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## ENVIRONOTES!

July 2006

*Environmental Solutions  
for Business.*

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### IN BRIEF

#### NEWS

##### Canada

On June 12, 2006, the Minister of the Environment, in consultation with the Minister of Fisheries and Oceans, announced a recommendation to add 42 new animals, plants and fish to the list of species protected under the *Species at Risk Act*. For more information please see: [http://www.ec.gc.ca/press/2006/060612\\_n\\_e.htm](http://www.ec.gc.ca/press/2006/060612_n_e.htm).

On June 11, 2006, the Minister of the Environment announced that the Department would take action to reduce the amount of mercury released into our environment from scrap cars by introducing measures to ensure the automotive and steel sectors remove all mercury from scrap cars before they are recycled. For more information please see: [http://www.ec.gc.ca/press/2006/060611\\_n\\_e.htm](http://www.ec.gc.ca/press/2006/060611_n_e.htm).

On May 17, 2006, Canada forwarded its National Implementation Plan under the Stockholm Convention on Persistent Organic Pollutants to the Stockholm Convention Secretariat. The NIP also includes Canada's National Action Plan for unintentionally produced POPs. For more information please see: [http://www.ec.gc.ca/CEPARRegistry/documents/part/nip\\_pop/nip\\_pop\\_fin.cfm](http://www.ec.gc.ca/CEPARRegistry/documents/part/nip_pop/nip_pop_fin.cfm).

##### British Columbia

On June 9, 2006, the Environment Minister released a new Quarterly Compliance and Enforcement Summary. In it was published the name of every corporation that was issued an order, ticket, or was convicted within the three-month reporting period. For more information please see: [http://www2.news.gov.bc.ca/news\\_releases\\_2005-2009/2006ENV0052-000772.htm](http://www2.news.gov.bc.ca/news_releases_2005-2009/2006ENV0052-000772.htm).

On June 8, 2006, the Ministry of the Environment released six reports concerning the province's coastal environment. The studies will provide decision-makers with baseline scientific information about the state of the province's environment, from the Coast Mountains to Canada's 200-mile offshore limit. For more information please see: [http://www2.news.gov.bc.ca/news\\_releases\\_2005-2009/2006ENV0051-000763.htm](http://www2.news.gov.bc.ca/news_releases_2005-2009/2006ENV0051-000763.htm).

On June 6, 2006, the Environment Minister announced measures to protect more endangered species. Forty-five new species were added to the category of species at risk under the *Forest and Range Practices Act*. For more information please see: [http://www2.news.gov.bc.ca/news\\_releases\\_2005-2009/2006ENV0047-000745.htm](http://www2.news.gov.bc.ca/news_releases_2005-2009/2006ENV0047-000745.htm).

##### Alberta

On June 5, 2006, Alberta Environment announced that the Canadian National Railway Company would face charges stemming from the train derailment and spill at Wabamun Lake on August 3, 2005. Alberta Environment charged the company with failing to take all reasonable measures to remedy and confine a spill under section 112 of the *Environmental Protection and Enhancement Act*, an offence punishable by a maximum penalty of \$500,000. For more information please see: <http://www.gov.ab.ca/acn/200606/20022A5240071-EDA8-AAD2-9C5C8E5B7F236A25.html>.

On May 17, 2006, the Government of Alberta announced that it had accepted all nine recommendations of the Oil Sands Consultation Group, established in January 2006 to develop a process to allow Albertans to share their vision and principles for development of Alberta's oil sands. A key recommendation of the group is the development of a process that strengthens collaboration and openness of public consultations on oil sands development. For more information please see: <http://www.gov.ab.ca/acn/200605/1991344128C60-00EA-99FB-276D6D1AD3FC8EB3.html>.

## Ontario

On June 28, 2006, the Minister of the Environment announced an expansion of the Green Lane landfill near London to provide an additional 10 million tonnes of secure landfill capacity for the province. The environmental assessment to expand the landfill was approved with conditions. For more information please see: <http://www.ene.gov.on.ca/envision/news/2006/062801.pdf>.

On June 26, 2006, Ontario Environment Minister Laurel Broten and Claude Béchar, Quebec Minister of Sustainable Development Environment and Parks signed a transboundary environmental agreement at the Shared Air Summit 2006. The *Agreement between the Gouvernement of Québec and the Government of Ontario concerning Transboundary Environmental Impacts* will establish a formal information exchange and joint cooperation protocol between the provinces on transboundary pollution issues. For more information please see: <http://www.ene.gov.on.ca/envision/news/2006/062601.pdf>.

On June 21, 2006, the Ontario government formed two new committees to help combat transboundary air pollution in Ontario. The Executive Committee on Transboundary Air Pollution consists of prominent Canadian and American business, legal, scientific and environmental leaders and has a mandate to provide advice to the Minister of the Environment on regional transboundary air issues. The Advisory Committee on Transboundary Science will provide expert scientific and technical advice to the Minister of the Environment. For more information please see: <http://www.ene.gov.on.ca/envision/news/2006/062102.pdf>.

On June 9, 2006, MPP Patten announced that Plasco Trail Road Inc. of Ottawa had been given approval to construct and operate a pilot plasma gasification facility. The plasma gasification process will break down non-recyclable municipal waste that is destined for landfill to create a synthetic gas to power electricity generators. Plasco will gasify up to 85 tonnes of Ottawa's waste per day, producing 5.2 megawatts of electricity. For more information please see: <http://www.ene.gov.on.ca/envision/news/2006/060901.pdf>.

On June 8, 2006, the Ministry of the Environment requested public comments on the proposed Guideline for Phase II Environmental Site Assessment (ESA) which will provide guidance on conducting Phase II ESAs under Part XV.1 of the EPA and O. Reg. 153/04. For more information please see: <http://www.ene.gov.on.ca/envregistry/027481ep.htm>.

On June 6, 2006, the Ontario government proposed changes to the environmental assessment (EA) process that will make it easier to navigate and will enable major infrastructure projects that are well planned environmentally to proceed more quickly. In particular, the Ministry will aim to:

- Streamline the approvals process for transit projects
- Develop a new waste regulation that standardizes the process based on type, size and impact of project
- Integrate the EA process with planning processes under other provincial legislation to reduce duplication especially for energy, transit and waste initiatives
- Ensure projects receive a level of review appropriate to their potential environmental impact
- Improve education and guidance to eliminate confusion and false starts.

For more information please see: <http://www.ene.gov.on.ca/envision/news/2006/060601.pdf>.

On May 10, 2006, the province of Ontario announced that it joined a U.S. legal action in an attempt to force some of the worst emitters of air pollution in the U.S. to install modern pollution control equipment. The Environment Minister and Attorney General filed an *amicus curiae* brief with the 7<sup>th</sup> Circuit U.S. Court of Appeal on behalf of the province to uphold a court decision against Cinergy Corporation. For further information please see: <http://www.ene.gov.on.ca/envision/news/2006/051001.htm> or read article "Transboundary Air Pollution Issues Get a Little Murkier" by Tamara Farber and Danielle Marks on page 4.

## Québec

On June 15, 2006, Québec Premier Jean Charest and Québec Minister of Sustainable Development, Environment and Parks Claude Bécharde announced the launch of Québec's 2006-2012 Climate Change Action Plan which includes twenty-four actions to reduce or avoid greenhouse gas emissions and adapt to climate change in key sectors. For more information please see: [http://www.mddep.gouv.qc.ca/communiqués\\_en/c20060615cc.htm](http://www.mddep.gouv.qc.ca/communiqués_en/c20060615cc.htm).

## LEGISLATION

### Canada

On June 12, 2006, the Minister of the Environment and the Minister responsible for the Canadian Environmental Assessment Agency announced that federal parent Crown corporations are now required to conduct environmental assessments (EA) of their projects. These new obligations stem from an expansion of the definition of "federal authority" introduced in the *Canadian Environmental Assessment Act* in October 2003 which came into effect on June 11, 2006. A regulation to vary the EA process for Crown corporations involved in providing commercial loans was published in the *Canada Gazette, Part II* on May 31, 2006 and came into effect on June 11. The *Crowns Corporations Involved in the Provision of Commercial Loans Environmental Assessment Regulations* apply specifically, at this time, to the Business Development Bank of Canada and Farm Credit Canada. For more information please see: [http://www.ceaa-acee.gc.ca/013/009/nr060612\\_e.htm](http://www.ceaa-acee.gc.ca/013/009/nr060612_e.htm) and <http://canadagazette.gc.ca/partII/2006/20060531/html/sor104-e.html>.

### British Columbia

On May 16, 2006, B.C. Reg. 132/2006 under the *Environmental Management Act* was made to amend the *Municipal Sewage Regulation* and the *Waste Discharge Regulation*.

### Ontario

On June 24, 2006, the following regulations under the *Safe Drinking Water Act* were published in the *Ontario Gazette*:

- O. Reg. 247/06 which amends O. Reg. 170/03 on *Drinking-Water Systems*. For more information please see: [http://www.elaws.gov.on.ca/DBLaws/Source/Regs/English/2006/R06247\\_e.htm](http://www.elaws.gov.on.ca/DBLaws/Source/Regs/English/2006/R06247_e.htm).
- O. Reg. 248/06 which amends O. Reg. 169/03 on *Ontario Drinking-Water Quality Standards*. For more information please see: [http://www.elaws.gov.on.ca/DBLaws/Source/Regs/English/2006/R06248\\_e.htm](http://www.elaws.gov.on.ca/DBLaws/Source/Regs/English/2006/R06248_e.htm).
- O. Reg. 249/06 which amends O. Reg. 252/05 on *Non-Residential and Non-Municipal Seasonal Residential Systems that Do Not Serve Designated Facilities*. For more information please see: [http://www.elaws.gov.on.ca/DBLaws/Source/Regs/English/2006/R06249\\_e.htm](http://www.elaws.gov.on.ca/DBLaws/Source/Regs/English/2006/R06249_e.htm).
- O. Reg. 250/06 which amends O. Reg. 248/03 on *Drinking-Water Testing Services*. For more information please see: [http://www.e-laws.gov.on.ca/DBLaws/Source/Regs/English/2006/R06250\\_e.htm](http://www.e-laws.gov.on.ca/DBLaws/Source/Regs/English/2006/R06250_e.htm).

## COURT DECISIONS

### Canada

On June 23, 2006, Gemtec Ltd., an environmental consulting company, and company official, Mr. Lutes, were convicted in Provincial Court in Moncton, New Brunswick of violating the pollution prevention provisions of the Federal *Fisheries Act*. The charges relate to the deposit of acutely lethal landfill leachate that entered the Petitcodiac Watershed from the former Moncton Landfill Site. This case is a landmark in environmental law as it marks the first time that a consulting company has been convicted as a result of providing advice to a client that resulted in the client violating federal environmental law. Consultants who fail to incorporate environmental compliance into their advice to clients can and may be held accountable for their role in any resultant environmental offence. For more information please see: [http://www.ec.gc.ca/press/2006/060623\\_n\\_e.htm](http://www.ec.gc.ca/press/2006/060623_n_e.htm).

## British Columbia

In *ML Plaza Holdings Ltd. v. Imperial Oil Ltd.*, the British Columbia Supreme Court held that where ML Plaza Holding was aware of soil contamination since 1992 and failed to commence an action within the limitation period, the action was statute-barred. Mere presence of contaminants was not sufficient to found a continuing nuisance claim in the absence of additional damage sustained within the limitation period. For more information please see: [2006] B.C.J. No. 479 (B.C. Sup. Ct.).

## Ontario

In *R. v. 969774 Ontario Ltd. (c.o.b. Elgin Construction)*, the defendants appealed from convictions on charges of discharging, causing or permitting the discharge of sewage into waters that could impair the quality of any waters. The appeals were allowed because there was no mention or discussion in the reasons of the expert's opinion put forward by the defendants and no basis given for why the Crown's evidence was preferred to that of the expert. For more information please see: [2006] O.J. No. 1217 (Ont. C.J.).

On July 10, 2006, 310 Waste Limited, 2020700 Ontario Inc. and Edmond Hanna were sentenced under the EPA and fined a total of \$710,000. 310 Waste Limited and Mr. Hanna operated a waste transfer and processing facility in the City of Vaughan. 2020700 Ontario Inc. owned the property. The site's approval limited daily waste storage to 1,500 tonnes. An order was issued after an inspection revealed that the facility was exceeding its waste storage limit by several thousand tonnes. Charges were laid after a subsequent inspection revealed that the companies had not complied with the order. 310 Waste Limited and Mr. Hanna each pleaded guilty to failing to comply with an approval and fined \$100,000 and \$10,000, respectively. Mr. Hanna was also issued a Court Order prohibiting him from engaging in waste management for two years. 310 Waste Limited and 2020700 Ontario Inc. each pleaded guilty to failing to comply with a order and fined \$200,000 and \$400,000, respectively. All fines are exclusive of the victim fine surcharge. For more information please see: <http://www.ene.gov.on.ca/envision/news/2006/071101.htm>.

## IN DEPTH

### TRANSBOUNDARY AIR POLLUTION ISSUES GET A LITTLE MURKIER

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On May 10<sup>th</sup> 2006, the Province of Ontario announced that it joined an Action to force some of the most significant emitters of air pollution in the U.S. to install contemporary pollution controls. At the request of the New York Attorney General, Ontario's Environment Minister and Attorney General filed an *amicus curiae* brief on behalf of the Province with the 7<sup>th</sup> Circuit U.S. Court of Appeal to assist in the U.S. Justice Department's case against Duke Energy Corporation, formerly Cinergy Corp. The brief outlines the public's interest in the installation of modern pollution control equipment at six coal-fired plants that are among the largest emitters of air pollution in the U.S. Ontario's submissions focus on the transboundary nature of that air pollution and its effects on the Province.

#### Concerns of Transboundary Air Pollution

The importance of this action for Ontario was outlined by Attorney General Bryant: "In this filing, Ontario joins a large group of states using legal tools to fight for cleaner air in an effort to uphold a more stringent emissions test. The appeal will be an important legal precedent in determining whether enforcement actions

under the *Clean Air Act* can require old plants to install modern pollution controls." The Action represents the first clear move by the Ontario government to address the problem of transboundary air pollution.

This novel undertaking is evidence of the emerging importance of air pollution to Ontarians. Air pollution is estimated to cause over 2700 premature deaths and \$5.2 billion in health and environmental damages each year. The Ministry of the Environment asserts that the Province has taken "dramatic action to reduce the air pollution emissions that originate within its own boundaries." Yet, their efforts in purchasing new renewable energy projects, introducing new and updated air standards for pollutants, and establishing new emissions caps for industrial pollution sources in Ontario will not effectively change the air quality in Ontario without cooperation from the U.S. contributors. It is estimated that 50% to 90% of Ontario's air pollution originates from the U.S. Without significant reductions in transboundary pollution from the U.S., Ontario's air quality will not meet the Canada-wide standard for ozone in 2010. Ontario therefore has a substantial interest in the proceedings.

## **The Action**

### ***Background***

The case centres on the upgrades that Duke Energy or its predecessor made to its plants in 1999. U.S. Federal Regulation 52.21 stipulates that corporations must install "the best available" pollution control equipment upon making any modifications to plants. "Best available control technology" is defined as "an emissions limitation based on the maximum degree of reduction for each pollutant ... which would be emitted from any proposed major stationary source or major modification." However, the definition qualifies the requirement, stating that the limitation must be one which the Administrator of the site determines is achievable after taking into account energy, environmental, and economic impacts and other costs.

The Justice Department asserts that, for Duke Energy's plants, the "best available" equipment measures annual emissions (which would ensure that the plants would not emit more than their annual limits of pollutants). At trial, the District Court agreed and required that Duke Energy install annual testing equipment. Duke Energy appealed, arguing that the requirement should be relaxed to allow for equipment that measures the plants' emissions rated in kilograms per hour.

So, the real issue is whether hourly measurements are as effective as annual measurements. Certain violations are not detectable under hourly assessments. If the Court accepts Duke Energy's submissions and approves an hourly standard, other corporations would be able to avoid reporting the total annual emissions released from their plants.

It appears that the underlying issue may not be best technology, but enforcement.

### ***Ontario's Submissions***

Ontario's argues that if hourly measurements are permitted as the standard of control, Ontarians would be exposed to 300,000 tonnes of pollutants per year as opposed to an estimated 10,000 tonnes with the proper controls. Allowing Duke Energy's appeal would effectively provide plant operators and corporations immunity from emissions controls enforcement as long as their activities did not change the maximum hourly emissions rate.

The Action follows an earlier political move by Environment Minister Broten: In February 2006, Broten filed comments with the U.S. Environmental Protection Agency opposing the Agency's plans to increase the emissions allowance of coal-burning power plants.

### ***Motivating Factors for Ontario***

Despite the importance of the Action for Ontario's environment and the economy, there have been suggestions that the primary factor motivating Ontario's participation in the case is its distraction value. The Action has drawn attention away from the Ontario government's promises to close its own coal-fired plants. The government has been under pressure to release its official response to the Ontario Power Authority's report on a recommended supply mix for Ontario's electricity system before the summer recess. Premier Dalton McGuinty assured Ontarians that he would close down two major coal-fired plants by 2009. However, because the Independent Electricity System Operator has outlined that the plants must be available beyond the announced shutdown dates, it is expected that the response will reveal that, to ensure that there is enough power in peak consumption periods, the plants must remain available. In legislative debate,

Conservative MPP John Yakabuski asserted to the Minister of Energy, "In this Province, where we have not installed a single pollution control since you've been government, you continue to burn our coal stations with no mitigation." He charged, "How do you square that with your record of challenging the Americans' coal emissions record?"

Accordingly, while the Action stands as a current legal precedent, it is more important that it represent a step forward in the move to greener energy in the U.S. and at home. However, the impact of the case remains to be seen. The oral arguments proceeded on June 2 and the appeal has been reserved.

## **ALL FOR ONE AND ONE FOR ALL: A NECESSARY SLOGAN FOR ENVIRONMENTAL CLASS ACTION PLAINTIFFS**

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On May 19, 2006, the Court of Queen's Bench of Alberta denied the certification of an environmental class action against TranAlta Utilities Corporation and the Province of Alberta. Six people who own cottages on the shores of Wabamun Lake, Alberta commenced a representative action on their own behalf and on behalf of some 600 similarly situated landowners. The heart of the Plaintiffs' claim was that thermal pollution, attributed to TransAlta Utilities Corporation's Lakeshore electrical generating plant, has affected the Lake level, interfered with their riparian and littoral rights, and caused lost enjoyment and value of their properties.

Different groups of landowners populate the shores of the Lake, and as a result there is much diversity in the interests of the various stakeholders involved: some want the Lake level lower, some want it higher, some are content. The divergent views predominantly relate to recreational use and dependent upper level lots. Yet, the proposed class was defined as:

All Alberta residents who claim that, between 1996 and 2005 they owned residential lands contiguous to Wabamun Lake and that their use and enjoyment of their lands or the value of their lands were adversely affected by diminished water levels in or pollution of Wabamun Lake.

In class action lawsuits, the Plaintiffs bear the burden of establishing that the action should be a class proceeding based on the criteria outlined in the *Class Proceedings Act* (CPA). The concern at the certification stage is on the form of the action and its appropriateness as a class action. Clear class definition at the outset is critical because it identifies those: (1) entitled to notice, (2) entitled to relief (if relief is awarded), and (3) bound by a final judgment. Consequently, the definition must be precise, objective, and presently ascertainable. Class definition must avoid criteria that are subjective or that depend on the merits because: (1) they frustrate efforts to identify class members, (2) contravene the policy against considering the merits of a claim in deciding whether to certify a class, and (3) create potential problems of manageability. The criteria must bear a rational relationship to the common issues asserted by all class members.

Although under the CPA the representative plaintiff's situation does not have to be typical of other potential class members, it does require that the representative:

1. fairly and adequately represent the interests of the class,
2. have no conflict of interest with other class members, and
3. have a plan for the proceeding that sets out a workable method of advancing the litigation and of notifying the class members of the proceeding.

The court was troubled with the representative plaintiff being indifferent to particular class members whose properties might be flooded. The representative plaintiff's land was geographically more elevated and away from the water's edge. Class members living on a 'flood plain' might well view the representative's attitude towards them as the antithesis of a fair and objective representative plaintiff. Consequently, certification was denied.

Although the past few years have seen an evolving trend towards a more liberalized approach to certifying environmental class actions, this case suggests there are still many hurdles to certification. The object of class litigation is not to provide perfect justice, but a 'fair and efficient resolution' of the common issues. In order for such actions to proceed, class plaintiffs will have to show a clear characterization of the common issue and a well-organized classification of any subclasses that branch out.

## NEWS FROM BRITISH COLUMBIA

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As we greeted the summer of 2006, the British Columbia government has announced a number of environmental reports, programs and enforcement initiatives.

### **B.C. Brings Back the "Polluter's List"**

Historically, the B.C. Ministry of Environment produced reports on those companies and individuals who had broken provincial environmental laws. That practice stopped in 2001, but in June 2006, the B.C. government reintroduced this practice. The recent summary report is on compliance and enforcement actions taken by the Ministry between January 1 and March 31, 2006. It includes orders issued together with other enforcement actions taken. In the future, this "polluter's list" will be published by the B.C. Ministry of Environment on a quarterly basis. The full list can be found at [www.env.gov.bc.ca/main/prgs/compliancereport.html](http://www.env.gov.bc.ca/main/prgs/compliancereport.html).

### **B.C. Invests in Compliance and Enforcement in 2006.**

Recently, the B.C. Ministry of Environment announced that the Ministry would invest an additional \$1.5 million on compliance and enforcement for this fiscal year, including the creation of a new industrial and commercial investigative unit that will focus on commercial industrial activities.

### **Crown Contaminated Sites Program**

On June 9, 2006, the B.C. Minister of Agriculture and Lands released the "Crown Contaminated Sites Bi-Annual Report 2006". This report coincided with the opening of the Britannia Mine water treatment facility in Britannia Beach. Britannia Mine is one of British Columbia's most high profile contaminated sites on the scenic Sea to Sky Highway from Vancouver to Whistler. After a deal in which the B.C. government received \$30 million to take on the remediation of this site, it is estimated that the B.C. government will spend \$99 million on remediation activities. With the opening of the new water treatment facility, acid rock drainage from the gold mine is now diverted to the water treatment plant where heavy metals are removed and the treated water is discharged through a new outflow into Howe Sound. This is expected to improve the marine environment in Howe Sound after more than a century of contamination.

The Crown's contaminated sites program was established in 2003 in response to the Auditor General's report of "Managing Contaminated Sites on Provincial Lands 2002-2003". The program is delivered through the Ministry of Agriculture and Lands, and since 2001, the Province has committed \$116.9 million to identify, cleanup and restore B.C. Crown contaminated sites. B.C. has earmarked an additional \$47.2 million for work in 2007-2009.

## DRINKING WATER SOURCE PROTECTION: *PEACOCK V. NORFOLK COUNTY* SETS THE STAGE FOR FUTURE REGULATORY CONFUSION

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Late in June, the Ontario Court of Appeal upheld the 2005 decision of the Superior Court of Ontario that the *Nutrient Management Act* (NMA) and its regulation are pre-eminent over municipal drinking water source protection by-laws.

The Peacocks received approval from the Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) for their nutrient management plan (required under the NMA and its regulation) to double the size of their intensive hog operation in Norfolk County. The planned expansion included a new nutrient storage facility. Although the location of the nutrient storage facility met the requirements of the NMA and its regulation, it conflicted with the well head protection area bylaw passed by the County under its *Planning Act* zoning powers. The Court of Appeal agreed that pursuant to Section 61.1 of the NMA, the requirements of the NMA and its regulation superseded the bylaw given its express language that the NMA regulation supersedes the bylaw of a municipality if the bylaw addresses the same subject matter as the regulation.

When Peacock was decided it represented a great setback to municipalities and their post-Walkerton efforts to protect drinking water at the source. A further troubling issue, however, arises from the tabling of the *Clean Water Act* (Bill 43) by the Ministry of the Environment (MOE) in December, 2005, summarized in the February 2006 *EnviroNotes*. Once law, it will provide municipalities with the authority to regulate activities that threaten drinking water sources by requiring risk assessments for the activity, permits, or compliance with a risk management plan. Some land uses could also be restricted and could require a permit from a municipality permitting the restricted use. The Bill would also amend the *Planning Act* permitting municipalities to pass zoning by-laws for areas where sensitive ground or surface water features exist.

It is expected that Bill 43 will be enacted into law before the end of 2006. It would seem likely that overlap if not outright conflicts will arise between the NMA and Bill 43 regulatory schemes. Yet Bill 43 is silent as to the principles which should govern if this happens. In order to fully accomplish the goals of the Walkerton Report as the genesis of the NMA and Bill 43, farmers, developers, industry and municipalities will require far greater clarity from the OMAFRA and the MOE as the regulators than what exists presently as to what the rules are and what is expected of them.

### WHAT'S HAPPENING AROUND MILLER THOMSON

**Tamara Farber** was recently certified by the Law Society of Upper Canada as a Specialist in Environmental Law, bringing Miller Thomson's total to four Ontario certified lawyers in this practice area. Miller Thomson's other Certified Specialists in Environmental Law are John Tidball, Bruce McMeekin and Bryan Buttigieg.

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