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PROPOSED AMENDMENTS TO O. REG 455/09 WILL STRENGTHEN TOXIC REDUCTION PLANNING REQUIREMENTS AND QUALIFICATIONS

As a follow-up to our November 2009 introduction article on the Toxic Reduction Act, 2009, we have prepared a summary of the important proposed changes to O. Reg 455/09. The regulation currently provides details on the timing and criteria for toxic substance reduction plans, toxic substance accounting, and the content of toxic substance reduction plans.

O. Reg 455/09 stipulates that regulated facilities meet the following requirements:

- identify and describe the processes that involve a toxic substance and track and quantify the amount of substance that is used, created, transformed, destroyed, contained in product that leaves the facility, released into air, land or water, is disposed of, and transferred;
- prepare toxic substance reduction plans which include process flow diagrams depicting each process at the facility and identify and analyze possible toxic reduction options including their technical and economic feasibility;
- prepare summaries of the toxic substance reduction plans and submit them to the Ministry and make them available to the public on the Internet; and,
- report annually to the Ministry of the Environment (MOE) on any progress in implementing the plan and make some information available to the public.

The current regulation provides a limited role to facility employees, requiring facilities make available toxic substance reduction plans to employees on the same day it is released to

the public. The proposed change is meant to increase participation and enable employees to take on advisory roles through the creation of Joint Workplace Toxic Reduction Committees when preparing and reviewing such plans.

The amendment also provides details on the qualifications of planners. Licenses would be issued to planners by the MOE which would give planners the authority to certify reduction plans. The license term would be 5 years with renewals being dependant payment of license fees and review of educational requirements.

In addition to qualifications, planners will be required to provide recommendations to toxic reduction plans, including the rationale of recommendations, to achieve the greatest toxic reductions as well as support the business case for implementing such plans.

For further information please contact: info@terrapex.com

TORONTO BROWNFIELDS SUMMIT



Terrapex was an active participant in the Ontario Brownfields Regulatory Summit held in Toronto in June. Participants wanted to hear about our experiences with Brownfields programs in Toronto, Niagara, and in Cornwall. For more information on these successful Brownfields, contact one of our offices and we would be pleased to describe our Brownfield experiences further.

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TERRAPEX (RE)CONQUERS THE DON



On May 1, 2010, two Terrapex teams (in four canoes) participated in the annual Paddle the Don fundraising event organized by the Toronto and Region Conservation Authority (TRCA). Every spring, the TRCA releases water from the dam at G. Ross Lord Park at Finch Avenue, permitting corporations and individuals to canoe or kayak down the lower portion of the Don River, from Eglinton Avenue to Lake Ontario. All the money raised goes towards initiatives to help fund regeneration projects for the river.

The money raised over the history of the event has enabled salmon to resume their spawning in the Don River – something that hasn't happened in over 100 years. According to the TRCA, Chinook Salmon are now swimming up the Don River every fall, being seen as far north as Rutherford Road in Vaughan!



For the third year in a row, the Terrapex teams raised the most money of all the corporate participants, winning the event and a commemorative paddle. Congratulations to all our dedicated paddlers, and thank you to all our sponsors, for their continued support and participation.

To become a sponsor for next year please contact: info@terrapex.com

NOTICE REGARDING O.REG. 511//09 (AMENDED BROWNFIELDS LEGISLATION)

O. Reg. 153/04 was amended by O. Reg. 511/09 in late December 2009 – the most important change was the new 2009 Standards, which supercede, and are generally more stringent than, the 2004 Standards. The 2009 Standards do not come into effect until July 2011, and during the current transition period property owners can elect to extend the deadline for filing a RSC using the 2004 Standards on sites that are in progress. For those wishing to submit an RSC after 2010 (but before 2013) using **current** Standards, the stipulation (from MOE) is that written notice must be submitted to MOE before the end of 2010 – however, Terrapex has noted that some financial organizations are considering the new 2009 Standards to be de facto in effect now. For more information on the use of the current or new Standards please contact us.

Also, a copy of a Blake, Cassels & Graydon LLP Environmental Law Bulletin is available on the Publications section of their website which summaries some of the more pertinent changes. A link to O. Reg. 153/04 (the O. Reg. 511/09 amendments are highlighted): http://www.e-laws.gov.on.ca/html/reg/english/elaws_regs_040153_e.htm.

For more information contact one of our offices and we would be pleased to assist you.