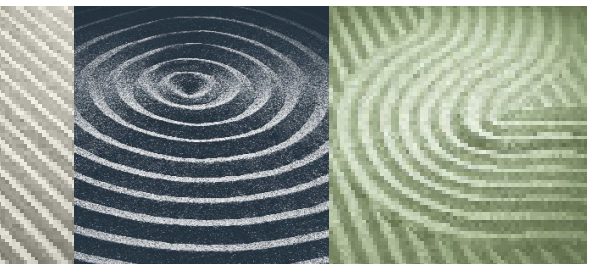

MILLER THOMSON LLP

Barristers & Solicitors, Patent & Trade-Mark Agents

ENVIRONOTES!

October 2005

Environmental Solutions for Business

This issue of EnviroNotes! introduces a new format to Miller Thomson's environmental law newsletter. EnviroNotes! will now open with brief updates in the areas of news, legislation and court decisions. EnviroNotes! will follow with in-depth articles, to which you are already accustomed, on a variety of topics from across Canada. Please contact us at bmcmeekin@millerthomson.com to comment on our new format.

IN BRIEF:

NEWS

Canada

On September 3, 2005, Environment Canada proposed an Order to add a number of greenhouse gases to Schedule 1 of the *Canadian Environmental Protection Act, 1999*: carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF_6). Please see: http://canadagazette.gc.ca/partI/ 2005/20050903/html/regle4-e.html

On August 19, 2005, Minister Dion announced that the environmental assessment of the Cacouna Energy project will be subject to a public review panel. The project proponents, TransCanada PipeLines Limited and Petro-Canada, propose to build and operate a liquefied natural gas terminal at Gros-Cacouna harbour. Please see: http://www.ceaa-acee.gc.ca/050/Viewer_e.cfm?SrchPg=1&CEAR_ID=13830

On August 17, 2005, Environment Canada released figures that demonstrate that there has been a decline in the amount of hazardous wastes imported into and exported from Canada. Please see: http://www.ec.gc.ca/press/2005/050817_n_e.htm

On August 15, 2005, Environment Canada announced that investigations are being conducted under section 5.1 of the *Migratory Birds Convention Act, 1994* and subsection 36(3) of the *Fisheries Act*, as a result of the CN train derailment that occurred on August 3, 2005 at Wabamun Lake, Alberta.
Please see: http://www.ec.gc.ca/press/2005/ 050815_n_e.htm

On August 11, 2005, the Government of Canada issued a consultation paper setting out proposed rules for a domestic offset credit system in an effort to honour Canada's Kyoto commitment. Following consultations with provinces, territories, industry and Aboriginal groups, the system will begin operating early in 2006. Please see: http://www.ec.gc.ca/press/ 2005/050811_n_e.htm

On August 2, 2005, Minister Dion announced that the Government of Canada is investing $138.7 million in measures to help remediate 97 priority contaminated sites under federal responsibility across Canada. The funding is part of the Budget 2004 long-term commitment of $3.5 billion to remediate contaminated sites under federal responsibility. Please see: http://www.ec.gc.ca/press/2005/050802_n_e.ht

On July 15, 2005, the Government of Canada published the Notice of Intent to Regulate Greenhouse Gas Emissions by Large Final Emitters (LFEs). The Notice outlines how targets would be set, the mechanisms through which LFEs could meet their targets and the preferred regulatory option for implementing the system under CEPA, 1999. Please see: http://www.ec.gc.ca/press/2005/050716_n_e.htm

Inside

British Columbia

On August 25, 2005, the Ministry of the Environment announced that the proposed Red Chris Copper-Gold Mine project received environmental approval following a comprehensive review by the provincial Environmental Assessment Office.
Please see: http://www2.news.gov.bc.ca/news_releases_2005-2009/2005ENV0071-000759.htm

Alberta

On August 14, 2005, the Alberta Environment Minister announced the formation of an Environmental Protection Commission to review and make recommendation on Alberta's ability to respond to environmental incidents.
Please see: http://www.gov.ab.ca/acn/200508/18578CCE0216D-94A0-4EBE-8D77C4F6320FFEA3.html.

On August 3, 2005, a CN train derailed in central Alberta causing a significant fuel spill. On August 5, 2005, the Government of Alberta issued an Environmental Protection Order, demanding that CN immediately take all necessary steps to clean up the Lake Wabamun fuel spill and report progress to Alberta Environment and the public.
Please see: http://www.gov.ab.ca/acn/200508/18540E4B067AE-0FA1-4D11-8F7B82BC27A5A660.html

On July 22, 2005, the Ministers of the Environment for Canada and Alberta announced the signing of the renewed Canada-Alberta Agreement on Environmental Assessment Cooperation.
Please see: http://www.gov.ab.ca/acn/200507/18477F9E9EC83-455E-4B94-9CD0AE7345F6494C.html

Ontario

On August 22, 2005, the Ministry posted a "Draft Commitment Statement on Environmental Sustainability in Canada" an initiative of the Canadian Council of Ministers of the Environment (CCME).
Please see: http://www.ene.gov.on.ca/envregistry/026024ep.htm.

Québec

On September 8, 2005, the Minister of Sustainable Development, Environment and Parks announced the creation of the Programme de conservation du patrimoine naturel en milieu privé (a program of environmental heritage conservation on private lands). This $9-million program is a three-year plan to support, on a shared-costs basis, the conservation initiatives undertaken by the private sector to develop a protected areas network on private lands. It is part of the Quebec Government's Protected Area Strategy.
Please see: http://www.mddep.gouv.qc.ca/Infuseur/communique.asp?no=876.

LEGISLATION

Canada

The revised New Substances Notification Regulations (NSNR) will come into force on October 31, 2005. The revised NSNR aim to ensure that no new substance is introduced into the Canadian marketplace before an assessment of its potential effects on the environment and human health has been completed.
Please see: http://www.ec.gc.ca/ substances/nsb/html/a200502_e.htm

On July 20, 2005, the Ministers of the Environment and Fisheries and Oceans announced the addition of 39 species to Schedule 1, the list of species protected under the *Species at Risk Act*.
Please see: http://www.ec.gc.ca/press/2005/050720_n_e.htm

On June 1, 2005, the *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations* were published in the *Canada Gazette, Part II*. These regulations will replace the current *Export and Import of Hazardous Waste Regulations* and will come into force on November 1, 2005.
Please see: http://www.ec.gc.ca/CEPARegistry/regulations/detailReg.cfm?intReg=84.

Ontario

On August 19, 2005, the Ministry announced that it would draft a new regulation under the S*afe Drinking Water Act, 2002* to regulate non-residential and privately-owned seasonal residential systems.
Please see: http://www. ene.gov.on.ca/envregistry/025176er.htm

On August 30, 2005, the Ministry announced that it would introduce a new comprehensive air pollution regulation to revoke and replace the 30-year old Regulation 346. The regulation will introduce, update or reaffirm air quality standards for harmful toxics and replace Ontario's outdated air dispersion models with a suite of U.S. EPA models. The new regulation will take effect November 30, 2005.
Please see: http://www.ene.gov.on.ca/envregistry/025321er.htm. In addition, the Ministry announced that it would adopt three companion documents:

- Procedure For Preparing An Emission Summary And Dispersion Modelling (ESDM) Report.
  Please see: http://www.ene.gov.on.ca/envregistry/024879ep.htm
- Guideline for the Implementation of Air Standards in Ontario.
  Please see: http://www.ene.gov.on.ca/envregistry/ 022875ep.htm
- Air Dispersion Modelling Guideline for Ontario.
  Please see: http://www.ene.gov.on.ca/envregistry/022874ep.htm

On July 15, 2005, the Land Disposal Restrictions ("LDR") Regulation became law in Ontario. The LDR Regulation requires that hazardous waste meet the same pre-treatment standards before land disposal as those imposed by the U.S. EPA. The LDR Regulation will come into effect in phases.
Please see: http://www.ene.gov.on.ca/envision/ news/2005/081001.pdf

Québec

On August 17, 2005, as part of the Quebec Government's Action Plan of 2004-2007 on biological diversity, the Minister of Sustainable Development, Environment and Parks announced the adoption by the Conseil des ministres, of a regulation covering the designation of 25 threatened or vulnerable species and of 30 plant habitats under the Act respecting threatened or vulnerable species.
Please see: http://www.mddep.gouv.qc.ca/Infuseur/communique.asp?no=842

COURT DECISIONS

Canada

On July 27, 2005, the first jail sentence was made under the *Canadian Environmental Protection Act, 1999*. Mr. Jeffrey Dressler, employed by Battery Broker Environmental Services Inc., received a sentence of 30 days on each of two counts under the *Export and Import of Hazardous Waste Regulations* to be served concurrently.
Please see: http://www.ec.gc.ca/press/2005/050727_n_e.htm

On July 19, 2005, the Federal Court of Appeal confirmed that the Minister of the Environment improperly referred the respondent's construction project for an environmental assessment because at the time the referral decision was made the facility was no longer a project within the meaning of the *Canadian Environmental Assessment Act*. *Bennett Environmental Inc*. v. *Canada (Minister of the Environment)*, [2005] F.C.J. No. 1225.

Ontario

On July 20, 2005, the Superior Court of Justice decided that after it was established that a leak in pipes leading from underground storage tanks to gas pumps was responsible for gasoline contamination in the surrounding soil, the former lessee of the property was ordered to partially reimburse the owner for environmental clean up costs. *Eastgate Developments Ltd*. v. *First Pioneer Investments Ltd.*, [2005] O.J. No. 3109.

Québec

On June 17, 2005, the Quebec Superior Court granted the Innu of Betsiamites First Nation injunctory relief (a safeguard order) against Kruger to cease any lumber clearing in Ile Levasseur since the provincial government had not consulted or tried to accommodate the First Nation before granting such rights to Kruger in 1997 despite knowledge of the First Nation's land claim. *Première nation de Betsiamites* c. *Canada (Procureur général)*, [2005] J.Q. no. 8173.

IN DEPTH:

FEDERAL ENVIRONMENTAL ASSESSMENT OF TRANSBOUNDARY EFFECTS: WHEN DOES THE WINDOW CLOSE?

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On July 19, 2005, the Federal Court of Appeal upheld the Trial Division's quashing of the decision of the Minister of the Environment to refer a 95% completed facility to an environmental assessment. The soil decontamination facility, constructed and owned by Bennett Environmental Inc., in Belledune, New Brunswick, had been through a full New Brunswick environmental assessment and was awaiting only its final provincial approval to begin operations. No federal approvals were required. Under sections 46 and 48 of the *Canadian Environmental Assessment Act*, the Minister had argued that because all operating approvals were not yet final, he could assess its operation, if not its construction. The Court agreed with Bennett that such a distinction between operation and construction was invalid where the facility was constructed, with Provincial approval, to operate in a certain way, and therefore, that it was no longer a "proposed project" in the statutory sense. Thus, the Minister's authority over both the proposed construction and the proposed operation of the facility had expired by the time the Minister made the referral to a review panel.

Bennett was represented by Miller Thomson LLP with a team that included Andrew Roman, John Tidball, and Erin Tully. The Minister of the Environment and the Canadian Environmental Assessment Agency were represented by Brian Evernden of the Department of Justice. Eric Gillespie of Cunningham & Gillespie LLP represented a coalition of environmental and aboriginal interveners.

CONTAMINATED SITES: THE ULTIMATE LIMITATION PERIOD - HOW LONG DO YOU HAVE TO BRING A CLAIM?

WORKSHOP HOLDINGS LTD. V. CAE MACHINERY LTD.

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The British Columbia Supreme Court recently decided that the 30-year ultimate statutory limitation[1] period for bringing an action against polluters for land contamination runs from the date that the legislative scheme for bringing such an action was created, not from the date that the pollution occurred. In British Columbia, this date is 1993 when the former *Waste Management Act* created a new civil cause of action requiring polluters to pay and encouraging owners to remediate.

In this case, Workshop developed an old industrial site, which CAE had previously operated as a brass foundry from 1924 to 1929. Workshop found the site to be contaminated by copper and zinc, which are the components of brass. Workshop remediated the contamination and then brought an action against CAE for the recovery of the remediation costs.

CAE contended that the limitation period for bringing an action had expired in approximately 1979 pursuant to the statutory 30-year ultimate limitation rule. The court disagreed on the basis that CAE could not articulate the precise cause of action that might have arisen during the 30 years in question. The court found that the cause of action did not arise until 1993 when the current legislative scheme first created liability for polluters of contaminated sites pursuant to s. 27 of the *Waste Management Act* (now s. 47 of the *Environmental Management Act*). In short, the court found that Workshop's action was a new civil cause of action and did not exist prior to inception of the legislative scheme.

[1]This is the ultimate limitation as opposed to the limitation of 2 years which is the time period for bringing claims for cost recovery under the *Environmental Management Act*.

In its conclusion, the court specifically noted that this case does not decide whether the ultimate limitation period may apply in other actions brought pursuant to the Act. However, as land previously used for industrial or commercial activity continues to be developed, this court decision may promote legal actions against previous owners believed to be responsible for the contamination, and may revive potential claims that were previously believed to be barred by the limitation rules.

This Court also clarified:

(a) That actions commenced pursuant to the *Waste Management Act* continue to proceed under the Act's successor, the *Environmental Management Act*;

(b) The innocent purchaser exemption - knowledge that a site was previously used for an industrial or commercial activity does not *prima facie* establish that a person had knowledge or reason to know or suspect that the site was a contaminated site; knowledge or reason to know or suspect is determined on a case-by-case basis. In this case, Mr. Klokstad, who acquired the site in 1960 was found not to be responsible because there was no evidence to suggest that the contamination would have been obvious to a purchaser in 1960. Knowing that the site had previously been used as a foundry did not itself establish that the site was contaminated;

(c) That an owner may choose to remediate independently and seek reimbursement of such costs from the polluter through a court action, rather than go through the Ministry administrative process of seeking a determination that there is a "contaminated site" and seeking a remediation order;

(d) A polluter will not be responsible for the costs relating to contaminants caused by others, nor for costs that would otherwise have been incurred for site re-development; and

(e) It was reasonable for the developer to obtain an approval in principle (of the remediation plan) rather than simply independently remediating, and this additional cost was recoverable from the polluter.

ONTARIO'S WASTE MANAGEMENT REGULATION AMENDED

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Regulation 347 has been amended by the Ontario Ministry of the Environment in a number of areas, most significantly, to put into place a land disposal restriction program. Under the Regulation, hazardous wastes destined for land disposal will be required to meet the same standards as those imposed by the U.S. Environmental Protection Agency, therefore, reducing the likelihood that hazardous wastes will continue to be imported into Ontario.

The Regulation will affect generators, carriers, treaters and disposers of hazardous wastes. The following industries, which account for 75 per cent of the hazardous waste being land disposed in Ontario, will be primarily affected: primary metals, petroleum refining, transportation equipment, fabricated metal products and chemical and chemical products.

The Regulation pertains to hazardous wastes that are either *listed hazardous wastes* or *characteristic hazardous wastes*. *Listed hazardous wastes* are specific wastes that are listed in a series of Schedules in the Regulation. *Characteristic hazardous wastes* are hazardous because they are ignitable, corrosive, reactive and leachate toxic. The Regulation includes a number of tests to identify *characteristic hazardous wastes*.

The Regulation requires that hazardous wastes undergo treatment to physically or chemically change the waste and meet specific standards to reduce the toxicity of the waste or to reduce the mobility of the contaminants in the waste. This provides an additional level of protection above that provided by a disposal facility's design.

In an effort to give industry sufficient time to adapt to the land disposal restriction program, this portion of the Regulation is being phased in as follows:

- Listed and characteristic inorganic wastes will take effect on August 31, 2007;
- Listed and characteristic organic and mixed wastes will take effect on December 31, 2009; and
- Listed and characteristic wastes treated to specified standard and removal of all underlying hazardous constituents will take effect on December 31, 2009.

DUTY TO CONSULT AND ACCOMMODATE ABORIGINAL PEOPLES BEFORE THEIR ABORIGINAL RIGHTS ARE DETERMINED

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Can a company rely on an authorization or permit issued by a government authority conferring the right to undertake an economic activity on a given territory when an Aboriginal nation has asserted Aboriginal rights or a title to that territory? Do the government authority and the company have obligations toward that Aboriginal nation before the permits or authorizations are granted when the rights asserted have not been recognized by the government authority or the courts? If these obligations have not been met, can the Court use an injunction to prevent the economic activity from being undertaken or pursued?

These questions were considered in a recent judgment that received a lot of attention in the Québec media: the Superior Court of Québec decision in *Betsiamites First Nation* vs. T*he Attorney General of Canada, Kruger Inc.*, *The Attorney General of Québec et al*.[2]

In 1997, the Québec Minister of Natural Resources, Wildlife and Parks issued timber supply and forest management agreements ("TSFMAs") to Kruger Inc. for a territory claimed by the Betsiamites First Nation, an Aboriginal nation and a band pursuant to the *Indian Act*. The territory concerned by these contracts covers 14,953 km^2. In 1998, Kruger began to log this territory and in 2004, it began tree harvesting and forest management projects on René Levasseur Island, a 2,040 km^2 island within this territory.

In October 2004, the Betsiamites filed an injunction with declaratory conclusions before the Superior Court of Québec in order to gain recognition for their Aboriginal rights and title to the Nitassinan, a territory that includes the one that is the subject of the TSFMA issued to Kruger Inc. in 1997. In January 2005, before the Court had heard the motion for the injunction from the Betsiamites, they petitioned the Superior Court to issue a safeguard order in order to stop forest harvesting and all related secondary projects on René Levasseur Island. The Betsiamites claimed that the Minister should have consulted them before issuing the TSFMA to Kruger Inc. and should have accommodated them at that time.

This claim is mainly supported by two judgments delivered in November 2004 by the Supreme Court of Canada, *Haida Nation* vs. *British Columbia (Minister of Forests)*[3] and *Taku River Tlingit First Nation* vs. *British Columbia (Project Assessment Director)*.[4]

In those judgments, the Supreme Court held that when an Aboriginal nation has a potential Aboriginal right or title and the Crown is contemplating a measure that may adversely affect their right or title, the Crown has a duty to consult the Aboriginal nation. The duty to consult can, in turn, lead to a duty to accommodate Aboriginal concerns. The duties to consult and accommodate are based on the principle of the Crown's honour. This principle is the result of the fact that the Crown proclaimed its sovereignty over a territory that was previously occupied by Aboriginal peoples. According to the Court, the scope of the duty to consult and accommodate is proportionate to: 1) the preliminary assessment of the strength of the case supporting the existence of the right or title claimed by the Aboriginal nation, and 2) the seriousness of the adverse effects of the measure considered by the Crown (e.g.: permit or government authorization).

In the *Taku River Tlingit First Nation* decision, the Supreme Court declared that the Crown had fulfilled its duty to consult and accommodate the Taku River Tlingit First Nation during the process of public consultation held under British Columbia's environmental assessment legislation. This was a project to reopen an old mine. As part of the consultation process, the First Nation had appointed representatives to the project review committee, requested and obtained from the project proponent information about the impact of the proposed project on the rights asserted by the First Nation and expressed its concerns. The report of the review committee recommended mitigation measures that took into account the concerns of the First Nation, and a certificate of approval for the proposal was issued that integrated these mitigation measures as conditions for executing the project.

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2 C.S.M. 500 17 022878 048 [2005] I.I.J. C.A.N. 21668 [QC] C.S. (2005 06 17).

3 2004 C.S.C. 73.

4 2004 C.S.C. 74.

In the *Haida Nation* decision, however, the Supreme Court declared that the government of British Columbia did not respect its duty to consult and accommodate when it had replaced timber licenses in 1981, 1985 and 2000 for the Haida Gwai Islands, permits that were originally issued in 1961 to MacMillan Bloedel Ltd., and when the government had authorized the issuance of these permits to Weyerhauser Company Ltd. in 1999. The Court declared that the government of British Columbia had the duty to consult the Haida Nation and that given the strength of the case supporting the existence of a Haida title for a portion of the islands concerned, the existence of the Haida Nation's Aboriginal right to harvest red cedar and the serious repercussions that the Weyerhauser projects authorized by these permits could have on the potential title and rights of the Haida Nation, substantial accommodation measures had to be taken by the government of British Columbia at the end of the consultation to protect the Haida's interests pending settlement of their claims. The Haida Nation did not apply for an injunction, however, and none was granted to it.

In the *Betsiamites First Nation* decision, the Superior Court of Québec found in favor of the Betsiamites because the Québec government knew of the potential existence of an Aboriginal right or title on René Levasseur Island having negotiated with the Innu First Nations, to which the Betsiamites belong, for more than 25 years. The Québec government even signed a memorandum of agreement that is supposed to lead to the signing of a treaty by which the Aboriginal rights will eventually be recognized by these First Nations.

The Superior Court concluded that the issuing of a TSFMA in 1997 to Kruger Inc. was likely to adversely affect the rights and the title asserted by the Betsiamites since scientific proof established that the trees take time to grow and can have difficulty regrowing in this northern region.

As a result, according to the Court, the Québec government had the duty to consult the Betsiamites before issuing the TSFMA to Kruger in 1997. The Court concluded that the Québec government failed in this duty. The Court rejected the argument that the Betsiamites implicitly renounced their right to be consulted when the TSFMA was issued by requiring that Kruger Inc. hire Betsiamites to harvest the forest. According to the Court, the Betsiamites cannot be blamed for wanting to take advantage of a situation they neither wanted nor anticipated.

Finally, according to the Court, the Betsiamites are entitled to an accommodation in the form of a prohibition imposed on Kruger Inc. from continuing its forest harvesting under the TSFMA on René Levasseur Island, even though the rights of Betsiamites have yet to be the object of a treaty, and the interlocutory injunction motion, filed in 2004 at the same time as the permanent injunction application, was not definitively adjudicated.

As a result, the Superior Court issued a safeguard order by which Kruger Inc. had to immediately cease all forest harvesting, secondary forest projects and all other forestry management projects on René Levasseur Island until a judgment is rendered.

In conclusion, a company that requests authorization or a permit from a government authority to undertake an economic activity on a given territory should verify whether Aboriginal rights or a title are asserted on that territory by Aboriginal peoples. If such is the case, the company should verify whether the government authority has met its duty to consult the Aboriginal peoples and accommodate their concerns, according to the criteria set out in the *Haida Nation* and *Taku River Tlingit First Nation* decisions. In the course of this process, although the company does not have the duty to consult and accommodate Aboriginal peoples, it may be asked to participate in the process, for example, by providing information or having studies prepared to determine the impacts of the project on the rights and title asserted, or by consenting to measures to mitigate the impacts of the project that may become conditions on which authorization or the permit will be issued and that the company will have to respect.

UPDATE ON ONTARIO'S AIR QUALITY

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Coincident with the awful air quality experienced by Southern Ontario during the summer, the Ministry of Environment released its report on the effects of trans-boundary air pollution. The report (*Transboundary Air Pollution in Ontario,* http://www.ene.gov.on.ca/envision/techdocs/5158e_index.htm) confirmed what has been confirmed previously, that the sources of much of the province's frequent poor air quality are in the U.S. Unlike previous Ministry studies, however, it went on to measure the human health and economic costs. The results are startling. The report found that health damages comprise approximately 70% of the total economic damages or about $6.6

billion per year, of which $3.7 billion is attributed to U.S. emissions and $2.9 billion to provincial air pollution. The great majority of the economic loss is associated with health damages or attributable to premature mortality. The report went on to state "a predicted 4,881 premature deaths, 56% or 2,751 are associated with U.S. emissions, and more specifically with particulate matter."

In an attempt to heighten awareness, the Sierra Legal Defence Fund and other environmental organizations filed a petition with U.S. EPA Administrator Stephen Johnson to seek emission reductions of contaminants from over 200 coal-fired electricity generating plants in the American mid-west. If Mr. Johnson accepts the information contained in the petition to the effect that the plants are causing air pollution impacts outside of the U.S., he must give formal notification to the Governors of the states in which the emissions originate, failing which he can be sued under the provisions of the U.S. *Clean Air Act*. If the petition is accepted by the EPA, it effectively causes a review in each state of remedial options. If public hearings are held to study options, the Clean Air Act requires that Canada be invited to appear.

This isn't the first time that Canadians have utilized Section 115 of the *Clean Air Act* in an attempt to remedy U.S. based air pollution. In 1987, for example, the Ministry brought a suit under Michigan's *Environmental Protection Act* in an attempt to force the installation of better pollution control technology in Detroit's garbage incinerator. This suit and others like it never proceeded on their merits because of standing and/or jurisdictional issues.

AROUND MILLER THOMSON

Miller Thomson LLP is holding seminars across the country on the topic of "Investigating Contamination: Key Issues in Environmental Site Assessment". The Seminar will be held in Vancouver on October 17, Calgary on October 18, Edmonton on October 19, Montréal on November 16 and Toronto on November 17. Please contact **Tony Crossman**, **Brian Evans**, **John Tidball** or **Luc Gratton** for further information.

Luc Gratton and **Pascale Cloutier** of the Montreal office are representing the City of Mont-Tremblant in an injunction against the local racetrack to stop certain activities which constitute a nuisance through noise. The injunctive procedures are based on the municipal noise bylaw as well as Quebec's *Environment Quality Act*.

Bruce McMeekin and **Michelle Fernando** will be leading a workshop on November 29 on Environmental Due Diligence for Directors and Officers just prior to The Canadian Institute's 8th Annual Environmental Law and Regulation in Ontario Conference, which is being held on November 30 and December 1 at the Sutton Place Hotel in Toronto.

Bryan Buttigieg spoke on environmental issues in commercial leases at the RealLeasing conference in Toronto on September 29.

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