

SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY

SAULT STE. MARIE, ONTARIO

COURSE OUTLINE

COURSE TITLE: ENVIRONMENTAL LAW

CODE NO.: ENV320 SEMESTER: VI

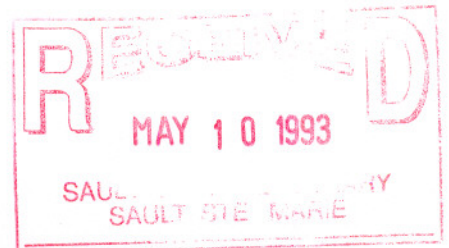
PROGRAM: ENVIRONMENTAL ENGINEERING TECHNOLOGY

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APPROVED: [Signature]
DEAN, SCHOOL OF SCIENCES &
NATURAL RESOURCES

May 6 1993.
DATE



ENVIRONMENTAL LAW

ENV320

COURSE NAME

COURSE NUMBER

TOTAL CREDIT HOURS: 45

PREREQUISITE(S): NONE

I. PHILOSOPHY/GOALS: Environmental Laws affect the actions of individuals, municipalities and companies in an ever increasingly complex manner. This course is designed to provide the technical student with a broad understanding of Ontario Environmental legislation, case law and actual applications.

II. STUDENT PERFORMANCE OBJECTIVES:

Upon successful completion of this course the student will be able to:

- 1) Detail key elements of Ontario's Environmental Acts.
- 2) Understand application of regulations and requirements.
- 3) Interpret legislation and understand violation and offences.
- 4) Apply technical hands-on skills with an understanding of the consequences of inadequate attention to legal requirements such as Certificates of Approval.

ENVIRONMENTAL LAW

ENV320

COURSE NAME

COURSE NUMBER

III. TOPICS TO BE COVERED:

	HOURS	INSTRUCTOR
1) Course Introduction/Slide Presentation/ Case study	3	R. Stewart
2) Case Study	3	R. Stewart
3) Acts and Regulations	3	M. Watkiss
4) Waste Management - 3 R's	3	T. Garside
5) Municipal Environmental Law	3	R. Stewart
6) Inspections	2	T. Garside
7) Federal and Provincial Law	3	M. Watkiss
8) Control Orders	3	R. Stewart
9) Investigations	3	M. Watkiss
10) Policies and Guidelines	2	T. Garside
11) Ontario Trial Court System	3	M. Watkiss
12) Environmental Assessment, Pesticides Act, Miscellaneous Regulations	3	R. Stewart
13) Tickets, Interagency Actions	3	T. Garside
14) Case Law	3	M. Watkiss
15) Interim Tests and Final Exam	5	T. Garside
	<u>45</u>	

IV. LEARNING ACTIVITIES:

Techniques Include:

- Lectures
- Group Discussion
- Mock Environmental Assessment Proceedings
- Student Presentations
- Slide Show Presentations

COURSE NAME

COURSE NUMBER

LESSON #1 - R. Stewart

- o Introduction to course
Attendance record keeping, etc.
- o Explanation of schedule, grading system
- o Background of instructors
- o Discussion of final examination date (and quizzes)
- o Mention of text/supplies needed
- o Slide show - "Environment" - with narration
- o Use of case study (Tarentorus)
- o Attached (case study to be used again at 2nd last session - Lesson #14 - as a tool)
- o Call for questions and requests for attention to special interest/suggestions

Materials Necessary

- (i) Course outline
- (ii) Slide show
- (iii) Case studies

Case Study #1

In 1935 the Tarentorus Township staff opened a landfill in an old gravel pit. As the Township grew so did the garbage pit. In 1956 the Township amalgamated into the City of Troo.

The pit was not owned by the Township but by a gentleman named Albert Spumone, a local contractor who began to realize that garbage could mean \$\$\$'s.

Garbage continued to enter the city. In the early 70's pollution in the Soot River became evident (litter and leachate). The neighbouring property owners were not pleased.

The neighbours brought charges against the contractor and the City.

Early in 1981 the Municipality undertook a Waste Management Study. The report mentioned many sites including expansion to the existing site.

- Name the types of legislation and issues which are evident here

ENVIRONMENTAL LAW

ENV320

COURSE NAME

COURSE NUMBER

Instructor's Notes re: Case Study

- EPA Sec. 13 - impairment
- OWRA -
- EPA Minister's Order Sec. 29
- OMB - expropriation
- M. Municipal Act
- EA - over 1500 persons
- Due Diligence - party responsible
- C of A's EPA and Reg. 309
- Funding EPA

Lesson #2 - Acts & Regulations - M. Watkiss

Environmental Protection Act

- Prohibition Clause Section 14
- Failure to Report Section 13
- Powers of a Provincial Officer Section 156
- Order for Entry or Inspection Section 158
- Calling for Assistance Section 166
- Obstruction Section 167

Ontario Water Resources Act

- Discharge of Pollutants Section 30 May Impair
- Failure to Report Section 30 (2)
- Well Construction Section 36
- Water Works Construction Section 52
- Sewage Works Construction Section 53

Pesticides Act

- Regulation 914 As Applies to Exterminations
- Regulation 347 Waste Management
- Regulation 362 P.C.B.
- Regulation 346 Air Emissions

ENVIRONMENTAL LAW

ENV320

COURSE NAME

COURSE NUMBER

Lesson #3 - Tym Garside

MUNICIPAL 3 R'S STRATEGY

- 3 R's overview and discussion
- Landfilling Technology Policy 145
- Municipal programs i.e. Municipal Recycling Support Program, Municipal Reduction Program, Recovery Programs, Waste Diversion Credits
- Sectors Involved - Municipal, Industrial, Commercial Institutional
- Municipal vs. Provincial Regulation
- Agreements, By-Laws Required between Funding Agency and Municipality
- M.O.E. Initiatives Paper #1 - Waste Reduction Office
- Bill 143 - Contents - Discussion

Materials Required: Bill 143 (to be provided)

Lesson #4 - R. Stewart

MUNICIPAL ENVIRONMENTAL LAW

- I - Background on noise levels
 - info re decibels (A, B, C scales)
 - logarithm scale
- Model noise by-laws
- Existing noise by-law - City of Sault Ste. Marie
- Demonstration of use of norm meter
- II - Background of municipal MISA
 - EPA - inside of pipe/bldg
- Model sewer use by-laws (MOE)
- Existing sewer use by-law - City of Sault Ste. Marie
- III Land Use Planning - Municipal Act
 - Section 18 EPA - lawyer's letters
 - Cleanup criteria (decommissioning)
- IV - Introduction to Municipal EA
(more on EA on March 23)
- V - By-Laws re: Environmental Committee, BRAEMC, CMC, RAC, ELPAC

- Material Necessary:
- (i) Model Noise By-Law
 - (ii) Model Sewer Use By-Law
 - (iii) MMA
 - (iv) Lawyer's Letters
 - (v) MEA
 - (vi) Noise Letter

ENVIRONMENTAL LAW

ENV320

COURSE NAME

COURSE NUMBER

Lesson #5 - Tym Garside

INSPECTIONS

- inspection types - routine, detailed, compliance
- M.O.E. inspection program - derivation, duties, protocols
- Provincial policies i.e. 08-01, 08-04, 08-06
(as related to inspections) 15-01, 15-14, 15-15
- P.C.B. inspections
- field guidance manual and regulation 11/82
- certificates of approval - derivation, purpose, powers
- examine O..R.A. Section 23,24
- non-compliance, occurrence reporting, follow-up

Materials Required: selected policies to be provided

Lesson #6 - M. Watkiss

FEDERAL & PROVINCIAL LAW

- Charter of Rights
- Canada Evidence Act
- Rules of Evidence
- Provincial Offences Act
- Jurisdictional Problems
- Powers of a Provincial Officer
- Search & Seizure
- Rights of Entry
- Search Warrants

Materials Necessary: Handouts of Charter of Rights

COURSE NAME

COURSE NUMBER

Lesson #7 - R. Stewart

CONTROL ORDERS

I. Control Orders

- Authority
- Provincial Officer's Report
- Notice
- Public Involvement
- Issuance
- Enforcement/Audit
- Examples ASC, AOD, SMP

II. Requirement & Direction

- Rio Algom & Denison
- Dis-use

III. Spill Orders Part IX

- Sec. 84 Approvals
- E.C.C.

IV. Minister's Report Sec. 29

- Sault Ste. Marie, Thessalon

V. Stop Orders & Director's Orders

- Cherokee
- OWRA (WTP, STP)

Materials Required: (i) EPA
 (ii) OWRA
 (iii) Copies of orders, reports

Lesson #8 - Mark Watkiss

INVESTIGATIONS

- Occurrence Reporting
- Rules of Evidence
Types of Evidence
- Interview Procedures of Witnesses/Suspects
- Crown Brief Preparation

ENVIRONMENTAL LAW

ENV320

COURSE NAME

COURSE NUMBER

Lesson #9 - Tym Garside

POLICIES, GUIDELINES

- Differentiate between Policies and Guidelines
- Examine M.O.E. Policy 15-08 Reasonable Use Concept and Discuss
- Examine M.O.E. Guidelines for the Decommissioning and Cleanup Sites in Ontario - February 1989
 - Discuss Examples of Application
 - Walk through Hypothetical Decommissioning
 - Examine Petroleum Association for Conservation of the Canadian Environment - Environmental Guidelines for Decommissioning of Service Stations (Pace Report 88-5)
- Discuss Recent Local Examples of Application
- Examine M.O.E. Handbook for Dredging and Dredged Material Disposal in Ontario - Legislation, Policies, Sediment Classification and Disposal Options
 - Review Document and Discuss

Materials Required: M.O.E. Guidelines for Decommissioning

Lesson #10 - Mark Watkiss

ONTARIO TRIAL COURT SYSTEM

- Supreme Court of Appeals
- Provincial Court
- Provincial Offences Court
- Commencement of Proceedings (information and summons)
- Stay Proceedings
- Limitation Period
- Disclosure
- Evidence/Testimony
- Expert Witnesses
- Sentencing
- Appeals Process

COURSE NAME

COURSE NUMBER

Lesson #11 - R. Stewart

EA, PA, etc.

- I. Environmental Assessment Act
 - philosophy - decision making process
 - application - Provincial/municipal
 - Class EA documents - roads, bridges, forests, etc.
 - Hearings (OMB, EAB)

Appeal Rights - Reg. 205
- II. Pesticides Act
 - permits, schedules, use
 - Agriculture Canada/HWC oles
- III. Miscellaneous Regulations
 - Reg. 308 Air, Pop bottles, Marinas, Ice Huts, AOD, Vehicles, Well Water
- IV. Final Review of Ontario Water Resources Act

- Materials needed:
- (i) EA
 - (ii) Class EA documents
 - (iii) Pesticides
 - (iv) OWRA

Lesson #12 - Tym Garside

TICKETS, INTERAGENCY ACTIONS

Review Provincial Offences Act - short form wordings

Violation Notices - when and where use is appropriate

Municipal Industrial Strategy for Abatement (M.I.S.A.)

- overview and general discussion
- review of industrial sectors
- review of selected applicable regulations, i.e. monitoring, discharge limits
- municipal program review

Interagency Actions

- discuss mandate of various provincial agencies and identify some points of jurisdictional overlap
- review various associated regulations
- study hypothetical spill incidents and potential courses of action based on agencies involved

Identify a number of interagency working groups, i.e. BI-PAC, RAP, RAC, EMC, IJC, etc.

ENVIRONMENTAL LAW

ENV320

COURSE NAME

COURSE NUMBER

Lesson #13 - M. Watkiss

CASE LAW

- Strict Liability
- R. vs. Sault Ste. Marie
- R. vs. George Crowe and Blackbird Holdings Limited
- R. vs. Weils Food Processing Ltd.
- R. vs. Bata Industries Ltd.

Materials Necessary: handouts of relevant cases will be provided

Lesson #14 - R. Stewart

SAULT REALTY - CASE STUDIES

- Re-review Case Study from Lesson #1
Cherokee - actual
- Algoma Steel - CO charges
- Spike - DO, Ombudsman, Charges
- Elliot Lake Mines
- Wawa Reverts
- Canadian Springs
- Echo Bay Campfires
- Course Evaluation

Materials Required: (i) Slide Show - Spike
(ii) News clippings
(iii) Course evaluation

FINAL EXAM AND COURSE WRAP-UP

ENVIRONMENTAL LAW

ENV320

COURSE NAME

COURSE NUMBER

V. EVALUATION METHODS:

Three (3) quizzes will be given. Notice of quiz will be given the week before the quiz. Attendance for these tests will be required.

A final exam will be scheduled for the week of April 20.

Final grades will be determined as follows:

First Quiz	-	10%
Second Quiz	-	20%
Third Quiz	-	20%
Final Exam (90 minutes)	-	50%

The instructors are **not** lawyers and do **not** represent the Ontario Government in official capacities during the course.

Grading:

A+	90 - 100%
A	80 - 89%
B	70 - 79%
C	60 - 69%

A passing grade will be based on a minimum composite grading of 60%. Students obtaining a composite grading of 55 to 59% may be allowed to complete a supplementary examination.

ENVIRONMENTAL LAW

ENV320

COURSE NAME

COURSE NUMBER

VI. REQUIRED STUDENT RESOURCES:

Acts

- EPA) appropriate copies
- OWRA) to be supplied
- PA) by the
- EA) instructors
- Selected Regulations)

VII. ADDITIONAL RESOURCE MATERIALS AVAILABLE IN THE COLLEGE LIBRARY BOOK SECTION:

Other References (suggested)

- Model Noise By-Law
- LSB Act
- MMA
- Noise Control By-Law
- Model Sewer Use By-Law - August 1988
- Guidebook on Preparation - May 1980
- Class EA Document - October 1979

Handouts on control orders, tickets and other materials will be provided.

VIII. SPECIAL NOTES:

Students with special needs (e.g. physical limitations, visual impairments, hearing impairments, learning disabilities) are encouraged to discuss required accommodations confidentially with the instructor.

Your instructor reserves the right to modify the course as he/she deems necessary to meet the needs of students.