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MINISTRY OF THE ENVIRONMENT ANNOUNCES FRAMEWORK FOR MAJOR OVERHAUL OF ONTARIO'S ENVIRONMENTAL APPROVALS

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In March of 2010 Ontario's Ministry of Environment issued a document titled "Modernization of Approvals – Proposed Legislative Framework for Modernizing Environmental Approvals". Posted on the environmental registry, the document outlines a proposal for a major overhaul of Ontario's environmental approvals process – a process which, with only a few changes, has been in place for almost 40 years. The MOE has stated that it expects to begin introducing changes to the approvals system by September 2012.

Background

The current process, involving "certificates of approval" for air and land (issued under the *Environmental Protection Act*) and water (under the *Ontario Water Resources Act*) dates back to the 1970s. One of its major drawbacks is its inflexibility – all activities must go through the same approvals process regardless of uniqueness, complexity or the potential harm the activity may represent. Approvals once issued, tend to stay in place for years unless the approval holder seeks an amendment. One effect is that the same activity conducted by two identical businesses may be controlled by two very different sets of conditions simply because the certificates were obtained years apart or issued by different reviewers.

Inside

The Proposed Modernized Approvals Process

The MOE describes the "most notable" aspects of the proposed process as:

- A new, simplified process for activities that could be characterised as low risk, less complex or have standard requirements;
- Provisions for single-site, multi-media (i.e., air, land and water combined) permits or single, multi-site approvals;
- Service delivery standards and on-line access and tools; and
- Improved public transparency.

A Two Path Approval Process: The Registry and New Certificates of Approval

The proposed approvals system would have two paths. A Registry would be created by the enabling legislation and selected activities would be registered with the MOE, provided they meet specified eligibility requirements. Rules of operation for the facility would be established by regulation. Compliance would be determined by an auditing process conducted by the MOE. The intent appears to be to include many common activities within this process. This will increase uniformity of compliance obligations and should simplify the process for obtaining "routine" approvals.

Activities that would not qualify for the Registry would be subjected to an approvals process, somewhat similar to what is in place today. This would involve detailed technical review by the MOE. The main difference to the current system would be that one approval would be issued to cover all activities on site regardless of whether air, land or water was potentially affected. Similar "system-wide" approvals could be issued to an owner having multiple sites engaged in similar activities.

All activities in the Province would eventually be subject to the new system.

Implications of the Proposed Changes

A key difference from the current system is that unique permitting legislation will be created as opposed to having the approvals process embedded within specific statutes such as the EPA or the OWRA. This should allow for greater legislative and regulatory flexibility and may result in more frequent changes to the permitting system than has been seen under the current system.

While obtaining one permit for an entire site has great apparent benefits at the time of the original application, the system may in fact become more cumbersome and less flexible once the approved activities go into operation. One concern might be that once a "site-wide" or "system-wide" permit is in place, any change to any part of that permit, may trigger a review of the entire permit and all activities it covers. In contrast, under the current system of individual permits, there is virtually no risk that an application to amend a CofA [Certificate of Approval] for a waste water treatment plant will trigger a review of conditions for a certificate of approval issued for say, air emissions under s. 8 of the EPA. The new system may make obtaining amendments to permits more expensive, more time consuming and more fraught with uncertainty than the present system unless explicit provisions are put in place limiting the scope of review to the subject matter of a proposed change.

Recognising some of this problem, the MOE is proposing to allow "operational flexibility" under the new permits similar to what is now granted under comprehensive Certificates of Approval. The challenge will be to create a system that allows enough flexibility to avoid creating a cumbersome amendment system without removing all regulatory scrutiny of material changes in operations.

Activities allowed under the new Registry system would also have to live with a certain element of uncertainty, since any change to the regulation governing registered activities might require all activities "re-register" in order to remain compliant. This could make it very expensive for industry to remain in compliance if there are frequent or unexpected changes to the regulation. Under the current system, the holder of a certificate is in control of when to make changes to their permit. The new registry system will grant an equal control to the regulator and

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allow the regulator greater ability to ensure that the rules do not become out of date.

Current CofA's to Become Obsolete

It is proposed that all activities would have to comply with the new system. The net result is that by the time the new legislation has taken full effect, all current CofA's would become obsolete and every one would have been replaced by a new approval with new conditions of operation either as dictated by the Registry regulation or by the conditions of a new Site or System-Wide CofA. This will allow the MOE an opportunity to look at older (sometimes referred to as "grandfathered") CofA's and bring them into compliance with modern standards. Industry that has counted on so-called "grandfathered" operations will need to begin planning now for the possibility that their current activities may no longer be permissible after as early as September 2012 (the date the MOE wants to begin introducing the new system).

Finally, unlike current approvals, and presumably to avoid the problems caused by the current system of old, unchanged CofA's, the MOE has stated that new CofA's will likely have a "sunset clause" that will require regulatory review after say 10 or 15 years. The MOE is also proposing that the legislation grant it the "explicit" power to revoke approvals based on a history of poor compliance.

Conclusion

Experience with the Record of Site Condition regulatory process has shown that legislative changes in the environmental area can be fraught with controversy. Consultation from this early a stage is laudable. Of course, the most meaningful consultation will still only be possible once the actual legislative and regulatory drafts are available. Ample time will need to be provided for review and comment if there is to be widespread acceptance of such dramatic changes to a system that has been in place for so long.

The challenge, as with any legislation that claims to be more "modern" and "flexible", is that it will need to be seen by business as being responsive to their needs, allowing investments to proceed in a timely and efficient manner and providing the stability and certainty of operation needed to make long term investments in the province. At the same time, the legislation will have to maintain the confidence of interest groups that "modernizing", "flexibility" and "service delivery guarantees" are not euphemisms for doing away with environmental controls, protections and meaningful public consultation.

Public comment on the framework document is invited until April 16, 2010.

CANADIAN DEVELOPMENTS

Federal

Oil Sands Targeted by Coalition

The Commission for Environmental Cooperation ("CEC"), set up under the auspices of the *North American Free Trade Agreement*, has been asked to look into the federal government's alleged failure to enforce the *Fisheries Act*, thereby permitting oil sands-related pollution to contaminate surface and groundwater in Alberta, Saskatchewan, and the Northwest Territories. "The federal government keeps saying it wants better environmental management in the tar sands, yet it is failing to enforce laws already on the books", said Matt Price, Policy Director with Environmental Defence Canada ("EDC"). "If the Harper government is sincere, it will replace its tar sands public relations around the world with enforcement back at home."

In its submission to the CEC, EDC is representing three residents in the alleged affected regions adjacent to, and downstream from, oil sands developments in northern Alberta. It documents cases where "contaminated tailings leakage has reached surface waters in addition to the ongoing massive and increasing leakage from unlined tar sands tailings ponds into the region's groundwater". It states that even though the *Fisheries Act* prohibits the discharge of substances harmful to fish, the federal government has never prosecuted documented infractions, nor has it promulgated regulations that would permit the discharge.

Developers in the oil sands have responded with their own communications efforts, stating that their environmental standards are high and that they are improving performance. Oil sands developers have countered the green groups with their own communications push, one they expanded last week. They say their environmental standards are high and they are making strides in improving performance. Yet, EDC estimates that the tailings ponds leak four billion litres into groundwater per year.

Proposed Federal Waste Water Regulations Released

Proposed Wastewater Systems Effluent Regulations were publicly released on March 19th, including standards for national waste water effluent quality and regulatory clarity for rules on reporting for more than 3,700 Canadian facilities. The regulations are the principal instrument used by Environment Canada to implement the Canadian Council of Ministers of the Environment Canada-Wide Strategy for the Management of Municipal Wastewater, endorsed in 2009.

For more information on the proposed regulations, please see **www.gazette.gc.ca/rp-pr/p1/2010/2010-03-20/html/reg1-eng.html**.

Public Consultation on the Import and Export of Waste and Hazardous Recyclable Materials

Public consultation has commenced on the process of updating Canada's regulatory framework for the transboundary movement of waste and hazardous recyclable materials. According to Environment Minister Jim Prentice, "the consultation process is the first step in streamlining some of Canada's regulations and ensuring that our practices are harmonized with international standards and agreements".

The regulations to be updated include the Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulation, 2005, the Interprovincial Movement of Hazardous Waste Regulations, 2002, and the PCB Waste Export Regulations, 1996. The proposed new regulatory framework seeks to ensure that the export or import for disposal of electronic waste will be managed in an environmentally sound manner, and is expected to improve the enforceability of the regulations while reducing administrative and paperwork burden on stakeholders.

Public consultation on the Discussion Paper, which is available at **www.ec.gc.ca/gdd-mw/default.asp?lang=En&n=C6D17E79-1**, is open until June 14, 2010.

Proposed Amendments to the *Canadian Environmental Assessment Act*

On January 21, 2010, the Supreme Court of Canada released the decision in *MiningWatch Canada v. Canada (Fisheries and Oceans)*. The Court found that federal agencies designated as Responsible Authorities under the *Canadian Environmental Assessment Act* ("CEAA") could not "scope" projects to avoid the application of the Comprehensive Study List Regulations. In attempting to clarify what "scoping powers" were provided for under s. 15 of the CEAA, the Court made it clear that while federal authorities can "scope" projects to include more than the activities included in a proponent's project description, they could not "scope" projects so as to include less, with the minimum scope of the project being that as proposed by the project proponent.

On March 29, 2010, the federal government tabled the Budget Implementation Bill (Bill C-9). Bill C-9 contained language which would, if passed, amend the *Canadian Environmental Assessment Act* so as to provide the Minister of the Environment with the express authority to limit, or otherwise lessen, the scope of a project for which an environmental assessment is required to be conducted to only "one or more components of that project". Section 2155 of Bill C-9 provides that

> 2155. The Act is amended by adding the following after section 15:
>
> 15.1(1) Despite section 15, the Minister may, if the conditions that the Minister establishes are met, determine that the scope of the project in relation to which an environmental assessment is to be conducted is limited to one or more components of that project

The amendments would also allow the Minister to delegate the above "scoping power" to the Responsible Authority in respect of the project – which would appear to be the exact opposite of what the Supreme Court of Canada in *MiningWatch* said a Responsible Authority could do under the current provisions of the CEAA. This new "scoping power", if passed into law, would apply not only to new projects, but also to projects that are already in the environmental process but which have not yet been scheduled for the more detailed "comprehensive study" process.

Other proposed amendments to the CEAA provided for in Bill C-9 include taking control of environmental assessments for large energy projects away from the Canadian Environmental Assessment Agency and giving it to the Canadian Nuclear Safety Commission or the National Energy Board, depending on who is the Responsible Authority for the project, as well as including, as part of CEAA itself, provisions that are currently found under the Exclusions List Regulations that exempt certain projects from CEAA, which are funded by specific federal and other government infrastructure development programs.

For the full text of Bill C-9 please see: **www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=4402776&Language=e&Mode=1**.

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Climate Change Progress Slow

Having tied the federal government's climate change agenda to Washington's, Environment Minister Jim Prentice has indicated that it could be at least 2013 before either jurisdiction is able to effectively address emissions of greenhouse gases ("GHGs"). "At this point … it's unlikely that the U.S. Senate will introduce or pass cap-and-trade legislation in this year, possibly, even unlikely, next year", he told the Standing Senate Committee on Energy, the Environment and Natural Resources. "We have said that if the United States is prepared to go down the road of a cap-and-trade system, we are as well. We've done the analytics; we're set to go." It was axiomatic, he added, that if the United States does not legislate a cap-and-trade policy on carbon emissions, neither would Canada. "The overall objective … is to achieve high environmental standards, reduce our greenhouse gasses, but to do it in a balanced way that doesn't damage our competitiveness, particularly *vis-à-vis* the United States."

Ottawa and Washington recently confirmed they are co-operating on more stringent automotive emission standards, which the two governments say will yield 40% fuel-efficiency improvements by 2016 while also

boosting vehicle prices. The U.S. Environmental Protection Agency ("EPA") signalled the new standards last fall, essentially taking its cue from the state of California. Each manufacturer's combined fleet of cards and trucks would average 35.5 miles per U.S. gallon by 2016, the equivalent of six litres of gas per 100 kilometres.

More recently, Natural Resources Minister Christian Paradis, after talks with U.S. Energy Secretary Steven Chu, signed a *Declaration of Intent for Cooperation in Energy Science and Technology*. A formal structure for collaboration, initially on research and development in bioenergy and carbon capture and storage, it is part of a Clean Energy Dialogue Action Plan announced by Prime Minister Harper and President Obama last September. A priority interest is development of new coal gasification technology to reduce emissions from coal production.

British Columbia

Canada–B.C. Climate Change Agreement

Environment Minister Jim Prentice and British Columbia Minister of State for Climate Action John Yap signed an Agreement in Principle on April 6th on efforts to address climate change. The signing of the Agreement in Principle is the first step towards a formal Equivalency Agreement under the *Canadian Environmental Protection Act, 1999*, which will avoid the duplication of regulatory measures and ensure that the environmental needs of British Columbia are met.

"We are building a strong template for acting on climate change here in B.C. and it is great to have the ongoing support of the federal government as we move forward. Climate change is the challenge of our generation and we need strong partnerships like this one to devise solutions that help us meet our legislative commitments while creating new economic opportunities for British Columbians", said Minister Yap.

Saskatchewan

Funding for Wind Power Project

Saskatchewan and the Cowessess First Nation are providing, in respect of a multi-year agreement with the Saskatchewan Research Council, to develop and demonstrate new wind energy storage technology. The project is expected to harness wind energy at heights in the range of 70 to 90 metres above ground, and may significantly increase the province's capacity to use wind resources.

The project will take place on land owned by the Cowessess First Nation. "By working with the Cowessess First Nation and other partners to design, install and monitor a wind turbine and energy storage system, we will be helping a Saskatchewan community meet a current energy need while modeling a future wind energy solution", said Saskatchewan Research Council CEO Dr. Laurier Schramm. Added Cowessess First Nation Council Member Grady Lerat, "This initiative can resolve the variability of the wind resource in an efficient and cost-effective manner. Once proven, this development can be replicated in future wind farms".

Ontario

Modernization of Environmental Approvals

Ontario's Ministry of the Environment has proposed a new model to apply for and obtain environmental approvals. The new model, to be introduced over the next two years, would focus resources on activities posing the greatest risk to humans and the environment. Anticipated changes, which would adopt a risk-based approach, include:

- improving and simplifying the application process;
- enhancing transparency through the introduction of a new public environmental registration;
- focusing on businesses/facilities with poor compliance history; and
- improving standards of environmental protection and compliance.

It is expected that changes to the environmental approvals system will begin to be introduced from September 2012.

Nova Scotia

Voluntary Carbon Offset Fund Proposed

The Province of Nova Scotia introduced a Bill on April 22nd, entitled *An Act to Establish the Nova Scotia Voluntary Carbon Emissions Offset Fund*, to support projects that reduce GHG emissions. Under the proposed Act, organizations will be able to develop and register Nova Scotia-based projects that will deliver emission credits to the fund that will then be offered for sale. The fund is expected to be in operation by spring 2011, and regulations will be forthcoming.

NORTH AMERICAN AND WORLD UPDATES

U.S. EPA Outlines Greenhouse Gas Regulation Plans

On February 22, 2010, the Administrator of the U.S. Environmental Protection Agency ("EPA"), Lisa Jackson, issued a letter to U.S. Senators detailing the agency's cur-

rent plans for implementing new GHG requirements for stationary sources. The requirements flow from the U.S. Supreme Court's 2007 decision in *Massachusetts v. EPA* that the term "air pollutant" in the U.S. *Clean Air Act* ("CAA") includes GHGs. EPA was obligated to determine whether GHGs endanger public health or welfare.

On December 7, 2009, EPA issued a ruling concluding that GHGs threaten public health and welfare, and that GHG emissions from on-road vehicles contribute to that threat. According to Jackson, those findings required EPA to issue GHG emission standards for motor vehicles. In March 2010, EPA will issue GHG emission standards for Model Years 2012–2016 light-duty motor vehicles. Implementation of the light-duty vehicle standards will make GHGs subject to regulation under the CAA for the first time. And that has significant consequences for stationary sources.

Jackson explains: "Under the [CAA's] text, air pollutants that are subject to regulation . . . are subject to the [CAA's] 'prevention of significant deterioration' and operating-permit provisions for stationary sources. Mindful of that legal consequence . . . EPA has been working to complete two rulemakings."

Jackson's letter goes on to say that the first action will conclude EPA's reconsideration of a memorandum issued by former EPA Administrator Stephen Johnson in December 2008. Johnson's memorandum found that pollutants were not "subject to regulation" under the CAA if EPA regulations require only monitoring and reporting. Instead, only pollutants subject" to a CAA provision or regulation that requires actual control of emissions of that pollutant would be considered regulated pollutants.

At the time of Johnson's memorandum, that left GHGs off the table, but EPA's proposed light-duty vehicle standards would change things. EPA has decided that GHGs will become regulated when the new light-duty vehicle standards take effect in January 2011. As a result, no facility will be required to address GHG emissions in CAA permitting of new construction or modifications before 2011.

The second action is what is referred to as the "tailoring rule". That rule addresses when and how stationary sources will need to include GHG emissions in permit applications. For the first half of 2011, only facilities that already must apply for CAA permits as a result of their non-GHG emissions will need to address GHG emissions in their permit applications. EPA is also considering a modification to the rule announced in September 2009 requiring large facilities emitting more than 25,000 tons of GHGs per year to obtain permits demonstrating they are using the best practices and technologies to minimize GHG emissions. EPA is considering raising that threshold substantially to reflect input provided during the public comment process.

Finally, EPA does not intend to subject smaller facilities to CAA permitting for GHG emissions any sooner than 2016.

For more information, see **http://epa.gov/oar/pdfs/LPJ_letter.pdf**.

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Major Economies Discuss Climate Talks

Countries belonging to the Major Economies Forum on Energy and Climate ("MEF") appear to have had a constructive meeting in Washington on April 19th.

The MEF, which was set up by President Obama in 2009, provides a forum for major greenhouse gas emitting countries to discuss climate and energy issues in an informal setting. Tuesday's meeting was the first time the MEF had met following the Copenhagen climate conference.

A summary released by the U.S. State Department showed that MEF countries tackled many of the controversial issues that undermined progress in Copenhagen.

Topics covered included the role of the MEF in supporting the UN process, the status of the Copenhagen Accord, the "legal form" of a future global climate deal, realistic goals for the next UN climate summit in December, and "fast-start" financing.

While the note stresses the positive aspects and tone of the meeting, it is clear that important differences between developed and developing countries remain. Continuing work to build consensus on key issues will be essential.

In the meantime, the fact that the U.S., China, India, the E.U., and other major emitters have re-engaged in free and frank debate on core negotiating topics is encouraging. Such open discussions are virtually impossible in the formal and often politicised UN process. This underlines the importance of parallel initiatives to securing a global climate deal.

The MEF's legitimacy and ability to influence the wider negotiations will, however, depend on the transparency of its work, a key issue for the majority of countries that are not members of the forum.

Source: The Climate Group, April 20, 2010. This article is reproduced with permission. Please see The Climate Group's Web site at **www.theclimategroup.org.**

BUSINESS ENVIRONMENT

Clean Energy Technology Touted

Even as it is being pressed by a federal agency to invest significantly more in clean energy technologies, Canada has a comparatively good track record when compared

with the other G20 countries. The call for more investment has been issued by Sustainable Development Technology Canada ("SDTC") in a new report, the release of which coincided with publication of the G20 assessment by the Washington-based Pew Charitable Trusts.

The SDTC report, *Cleantech Growth & Go-to-Market Report*, found that the clean energy sector grew at an annual rate of 47% in 2008-2009 and projected that that growth rate would nearly triple in 2010–2012. "Cleantech companies have the opportunity to sell", said STDC President Vicky Sharpe. "However, they are undercapitalized relative to peers from other jurisdictions. A better investment environment to drive commercialization and growth is needed to seize Canada's cleantech opportunity." Investment often is based on a company's success and Dr. Sharpe said the industry's challenge is compounded by indications that "Canadians don't seem to want to buy from their own companies".

Prepared by an Ottawa-based consultancy, the Russell-Mitchell Group ("RMG"), the report says that the sector stands to prosper, especially in the areas of energy, water, and GHG management. "There is an active and growing base of emerging companies", it says. "Some companies ... have attracted global attention and investment." Of more than 400 companies identified, some 75% already had commercialized products and services. Also, the industry had demonstrated "remarkable resilience" through the recent recession with most elements posting continued growth.

As for the Pew report, Phyllis Cuttino, who directs the Pew Environment Group's Global Warming Campaign, commented that the clean energy economy "represents one of the greatest economic opportunities of the 21st century and Canada is among the leaders". She said its $3.3 billion investment last year represented an 80% increase from 2008, which was a "clear sign that Canada is dedicated to seizing the opportunity the clean energy market presents" and put Canada in eighth place within the G20.

China topped the list with investments equivalent to $34.6 billion or more than 21% of the G20 total, while the United States was second at $18.6 billion. "The clean energy sector declined only 6.6% in 2009 despite the worst financial downturn in over half a century", the report notes. "In 2009, $162 billion was invested in clean energy around the world. ... In an encouraging sign for the future, many governments prioritized clean energy within economic recovery funding, the bulk of which will reach innovators, businesses and installers in 2010 and 2011. Clean energy investments are forecast to grow by 25% to $200 billion in 2010."

It also pointed out that G20 states with strong national policies aimed at curbing global warming and encouraging renewable energy – China, Brazil, the United Kingdom, Germany and Spain – had evolved as strong presences in a competitive global market. "Nations seeking to compete effectively for clean energy jobs and manufacturing would do well to evaluate the array of policy mechanisms that can be employed to stimulate clean energy investment." Each national profile in the report incorporates a policy checklist that includes carbon capture, carbon market, renewable energy standard, clean energy tax incentives, automobile efficiency standards, feed-in tariffs, government procurement, and green bonds. Canada's two check marks, for clean energy tax incentives and efficiency standards, outranks only South Africa's single check mark.

ICC Launches Framework for Responsible Environmental Marketing

At a January 2010 seminar for marketing professionals and "self-regulation experts", the International Chamber of Commerce ("ICC") unveiled a new tool to help businesses communicate environmental claims in a clear and effective manner. The ICC's *Framework for Responsible Environmental Marketing Communications* ("Framework") offers a more detailed interpretation of the ICC Code of Advertising and Marketing Communication Practice ("Code"), particularly regarding Chapter E, governing environmental marketing claims. Sources used in the initial development of Chapter E of the Code included the International Organization for Standardization (ISO) 14021 standard, the U.S. Federal Trade Commission Guides for the Use of Environmental Marketing Claims, and other guidelines on environmental marketing claims.

"The new framework helps marketers and their agencies ensure the messages they develop hold up to the basic principles of truthful, honest and socially responsible communications", said John Manfredi, Chair of the ICC Commission on Marketing and Advertising. "While the principles are simple, applying them amid the hype and fury of new claims and terms that are not universally understood, is more complicated. This guide is an attempt to map that process for companies and provide a standard for self-regulators to evaluate when claims are questioned."

Indeed, although the principles of the Framework are straightforward, their implementation may offer more of a challenge. Seminar moderator Sheila Millar, of Keller and Heckman, noted, "Even a widely recognized symbol like the mobius loop, the three arrows that follow each other in a triangle, does not necessarily communicate something universally understood by consumers. When a consumer sees this loop, what do they infer about the product? That it has been recycled? Is recyclable? Or both?"

To guide the development of effective marketing communications, the Framework's Appendix 1 offers a question-and-answer style checklist to help advertisers identify their environmental claims and direct them toward clarifying communications and focusing on consumer understanding. Appendix 2 provides a summary of the principles of the Code and Chapter E, and supplements them with additional commentary and guidance to help marketers apply the principles to environmental advertising.

The Framework is available for free download via the ICC Web site, **www.iccwbo.org/iccdefih/index.html**.

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Significant LG Investment in Eco Business

South Korean-based LG Group has announced that it will invest 20 trillion won (US$17.90 billion) up to 2020 to develop and expand energy-efficient products and renewable energy businesses, and to reduce GHG emissions by 40% against 2009 levels. It is expected that the investment will help to cut 50 million metric tonnes of GHG emissions per year by 2020.

In a similar move, Samsung Electronics has stated that it will invest 5.4 trillion won towards green research and development.

ENFORCEMENT

Federal

Illegal Export of Hazardous Waste

Toronto-based CC Ever Better International Co. Ltd. plead guilty in the Ontario Court of Justice to one count of exporting hazardous waste or hazardous recyclable material without a permit, in violation of the *Canadian Environmental Protection Act, 1999*, and was fined $15,000.

The fine resulted from an environmental enforcement investigation by Environment Canada following the discovery of 39 skids of miscellaneous plastic and electronic scrap in a Port of Vancouver shipment destined for Hong Kong. Of the material discovered, there were approximately 30 skids of broken and non-working computer monitors containing cathode-ray tubes.

British Columbia

Q4 2009 B.C. Compliance Summary Released

The Province of British Columbia has released its fourth Quarterly Compliance and Enforcement Summary for 2009, reporting on compliance and enforcement actions taken between October 1 and December 31, 2009. Compliance actions resulted in a combined total of over $280,000 in fines. Significant B.C. convictions and orders in 2009 (not limited to Q4) included:

- Canadian National Railway Company receiving a $400,000 penalty after pleading guilty to one count under the *Fisheries Act* in relation to a derailing into the Cheakamus River in August 2005, causing a release of 45,000 litres of sodium hydroxide into the river and killing almost half a million fish;
- West Fraser Mills receiving a $130,000 penalty following a spill at the Eurocan mill on June 21, 2007, resulting in the desposit of a deleterious substance to water frequented by fish; and
- Teck's almost $115,000 fine following the introduction of waste into the environment for a chemical spill that took place on May 28, 2008 in Trail.

For more information, please see **www.env.gov.bc.ca/main/prgs/compliancereport.html**.

Ontario

Discharge of Black Particulate

U.S. Steel Canada Inc. was fined $150,000 (plus a victim fine surcharge) on March 2, 2010, for the discharge of black particulate – a contaminant – into the natural environment.

The fine follows reports of the significant discharge to the air of black blast furnace material on July 11, 2008, resulting in the black particulate falling over Hamilton's harbour neighbourhoods and two marinas. Similar discharges had occurred on three subsequent occasions in 2008.

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