

Torys on Environmental, Health and Safety

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Ontario

Proposed regulations to green energy legislation

Ontario has proposed a new regulation and amendments to five existing regulations to establish a new environmental approval process for renewable energy projects under the *Green Energy and Green Economy Act, 2009*, which came into force last month. The new regulation would be made under the *Environmental Protection Act*, and the amendments to regulations would be made under the *Environmental Assessment Act* and the *Environmental Bill of Rights, 1993*. In general, the changes would exempt renewable energy projects from the need to obtain certain environmental approvals and to undergo the environmental assessment process for electricity projects set out in O. Reg. 116/01 (Electricity Projects). Renewable energy projects would, instead, be required to obtain a renewable energy project approval.

The Ministry of the Environment (MOE) is accepting comments on the new regulations until July 24, 2009.

For further information about the proposals, please see

www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTA2NDQ5&statusId=MTU5NjQ1&language=en.

Proposed amendments to air quality regulations

On June 10, 2009, the MOE proposed amendments to O. Reg. 419/05 (Air Pollution – Local Air Quality), the local air quality regulation under the *Environmental Protection Act*. The current regulation sets allowable emission standards for various contaminants and provides a mechanism for a facility that is unable to meet the standards to request a specific alteration to the standard for that facility. These alterations have previously been considered on a case-by-case basis. However, a given standard will often affect more than one facility within the same industrial sector, resulting in many requests for alterations from facilities in the same sector. The proposed amendments would authorize the Minister to establish sector-based contaminant standards to identify sector-wide issues. Facilities would then register with the MOE to have the sector-specific standard apply.

The MOE is accepting comments on the proposed amendments until September 8, 2009.

For further information, please see www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTA2NTEy&statusId=MTU5Nzk5&language=en.

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This bulletin is a general discussion of certain legal and related developments and should not be relied upon as legal advice. If you require legal advice, we would be pleased to discuss the issues in this bulletin with you, in the context of your particular circumstances.

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Proposed land-use planning legislation for Ontario's Far North

On June 3, 2009, Bill 191, *An Act with respect to land use planning and protection in the Far North*, was introduced into the Ontario legislature. The bill is intended to implement a formal land-use planning process in the Far North. A key feature of the bill is the community-based planning process with the direct involvement of First Nations. In addition, the bill would designate at least 225,000 km² of the Far North as protected areas, limiting development and industry in those areas. The bill also seeks to provide for the protection and conservation of sensitive ecosystems; the sustainable development of the Far North; and the promotion of use land-use planning to combat climate change. Relating to the latter, the bill authorizes policy statements that could guide carbon storage and sequestration projects in the Far North.

For further information about these and other aspects of Bill 191, please see www.ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet=&BillID=2205.

Canada

Environmental Enforcement Act

On June 18, 2009, Bill C-16, the *Environmental Enforcement Act*, received royal assent, although it has not yet been proclaimed in force. The bill will amend nine existing statutes, including the *Canadian Environmental Protection Act, 2009*, to set new minimum penalties, to increase certain maximum penalties and to create new administrative penalties for less serious offences. In addition, the bill will require, among other things, the federal government to maintain a public registry that includes information about convictions for all offences under the amended legislation. It will also require courts to issue orders directing any corporation that has been convicted of such offences to notify its shareholders of the facts relating to the offence and of the details of the punishment imposed.

For further information on the Act, please refer to Torys' [March Environmental Health and Safety Bulletin](#).

Amendments to dangerous goods legislation

On June 16, 2009, Bill C-9, *An Act to amend the Transportation of Dangerous Goods Act, 1992*, was proclaimed in force. The amendments include a number of new changes. There are new requirements for security plans and security training – for example, certain designated people must now qualify under new security clearance requirements in order to transport dangerous goods. The amendments also strengthen certain requirements for preparing emergency response assistance plans, especially by requiring regulated persons to consider actual or perceived incidents when preparing those plans. Finally, the amendments authorize government inspectors to inspect any place in which standardized means of containment are being manufactured, repaired or tested.

For further information, please see <http://www2.parl.gc.ca/Sites/LOP/LEGISINFO/index.asp?Language=E&Session=22&query=5671&List=toc>. 