. Schedule 6 to the Regulation dealing with universal treatment standards for characteristic wastes is revoked and new tables dealing with 'Organic and Inorganic Constituents' are substituted.
9. Schedule 8 to the Regulation dealing with alternative treatments for hazardous debris is revoked and new tables on 'Extraction Technologies', 'Destruction Technologies' and 'Immobilization Technologies' are substituted.

For details, visit: <https://www.ontario.ca/laws/regulation/r17297>

Effluent Monitoring and Effluent Limits regulations

- **Petroleum Sector** - O Reg 299/17, amending O Reg 537/93. Schedules 2 and 3 to the Regulation are revoked and the following substituted:
SCHEDULE 2 - PROCESS EFFLUENT LIMITS AND MONITORING FREQUENCY - designated refineries; and
SCHEDULE 3 - COOLING WATER ASSESSMENT MONITORING REQUIREMENTS - all plants.
<https://www.ontario.ca/laws/regulation/r17299>
- **Pulp and paper sector** - O. Reg. 300/17, amending O. Reg. 760/93. Among other changes, Schedules 1 to 4 to the Regulation are revoked and the following substituted:
SCHEDULE 1 - LIST OF REGULATED PLANTS;
SCHEDULE 2 - PROCESS EFFLUENT LIMITS AND MONITORING FREQUENCY FOR INDIVIDUAL PLANTS;
SCHEDULE 3 - COOLING WATER ASSESSMENT MONITORING - ALL PLANTS;
SCHEDULE 4 - REFERENCE PRODUCTION RATES.
<https://www.ontario.ca/laws/regulation/r17300>
- **Mining sector** - O. Reg. 306/17, amending O. Reg. 560/94. Schedules 1 to 3 of Ontario Regulation 560/94 dealing with monitoring frequency, effluent limits, and overflow assessment monitoring for all mining plants are amended.
<https://www.ontario.ca/laws/regulation/r17306>
- **Metal casting sector** - O. Reg. 307/17, amending O. Reg. 562/94. Among other changes, Schedules 2 and 3 to the Regulation dealing with process effluent limits, cooling water and monitoring frequency are amended for plants designated in Tables 1 to 4.
<https://www.ontario.ca/laws/regulation/r17307>
- **Iron and steel manufacturing sector** - O. Reg. 308/17, amending O. Reg. 214/95. Among other changes, Schedules 2 to 5 and 9 dealing with process effluent designated sampling points, limits and monitoring frequency etc. are amended.
<https://www.ontario.ca/laws/regulation/r17308>
- **Electric power generation sector** - O. Reg. 310/17, amending O. Reg. 215/95. Among other changes, Schedules 2 and 3 of the Regulation dealing with non-event process effluent streams, limits and monitoring frequency etc. are amended.
<https://www.ontario.ca/laws/regulation/r17310>
- **Inorganic chemical manufacturing sector** - O. Reg. 311/17, amending O. Reg. 64/95. Among other changes, Schedules 2 to 6 to the Regulation dealing with process effluent designated sampling points, limits and monitoring frequency etc. are amended.
<https://www.ontario.ca/laws/regulation/r17311>
- **Organic chemical manufacturing sector** - O Reg 313/17, amending O Reg 63/95. Replaces Schedules 2 to 11.
<https://www.ontario.ca/laws/regulation/r17313>

Regulatory alert: - Provincial initiatives - Ontario – Gazette notices

Amendments under the Environmental Protection Act (cont'd from previous page)

- **Local Air Quality** - O. Reg. 309/17, amending O. Reg. 419/05 . A series of minor changes to wording in Schedules 2, 3, 6 and 7.
<https://www.ontario.ca/laws/regulation/r17309>
- **Industry emissions - nitrogen oxide and sulphur dioxide** - O. Reg. 305/17, amending O. Reg. 194/05 Among other changes:
 1. Subsection 11 (2) of Ontario Regulation 194/05 is amended by striking out “shall be the amount set out in Table 2” at the end and substituting “shall be 3,100 tonnes of nitrogen oxides allowances”.
 2. Subsection 26 (2) of the Regulation is amended by striking out “shall be the amount set out in Table 7” at the end and substituting “shall be 10,100 tonnes of sulphur dioxide allowances”.
 3. Tables 1 to 10 of the Regulation dealing with facility budgets, sector budgets, allowances and intensity rates are amended.
<https://www.ontario.ca/laws/regulation/r17305>
- **Amendments to Records of Site Condition regulation** - O. Reg. 312/17, amending O. Reg. 153/04. Among other changes:
 1. Table 1 of Schedule C to Ontario Regulation 153/04 dealing with mandatory requirements for risk assessment reports is amended.
 2. Table 1 of Schedule E to the Regulation dealing with mandatory requirements for Phase 2 Environmental Assessment reports and minimum confirmation sampling requirements for excavation is amended.
<https://www.ontario.ca/laws/regulation/r17312>
- **Miscellaneous ‘housekeeping’ amendments**
 - Spills** - O Reg 298/17, amending Reg 360, revokes a redundant provision.
 - Environmental Penalties** - O Reg 301/17, amending O Reg 222/07. Table 4 of Ontario Regulation 222/07 under the Environmental Protection Act dealing with ‘Gravity Component’ of offences is amended.
Additional amendments are made to the French version of the regulation.
<https://www.ontario.ca/laws/regulation/r17301>
Similar amendments are made to the Ontario Water Resources Act under reg.303/17. See details at:
<https://www.ontario.ca/laws/regulation/r17303>
 - Toxics Reduction Act, 2009** - O. Reg. 304/17, amending O. Reg. 355/09 (General)
 1. Section 10 of Ontario Regulation 455/09 is revoked. 2. Table A of the Regulation is revoked.
<https://www.ontario.ca/laws/regulation/r17304>Related Registry posting: <http://www.ontariocanada.com/registry/view.do?postingId=24585&language=en>

Amendments under the Ontario Water Resources Act

- **Licensing sewage works operators - amendments to points system for wastewater collection and treatment facilities** - O. Reg. 302/17, amending O. Reg. 129/04.
Schedule 1 to the Regulation is revoked and various amendments made to tables 2 and 3 are made with separately numbered sections outlining wastewater collection and treatment facilities’ ‘points system’.
<https://www.ontario.ca/laws/regulation/r17302>

Amendments under the Occupational Health and Safety Act

- **Occupational Exposure Limits for Isocyanates, organic compounds.** O. Reg. 288/17 amends Table 1 of Ontario Regulation 490/09 to strike out previous OELs for isocyanates and substituting a new table which adds two substances - Ethyl isocyanate [109-90-0] and Phenyl isocyanate - to the table of OELs.
<https://www.ontario.ca/laws/regulation/r17288>
- **Control of Exposure to Biological or Chemical Agents** - O. Reg. 287/17 amends O. Reg. 833 - Control of Exposure to Biological or Chemical Agents by, among other things:
 - re-defining “ACGIH table” in Section 1; and
 - revoking Listing item 48f of Table 1 and substituting a new table providing OELs for Methyl Isocyanate [624-83-9]; Ethyl isocyanate [109-90-0] and Phenyl isocyanate.
<https://www.ontario.ca/laws/regulation/r17287>
- **Industrial Establishments Amendment Regulation** - O. Reg. 289/17 raises the minimum atmospheric oxygen concentration before mechanical ventilation is required to 19.5%.
For more details, see Ontario Gazette Part III, Aug. 12, 2017:
<https://www.ontario.ca/document/ontario-gazette-volume-150-issue-32-august-12-2017/publications-under-part-iii-regulations-legislation-act-2006>

Amendments under the Green Energy Act - published August 19

• Amendments deal with energy and water efficiency of appliances

The Ontario Gazette: August 19, 2017

O. Reg. 318/17: “Energy and Water Efficiency - Appliances and Products”, amends O. Reg. 404/12 to specify efficiency requirements for: air conditioners; large unitary heat pumps; and dry type transformers.

Regulation: <https://www.ontario.ca/laws/regulation/r17318>

Gazette: <https://www.ontario.ca/document/ontario-gazette-volume-150-issue-33-august-19-2017/publications-under-part-iii-regulations-legislation-act-2006#section-3>

Regulatory alert: - Provincial initiatives - Alberta

ALBERTA Updates to AEP's Review of the 1998 CEMS Code

Following an Alberta Environment and Parks (AEP) solicitation for feedback regarding proposed revisions to the 1998 Continuous Emission Monitoring System (CEMS) Code, the department issued a follow-up email in August 2017 noting that AEP is "aiming to have revision team work completed by the end of calendar year 2017."

Request to receive CEMS updates at:

<http://aep.alberta.ca/air/reports-data/continuous-emissions-monitoring/default.aspx>

ALBERTA AER to collect second installment of \$15m levy this month

Alberta Energy Regulator Bulletin 2017-14; August 3, 2017

In accordance with Part 11 of the Oil and Gas Conservation Act, the Alberta Energy Regulator (AER) has prescribed a second orphan fund levy in the amount of \$15 million.

The Orphan Well Association (OWA), Canadian Association of Petroleum Producers (CAPP), and Explorers and Producers Association of Canada (EPAC) have approved a total orphan fund levy of \$30 million to fund the OWA's budget for fiscal year 2017/18. The AER collected the initial installment of \$15 million in March 2017 and will collect the second installment of \$15 million in September 2017.

Access bulletin: <https://www.aer.ca/documents/bulletins/Bulletin-2017-14.pdf>

ALBERTA Debtor registry shows amounts owed for administrative and orphan fund levies

Last month, the Alberta Energy Regulator (AER) issued a bulletin announcing Publication of a Debtor Registry. The purpose of the registry is to make regulated companies more accountable for their actions. The Registry, available via www.aer.ca, lists the names of debtors and the amounts they owe the AER.

A debtor is defined as any person, including an AER-regulated company, who is indebted to the AER for any costs, levy, fee, penalty, or other amount. The Debtor Registry currently shows amounts owed to the AER as a result of the administrative and orphan fund levies. In the future, AER has said that the registry will be expanded to include all debts owing to the agency.

Bulletin: <https://www.aer.ca/rules-and-regulations/bulletins/bulletin-2017-15>

ALBERTA Prairie Mines & Royalty fined \$95,000 for failing to obtain an approval and to report incident 'as soon as was practicable'

The Alberta Energy Regulator (AER) has said that Prairie Mines & Royalty ULC will pay \$109,250, comprising a \$95,000 fine and a \$14,250 provincial surcharge, after pleading guilty to one charge under the province's Coal Conservation Act. In a statement of facts, Prairie Mines & Royalty ULC, previously known as Coal Valley Resources Inc, agreed that it conducted mining operations at its Edson area coal mine that had not been approved by the regulator and that it failed to report an incident as soon as was practicable.

The AER initially laid charges against Prairie Mines & Royalty ULC and Westmoreland Coal Company after a March 21, 2015 incident led to 3,300 m³ of material sliding from the mine's high wall to the pit bottom which partially buried a bulldozer. No injuries occurred as a result of the incident.

The AER was not notified of the incident until two days later on March 23, 2015, when the mine's engineering manager contacted the provincial reporting line.

<https://www.aer.ca/about-aer/media-centre/news-releases/news-release-2017-09-01>

ALBERTA AEP guide addresses preservation of volatile compounds with methanol

Alberta Environment and Parks (AEP) recently released additional guidance on the use of methanol preservation when sampling soil containing volatile hydrocarbons. Access at:

<http://aep.alberta.ca/land/land-industrial/inspections-and-compliance/documents/FieldPreservationVolatileMethanol-Jul2017.pdf>

Regulatory alert: - Saskatchewan

SASKATCHEWAN Bill 43 creates legal framework to license formerly-exempt pipelines

Bill 43, The Pipelines Amendment Act, 2017 (S.S. 2017, c. 22) was proclaimed into force, July 31, 2017. The Bill creates the legal framework for the phased-in licensing of over 80,000 flow lines (pipelines), currently exempt from licensing under the Act, using the recently launched integrated resource information system (IRIS).

In addition, the Bill:

- establishes new inspection, investigation, and compliance audit powers for ministry staff;
- updates and modernizes the penalty provisions of the Act, including the introduction of administrative penalties;
- provides the legal basis for creating technical directives for pipeline licensing, construction, operation, and abandonment; and
- authorizes the government to require financial assurance from operators located in high-risk locations such as water crossings.

Bill 43:

docs.legassembly.sk.ca/legdocs/Bills/28L1S/Bill28-43.pdf

SASKATCHEWAN Treaty Land Entitlement Regulations now in effect

The Saskatchewan Natural Resources Transfer Agreement (Treaty Land Entitlement) Regulations (R.R.S., c. S-31.1, Reg. 1), under The Saskatchewan Natural Resources Transfer Agreement Act, took effect July 28, 2017. The regulations confirm amendments to seven natural resources transfer agreements respecting First Nations.

Access the regulations:

<http://www.publications.gov.sk.ca/freelaw/documents/English/Regulations/Regulations/S31-1R1.pdf>

Regulatory alert: - Manitoba**MANITOBA Province consulting on planned watershed initiatives**

On August 22, 2017, the Manitoba government launched public consultations on three new environmental initiatives designed to improve water management and modernize watershed planning:

- a made-in-Manitoba program called GRowing Outcomes in Watersheds (GROW), featuring a new partnership with farmers to create ecological goods and services;
 - a watershed-based drainage and water resource management plan to protect important wetlands and watershed retention; and
 - a plan to modernize Manitoba's conservation districts program.
- Comment deadline: October 6, 2017.
Consultation documents are available at www.gov.mb.ca/sd.
Release:

<http://news.gov.mb.ca/news/index.html?item=42035>

MANITOBA Province names members of the Evergreen Environmental Technologies Corp.

Regulation 86/2017, registered July 28, 2017, names the members of the Evergreen Environmental Technologies Corporation under the Regional Waste Management Authority Establishment Regulation.

<http://web2.gov.mb.ca/laws/regs/annual/2017/086.pdf>

Regulatory alert: - Provincial initiatives - British Columbia**BRITISH COLUMBIA Transitional provisions on Contaminated Sites guidance due to expire on November 1, 2017**

Transitional provisions outlining the administrative process for legal instrument applications that are submitted during the regulatory transition period, set up to accommodate Stage 10 (Omnibus) amendments to BC's Contaminated Sites Regulation guidance documents, are scheduled to end on November 1, 2017 when the Stage 10 Amendments come into force.

The following revised PDF documents support the Stage 10 amendments:

- Protocol 2. Site-Specific Numerical Soil Standards;
- Protocol 6. Eligibility of Applications for Review by Approved Professionals;
- Protocol 11. Upper Cap Concentrations for Substances Listed in the Contaminated Sites Regulation;
- Protocol 13. Screening Level Risk Assessment;
- Protocol 22. Application of Vapour Attenuation Factors to Characterize Vapour Contamination;
- Protocol 27. Soil Leaching Tests for Use in Deriving Site-Specific Numerical Soil Standards;
- Protocol 30. Determination of Carcinogenic Substances;
- Technical Guidance 4. Vapour Investigation and Remediation;
- Technical Guidance 7. Supplemental Guidance for Risk Assessments; and
- Technical Guidance 24. Site-Specific Numerical Soil Standards.

For more information, see: Administrative Bulletin #3 for Contaminated Sites – "Application Submission: Contaminated Sites Regulation Omnibus Amendment Transition 2016 – 2017."

See also Admin Bulletin #4 at:

<http://www2.gov.bc.ca/assets/gov/environment/air-land-water/site-remediation/docs/bulletins/errata.pdf>

Related posting: new Draft Analytical Methods Posted for Review: As reported in last month's issue of CERCN, on August 9, 2017, a series of new draft analytical methods in support of the Stage 10 (Omnibus) amendment were posted on the ministry's Sampling, Methods & Quality Assurance webpage at: <http://www2.gov.bc.ca/gov/content/environment/research-monitoring-reporting/monitoring/sampling-methods-quality-assurance>

BRITISH COLUMBIA New Submission Process for Well Suspensions and Inspections takes effect Sept. 11, 2017

BC Oil & Gas Commission; Industry bulletin 2017-18; August 24, 2017

The BC Oil and Gas Commission is advising operators that well suspensions and inspections, currently submitted through the Well Suspension/Inspection Form to OGCDrilling.Production@bcogc.ca, must be submitted exclusively through the eSubmission portal effective September 11, 2017.

Access bulletin at: <https://www.bcogc.ca/node/14306/download>

Regulatory alert: - Territories' initiatives**NORTHWEST TERRITORIES New discussion paper launches development of new Mineral Resources Act**

Northwest Territories recently released a discussion paper titled: "A Mineral Resources Act for the Northwest Territories: Unlocking Our Potential Together."

It is proposed that the current NWT Mining Regulations - mirroring federal legislation passed down during Devolution - will be absorbed into the new Act "in a way that reflects the unique circumstances of the mineral sector in the North."

The MRA will not alter or replace any other federal or territorial laws and regulations already governing mining and exploration in the NWT and will not affect requirements and processes already set out under the Mackenzie Valley Resources Management Act. Access: "A Mineral Resources Act for the Northwest Territories: Unlocking Our Potential Together" at:

<http://www.lgant.com/sites/default/files/MRA%20-%20Discussion%20Paper.pdf>

Related NWT discussion paper: The deadline for those wanting to submit a written response to the recently released discussion paper on "Implementing Pan-Canadian Carbon Pricing in the Northwest Territories" is September 15, 2017.

For more information, see:

http://www.fin.gov.nt.ca/sites/default/files/documents/discussion_paper_implementing_pan-canadian_carbon_pricing_in_the_nwt_july_2017.pdf

Regulatory alert: - Provincial initiatives - Special focus - Quebec

QUEBEC Province becomes Canada's first jurisdiction to impose Zero-Emission Vehicle (ZEV) targets on auto manufacturers

On August 19, 2017, the consultation period for two key regulations required to implement Québec's Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas emissions and other pollutants (the "ZEV Act") officially ended.

Since section 68 of the ZEV Act states that the Act "comes into force on the date of coming into force of the first regulation made under it", as of August 21, 2017, the Quebec government will be free to implement its legislation, which first received Royal Assent on October 26, 2016.

What is the ZEV Act and who does it apply to?

The ZEV Act applies to any car manufacturer who has sold or leased at least 4,500 new vehicles in Québec, on average, in each of the last three model years.

As Mark Youden of Gowlings WLG explains: "The ...Act is essentially a cap-and-trade system, but instead of capping carbon emissions, it puts an annual minimum percentage on the number of ZEVs sold or leased in the Province. Each year, the minimum rises by a prescribed amount. For example, in 2018, the legislative target is set at 3.5%. By 2025, the target is projected to increase to 22%..."

"Credits are earned based on the number of applicable vehicles sold and how effectively each vehicle's technology curbs emissions. For example, selling a battery-powered vehicle that can travel 300 km without a charge will earn more credits than one that can only travel 150 km without a charge."

The Regulations

An August 25 article posted by Pierre-Luc Desgagné and Miriam Robitaille, Langlois lawyers, LLP, further explains the two key regulations (the Regulations):

- **The ZEV Regulation** (Regulation respecting the application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions) classifies automobile manufacturers into three categories, depending on the average volume of sales and leases of motor vehicles achieved.

The article notes: "The category into which a manufacturer falls is a key factor in the degree to which it will be affected by the ZEV Act, as the classification will determine the extent of its obligations."

- **The Credit Limitation Regulation** (Regulation respecting the limit on the number of credits that may be used by a motor vehicle manufacturer and the confidentiality of some information) allows manufacturers to carry forward excess credits accumulated during a given period and apply them towards up to 25% of the credit threshold for a later period. To do so the manufacturer must submit an application to the Minister pursuant to section 8 of the Act.

A note of caution: Under current legislation, Quebec provides a subsidy of \$8,000 for the purchase of a new electric or rechargeable hybrid vehicle, (Ontario provides up to \$14,000). However, an economic note published recently by the Montreal Economic Institute (MEI) questions the effectiveness of subsidizing the purchase of such vehicles, characterizing them as the least efficient and most expensive way of reducing greenhouse gas (GHG) emissions.

"It's just a waste," says Germain Belzile, a senior associate researcher at the MEI, an independent researcher in Montreal. "Not only do these programs cost taxpayers a fortune, they also have little effect on GHG emissions."

The note states that "If the Quebec government were to achieve its ambitious goal of having one million electric vehicles on the province's roads by 2030 (there are currently fewer than 6,000), doing so would only avoid 3.6% of current emissions levels."

For more information, access the regulations (as posted in the July 5, 2017 edition of Quebec Gazette Part II) at: <http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=13&file=1727-A.PDF>

Comments on the likely impacts of this legislation can be accessed by reading the full text of the Langlois lawyers, LLP article ("The First Regulations Under The Zero-Emission Vehicles Act Are About To Come Into Force!") at: <http://langlois.ca/first-regulations-zero-emission-vehicles-act-come-force/>

Discover additional insights by consulting "Québec Becomes First Canadian Jurisdiction To Impose Zero-Emission Vehicle Targets On Manufacturers" by Mark Youden; Gowlings WLG at:

<https://gowlings.com/en/canada/insights-resources/quebec-becomes-first-canadian-jurisdiction-to-impose-zero-emission-vehicle-targets-on-manufacturers>

QUEBEC Province issues 'best practices' guide to managing ELVs

The province recently issued the second 2017 edition of its "Guide de bonnes pratiques pour la gestion des véhicules hors d'usage" - a guide to good practices for the management of end-of-life vehicles (ELVs). The main objective of the document (ISBN : 978-2-550-79277-2 (PDF)) is to provide a tool to adequately manage hazardous materials that are found in ELVs, avoiding contamination of surface and groundwater, soil and air.

Access the guide at:

http://www.mdelcc.gouv.qc.ca/matiere_s/mat_res/vehicules/guide-bonnes-pratiques-VHU.pdf

QUEBEC Act introduces measures to further protect province's wetlands

On August 30, Quebec published Bill 132, An Act respecting the conservation of wetlands and bodies of water.

The Act makes amendments to the province's environmental protection and planning legislation to emphasize that the management of water resources and associated environments "...must be based on an integrated, concerted strategy, particularly in the hydrologic unit of outstanding significance that is the St. Lawrence."

To this end, a water master plan or an integrated management plan must be established and approved by the Minister in consultation with regional and local interests.

To ensure there is no net loss of wetlands, the Minister must develop and implement one or more programs to restore wetlands or bodies of water and create new ones.

To protect wetlands and associated bodies of water, the Minister may refuse to

(Cont'd on next page)

Regulatory alert: - Provincial initiatives - Special focus - Quebec

wetlands...

(cont'd from previous page)

issue an authorization for a project if:

- the project is incompatible with maintaining the natural state of the setting;
- the mitigation measures proposed by the applicant would not reduce the project's impacts on the setting to a minimum;
- the project would have adverse effects on the ecological functions and biodiversity of the setting;
- the project is to be carried out in the habitat of a threatened or vulnerable species governed by the Regulation respecting threatened or vulnerable wildlife species and their habitats; or
- if the applicant fails to provide all the information and documents required for the application to be processed.

As of June 16, 2017 the issue of authorizations under the Environment Quality Act for projects that have adverse effects on wetlands and bodies of water is subject to the payment of a financial contribution calculated in accordance with Schedule I "Method for Calculating a Financial Contribution During the Transitional Period."

Under the Act, the Minister must make public the first program to restore wetlands and bodies of water or create new ones not later than June 16, 2019.

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=13&file=1735A-A.PDF>

QUEBEC Draft regulation setting rules governing the allocation of GHG emission units anticipates first three-party auction in February 2018

Gazette Officielle du Québec, August 31, 2017, Vol. 149, No. 35A

On August 31, 2017, Quebec published a draft regulation to establish rules governing the allocation of emission units for the period 2021-2023.

The proposed regulation harmonizes certain elements of the Quebec legislation with recent amendments to similar legislation in California and Ontario to streamline the administrative burden and prepare for a possible first three-party auction in 2018.

In particular, the amendments seek to:

- enable emitters who are not subject to registration to register for the cap-and-trade system, and specify the rules applicable to them;
- clarify Chapter IV rules concerning the issuance of offset credits and the verification of project reports; and
- specify the rules on offset credit protocols, in particular concerning the calculation methods for greenhouse gas emissions under the baseline scenario for the protocol for the destruction of CH₄ at landfill sites.

Other amendments address the information that must be provided to the Minister in various situations and reduce the 60-day period provided for in section 124 of the Environment Quality Act in order to accommodate a first three-party auction in February 2018.

Comments on the draft regulation should be sent by October 15, 2017, to Jean-Yves Benoit, Director, Direction du marché du carbone, Direction générale de la réglementation carbone et des données d'émission, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 6^e étage, boîte 31, Québec (Québec) G1R 5V7;

email: jean-yves.benoit@mddelcc.gouv.qc.ca.

Further information may be obtained from Diane Gagnon, coordinator, Direction du marché du carbone, Direction générale de la réglementation carbone et des données d'émission, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques; telephone: 418 521-3868, extension 4605;

email: diane.gagnon@mddelcc.gouv.qc.ca

Gazette:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=13&file=1735A-A.PDF>

QUEBEC Draft Order sets out emission caps for 2021-2030 period

Gazette Officielle du Québec, August 31, 2017, Vol. 149, No. 35A

A draft order on the Determination of annual caps on greenhouse gas emission units relating to the cap-and-trade system for greenhouse gas emission allowances for the 2021-2030 period was published in the August 31 edition of the Quebec Gazette.

The caps represent the maximum quantity of greenhouse gas, expressed in CO₂ equivalents, that may be emitted into the atmosphere in order to achieve the government's goal of reducing GHG emissions from the 1990 baselinel level by 37.5% by 2030.

The proposed caps on emission units that may be granted by the Minister of Sustainable Development, the Environment and the Fight Against Climate Change for each year covering the 2021- 2030 period are set at:

— 2021	55.26 million emission units;	— 2022	54.02 million emission units;
— 2023	52.79 million emission units;	— 2024	51.55 million emission units;
— 2025	50.31 million emission units;	— 2026	49.08 million emission units;
— 2027	47.84 million emission units;	— 2028	46.61 million emission units;
— 2029	45.37 million emission units;	— 2030	44.14 million emission units.

Further information may be obtained by contacting Jonathan Beaulieu, Economist, Direction du marché du carbone, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques; telephone: 418 521-3868, extension 7235; email: spede-bcc@mddelcc.gouv.qc.ca; fax: 418 646-4920.

Gazette: <http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=13&file=1735A-A.PDF>

Regulatory alert: - Provincial initiatives - Atlantic Canada

NEW BRUNSWICK Province releases final report on 'fracking'

New Brunswick's Commission on Hydraulic Fracturing has released a Final Report. The Report is divided into the following three volumes:

- Volume I - The findings:

<http://www2.gnb.ca/content/dam/gnb/Departments/en/pdf/Publications/NBCHF-Vol1-Eng-Feb2016.pdf>

- Volume II - potential economic, health & environmental impacts of shale gas development:

<http://www2.gnb.ca/content/dam/gnb/Departments/en/pdf/Publications/NBCHF-Vol2-Eng-Feb2016.pdf>

- Volume III - mitigation options for potential human and environmental impacts:

<http://www2.gnb.ca/content/dam/gnb/Departments/en/pdf/Publications/NBCHF-Vol3-Eng-Feb2016.pdf>

NEWFOUNDLAND AND LABRADOR Reminder: Remaining sections of the Management of Greenhouse Gas Act now in effect

The Newfoundland and Labrador Gazette, July 28, 2017 (O.C. 2017-231) (Filed July 27, 2017)

As reported last month, a Proclamation bringing sections 6, 19, 25, 28 and 30 of Newfoundland and Labrador's Management of Greenhouse Gas Act into force took effect on July 28, 2017.

Under the Act, facilities that emit 15,000 tonnes of CO₂ equivalent or more of greenhouse gases in any year must report their emissions to the provincial government in accordance with the methodology provided for in the Management of Greenhouse Gas Reporting Regulations. The Act is consolidated as of July 1, 2017.

Access Act at: <http://www.assembly.nl.ca/legislation/sr/statutes/m01-001.htm>

NOVA SCOTIA Amendments to Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act regs. update references to standards

Nova Scotia Royal Gazette, Part II, August 18, 2017

- Canada-Nova Scotia Offshore Marine Installations and Structures Occupational Health and Safety Transitional Regulations - amendment (Reg 118/2017) - introduces miscellaneous amendments updating definitions and references to current standards. (See page 654-661 of the Gazette for details).
- Canada-Nova Scotia Offshore Marine Installations and Structures Transitional Regulations - amendment (Reg 119/2017) - introduces miscellaneous amendments to update standards relating to fire-fighting equipment and immersion suits. (See page 662 of the Gazette for details).

Gazette: <https://novascotia.ca/just/regulations/rg2/2017/RG2-2017-08-18.pdf>

NOVA SCOTIA Amendments to Environmental Assessment Regulations and Asbestos Waste Management Regulations prescribe requirements re: batteries and asbestos waste

Nova Scotia Royal Gazette, Part II, August 18, 2017

N.S. Reg. 120/2017 to 121/2017, made Aug. 8, 2017, is aimed at reducing the regulatory burden on facilities that store lead-acid battery waste and asbestos waste by removing the requirement for an environmental assessment as set forth in Schedule "A" attached to and forming part of the report and recommendation; and to clarify the regulatory requirements under the Asbestos Waste Management Regulations for storage of asbestos waste in the manner set forth in Schedule "B". For details see Schedules A and B on page 664 of the Gazette.

Gazette: <https://novascotia.ca/just/regulations/rg2/2017/RG2-2017-08-18.pdf>

NOVA SCOTIA Dates adjusted for Solar Electricity Community Buildings Program

Renewable Electricity Regulations under the Electricity Act were recently amended (July 17, 2017) to replace dates under Subsection 37E(1) for each year of the Solar Electricity for Community Buildings Program through 2019. Details at:

https://www.novascotia.ca/just/regulations/regs/elecnew.htm#TOC2_50

Newsbriefs

CH2M sold to Texas engineering giant

Last month it was announced that CH2M, one of Colorado's largest companies with a significant presence in Canada, has agreed to be purchased by Dallas-based Jacobs Engineering Group Inc. for \$2.85 billion.

"This is a winning combination," CH2M CEO, Jacqueline Hinman, said. "It's not simply about being bigger."

The acquisition, expected to close pending approvals at the end of the year, is all about growth, said Steven Demetriou, Jacobs' chairman and CEO. There is little business overlap, and the combination expands global reach for both firms.

CH2M's expertise in water infrastructure and environment were target growth areas for Jacobs, which primarily focuses on the aerospace, infrastructure, industrial and energy sectors.

"We're a growing company. They're a growing company," said Demetriou, "We both needed more talent."

Jacobs employs 54,000 people around the world; CH2M has approx. 20,000 employees.

3-D-printed water quality sensor can revolutionize water industry, UBC researcher claims

Researchers at UBC's Okanagan campus have reportedly designed a tiny device - built using a 3D printer - that, it claims, can monitor drinking water quality in real time and help protect against waterborne illness. Prof. Mina Hoorfar, Director of the School of Engineering, claims that the miniaturized water quality sensors are cheap to make, can operate continuously and can be deployed anywhere in the water distribution system.

"This highly portable sensor system is capable of constantly measuring several water quality parameters such as turbidity, pH, conductivity, temperature, and residual chlorine, and sending the data to a central system wirelessly," says Hoorfar. "It is a unique and effective technology that can revolutionize the water industry." "

Source/courtesy:

https://www.eurekalert.org/pub_releases/2017-07/uobc-urf071817.php

Standards, codes and guidelines

ONTARIO TSSA opens consulting on proposals resulting from OER Review

*Proposal Number: 17-MGCS015;
Posting Date: August 8, 2017
Comments due: September 26, 2017*

On August 8, 2017, the Public Safety Branch of the Ministry of Government and Consumer Services, in conjunction with the Technical Standards and Safety Authority (TSSA), posted a series of proposals resulting from a review of Ontario's Operating Engineers (OE) regulation (O. Reg. 219/01) under the Technical Standards and Safety Act, 2000 ("Act"). The panel formed two pivotal recommendations:

1. that the OE regulation should be revised to be 'risk-based', meaning that the requirements in the regulation should be informed by evidence of the risks posed by different plant types;
2. that the OE regulation should include two alternate paths to achieve compliance:

- prescriptive regulatory requirements; or
- site-specific risk and safety management plans (RSMP).

Adoption of the latter would require plant owners and chief operating engineers within plants to become proactive safety managers responsible for identifying, assessing and managing plant safety using acceptable standards and practices in risk assessment and management.

Access Registry posting at:

<http://www.ontario.ca/registry/view.do?postingId=24645&language=en>

Access Panel Report at;

<http://www.ontario.ca/registry/showAttachment.do?postingId=24645&attachmentId=34771>

Background: The OE regulation applies to the management, operation and maintenance of registered plants and the training, examination, and certification of operating engineers and operators who oversee the provision of energy, climate control, electric power or other utilities for thermal-electric generating stations, industrial processes and facilities.

INTERNATIONAL CEC aiming to increase industrial energy efficiency through encouraging adoption of ISO 50001 standard in supply chains

The Commission For Environmental Cooperation (CEC) recently announced a joint partnership to improve energy management through adoption of the international energy management ISO 50001 standard in supply chains.

The year, the CEC plans to pilot an ISO 50001 supply chain deployment model in up to 40 supplier facilities across North America. The project builds upon work conducted under the CEC Operational Plan 2015-2016: "Accelerating Adoption of ISO 50001 and Superior Energy Performance (SEP) Program Certifications in North America." CEC website: <http://www.cec.org/>

FEDERAL Updated CGSB-43.146-2016 TDG standard contains significant changes related to Intermediate Bulk Containers

The Canadian General Standards Board (CGSB) recently updated CAN/CGSB-43.146. Since the last revision of this standard 14 years ago, no less than eight editions of the Recommendations on the Transport of Dangerous Goods, Model Regulations (UN Model Regulations) have been published.

CAN/CGSB-43.146 is based on the most up to date edition of the UN Model Regulations (19th edition).

The document summarizes the most significant changes to the standard that are applicable to Intermediate Bulk Container (IBC) manufacturers. It is the responsibility of the IBC manufacturer, IBC leak test and inspection facility or IBC user to read and understand the sections of the standard that are applicable to their respective activities to ensure they are aware of all changes.

Access the document at: <https://www.tc.gc.ca/eng/tdg/moc-ibc-cgsb43146-1308.html>

FEDERAL CSA Z5000: Building Commissioning for Energy Using Systems (New Standard)

Description: The first edition of CSA Z5000 (Building Commissioning for Energy Using Systems) has been developed to assist the building commissioning industry in assessing whether or not a building is performing as expected for energy and water efficiency goals. It applies to new construction of Part 3 Buildings defined by the National Building Code of Canada.

Contact: mike.hopkins@csagroup.org

Review start date: Aug 8, 2017; Review end date: Oct 7, 2017.

Access draft (registration [free] required) at: <http://publicreview.csa.ca/Home/Details/2684>

FEDERAL New guideline deals with maintenance of Electrical Systems

CSA Z463 - Maintenance of Electrical Systems - is a new guideline intended to help close the gap between safe equipment installation addressed by the Canadian Electrical (CE) Code Part I and safe work practices through the implementation of an electrical maintenance plan to complement the CE Code, CSA Z462 and CSA Z460 - Control of Hazardous Energy.

"While Z463 is a general guideline intended for use in industrial and commercial operations of small to medium sized companies, it has relevance for residential condominium buildings, health care facilities, schools, and other facilities. Regardless of the type of facility, Z463 provides a number of benefits to anyone responsible for the reliability and safe operation of electrical power distribution assets."

<http://shop.csa.ca/en/canada/landing-pages/2013-maintenance-of-workplace-electrical-systems/page/z463>

FEDERAL New standard addresses workplace first aid kits

CSA Group recently released the first edition of Z1220-17: First aid kits for the workplace. This standard is part of a series of standards on workplace first aid; provides general requirements for workplace first aid kits; specifies a classification system for the kits; sets minimum requirements for their contents based on their classification; and provides requirements for the selection of kits based on various workplace environments.

<http://shop.csa.ca/en/canada/first-aid-in-the-workplace/z1220-17/invt/27042102017>

Conference and event planning calendar

September 2017

- Sept. 11, 2017; **Cybersecurity for the Waterpower industry**; Thornhill, ON; Ontario Waterpower Association; **website:** <https://events.owa.ca/cyber-security-hydroelectric-industry/>
- Sept. 12-14, 2017; **Cleantech & Renewable Business Innovation**; Toronto, ON; **website:** <https://www.canadianinstitute.com/cleantech-renewable-business-innovation/pricing/>
- Sept. 27, 2017; **Lieutenant Governor's Visionaries Prize - Environmental Stewardship**; Waterloo, ON; The Walrus Foundation; **website:** <https://www.eventbrite.ca/e/lieutenant-governors-visionaries-prize-environmental-stewardship-prix-visionnaire-du-lieutenant-tickets-32586167103?aff=es2>
- Sept. 27, 2017; **Contaminated Sites 2017: Preparing for the Future**; Vancouver, BC; Pacific Business & Law Institute; **website:** <http://www.pbli.com/>
- Sept. 28, 2017; **ECO Impact Awards & Networking Event**; Calgary, AB; **website:** <http://www.eco.ca/award-registration/>

October 2017

- Oct. 3-5, 2017; **CanWEA Annual Conference & Exhibition**; Montreal, QC; Canadian Wind Energy Association; **website:** www.windenergyevent.ca
- Oct. 3-4, 2017; **Core Energy Conference 2017**; Halifax, NS; Maritimes Energy Association; **website:** <https://www.maritimesenergy.com/eventdetails.asp?ID=429>
- Oct. 18-20, 2017; **Safety and Integrity Management of Operations in Harsh Environments**; St. John's, NL; C-RISE Memorial University Centre for Risk, Integrity, and Safety Engineering (C-RISE) in collaboration with Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB); **website:** http://www.mun.ca/engineering/crise/workshops/crise3/CRISE3_Program_August2017.pdf
- Oct 23 -25, 2017; **17th Annual Power of Water Conference**; Niagara-on-the-lake, ON; Ontario Waterpower Association; **website:** <http://www.owa.ca/events/event/the-power-of-water-canada-conference/>

November 2017

- Nov. 2-3, 2017; **Environmental, Energy and Resources Law**; ON, Ottawa; National Environment, Energy and Resources Law Section of Canadian Bar Association & Dept. of Justice. **website:** http://www.cbapd.org/details_en.aspx?id=NA_DOJ17
- Nov. 7, 2017; **ESAA Regulatory and Government Updates Forum**; Environmental Services Association of Alberta (ESAA); Edmonton, AB; **website:** <http://www.esaa.org/events/#id=181&wid=401&cid=153>
- Nov. 8-9, 2017; **Marine Renewables Canada 2017 Annual Conference**; Ottawa, Ontario; Marine Renewables Canada; **website:** <http://www.marinerenewables.ca/marine-renewables-canada-2017-annual-conference/>
- Nov.14, 2017; **IAIA Special Biodiversity Symposium - Mainstreaming the Mitigation Hierarchy in Impact Assessment**; Washington, DC; International Association for Impact Assessment; **website:** <http://conferences.iaia.org/wdc2017/>
- Nov. 22-23, 2017; **CHA Hydropower Forum**; Ottawa, Ontario; Canadian Hydropower Association; **website:** <https://canadahydro.ca/events>

Caution: Templegate Information Services consults sources believed to be reliable in order to compile its conference listings. However, Templegate cannot be held responsible for bogus listings, cancellations, etc. Readers are advised to check on the *bona fides* of any conference organization before they register for any event.

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