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Environmental Protection Reference Document for Ontario Region

January 1994 - May 1999

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Introduction

The intent of this report is to identify and list all of the changes that could impact on the delivery of environmental protection services in the Ontario (defined as the Ontario Region of Environment Canada) over the period January 1994 to May 1999. Specifically detailed will be changes to environmental laws and regulations and their administration at the federal, the Ontario provincial, municipal levels of government and specialized bodies including Conservation Authorities, Commissions and the Canadian Council of Ministers of Environment and any other relevant bodies. The impact of these changes on the delivery of environmental protection services in Ontario is assessed as is the impact on specific stakeholders including industry, citizen groups and professional associations.

Federal Overview

January 1994 - June 1997

The period between January 1994, and the June 1997 federal election was marked by a number of major developments. Several measures initiated by the previous government, which had been in office until October 1993, were completed, including the coming into force of the *Canadian Environmental Assessment Act*, and the promulgation of the Chemical New Substances Notification Regulations and Ozone Depleting Substances regulations under CEPA.

Major legislative initiatives during this period included the passage of legislation creating the Commissioner of Environment and Sustainable Development within the Office of the Auditor-General in December 1995, and the passage of legislation banning import or interprovincial sale of the fuel additive MMT in March 1997.

A statutory review of the *Canadian Environmental Protection Act* was initiated in the fall of 1993 and the House of Common Standing Committee on Environment and Sustainable Development tabled its report on the Act in June 1995, calling for major revisions to the legislation. A government response to the Standing Committee's report was tabled in December 1995, and a revised Act, Bill C-74, was introduced in December 1996. However the Bill died on the Order Paper, along with proposed legislation on endangered species, with the call of the June 1997 election.

Two major policies related to pollution and toxic substances were announced in 1995, the June Toxic Substances Management Policy and the July Pollution Prevention Strategic Framework.

Within the Great Lakes Basin the federal government's most important initiative was the negotiation of the July 1994 *Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem* with the government of Ontario. This six year agreement outlined the commitments and obligations of the federal and provincial governments in the implementation of the *Canada-U.S. Great Lakes Water Quality Agreement*. A Canada-US Binational Toxics Strategy was concluded with the United States in April 1997.

However, during this period the environment was heavily affected by the government's overall direction in a number of key areas. With respect to deficit reduction, the February 1995 'Program Review' Budget reduced Environment Canada's budget by 30%. This resulted in the reduction or elimination of a wide range of programs and activities by the department. Major reductions were also made to the budgets of the Departments of Natural Resources and of Fisheries and Oceans. The Department of Fisheries and Oceans responded to the reductions in its budgetary resources with proposals to delegate responsibility for freshwater fisheries management, including habitat protection, to the provinces and territories.

The 1996 budget significantly expanded federal tax expenditures for mining and fossil fuel development. The federal budget of 1997 contained a few minor elements affecting environmental issues. These included improved tax treatment for environmental financial assurances for such things as the remediation of aggregate pits and quarries and waste management sites. In addition a three year, \$20 million/year fund was established to promote energy conservation. Finally, expanded tax credits were provided for gifts of stock or real estates to charities. These could, for example, include land donations for parks and ecologically significant lands for biodiversity preservation.

'Regulatory reform,' specifically with respect to environmental protection, also emerged as a major theme in the federal government's economic policies.¹ This has been manifested in a greatly expanded role for federal agencies, such as Natural Resources Canada and Industry Canada, which regard economic interests as their primary clientele, in the formulation of environmental laws, regulations and policies. The December 1994 introduction of the *Regulatory Efficiency Act* signalled an intent to take a more 'flexible' approach to the implementation of existing regulatory requirements. The new federal regulatory policy adopted in November 1995 raised a number of significant barriers to the adoption of new environmental regulations.²

The devolution of major federal environmental responsibilities to the provinces and territories also emerged as a major theme following the October 1995 Quebec referendum. The government's February 1996 Throne Speech made reference to "strengthened partnerships" with the provinces in the areas of environmental management and fish habitat protection. The development of an Environmental Management Framework Agreement between the federal government and the provinces became a major focus following the Throne Speech, and a Canada-Wide Accord on Environmental Harmonization was agreed to 'in principle' in November 1996. However, the Accord was not concluded prior to the call of the June 1997 election.

June 1997 - May 1999

Following the June 1997 election, Christine Stewart replaced Sergio Marchi as Minister of the Environment and Ralph Goodale replaced Anne McClelland as Minister of Natural Resources. David Anderson became Minister of Fisheries and Oceans, Lyle Vanclief, Minister of Agriculture and Agri-Food, and Alan Rock, Minister of Health.

On June 24, 1997 Prime Minister Chrétien addressed the United Nations General

Assembly Special Session. The session's purpose was to review progress since the UN Conference on Environment and Development in Rio de Janeiro in 1992. In his remarks, the Prime Minister expressed regret that Canada was not fulfilling, and was unlikely to fulfil, its commitment made at Rio to stabilize its emissions of greenhouse gases by the year 2000. However, the Prime Minister did make commitments to: the development of new greenhouse gas reduction targets; reversing deforestation; urgent action on persistent organic pollutants; protection for threatened species; and the maintenance of existing parks and the creation of new ones.

The summer and fall of 1997 were dominated by the need to formulate a Canadian position to take to the third conference of the Parties to the Framework Convention on Climate Change in Kyoto, Japan in early December. A commitment to a 3% reduction in greenhouse gas emissions by 2015 was agreed to a joint meeting of the federal, provincial and territorial environment and energy Ministers in Regina in November.

However, reflecting the indications from other Parties to the Convention that they intended to adopt more ambitious targets, the federal government announced an official position on December 1, the first day of the Conference of seeking a 8% reduction in greenhouse gases by 2015 in the proposed Protocol. The Conference of the Parties concluded with agreement on a Protocol committing industrialized countries to various goals. Under its commitment, Canada will need to, firstly stabilize its greenhouse gas emissions, then achieve a 6% reduction (averaged) in the period 2008-2012 (for further detail on Canada's National Climate Change Process, see "Air, Energy and Climate Change").

On January 29, 1998 the federal government and all provinces and territories except Quebec signed an environmental 'harmonization' agreement in St. John's, Newfoundland. The agreement had been the subject of intense debate. The House of Commons Standing Committee on the Environment and Sustainable Development had tabled a report in December 1997 stating that it could find no evidence of the problem of 'duplication and overlap' which the accord was intended to resolve, that it would likely lead to a diminished role for the federal government in environmental protection, and therefore weaken the protection of Canada's environment.

A CCME policy on toxic substances was also adopted at the January 1998 CCME meeting. The policy reflected the June 1995 federal Toxic Substances Management Policy, combining it with the proposed system of establishing "Canada-Wide Environmental Standards" under the harmonization accord. The federal policy has been strongly criticized as undermining the concept of virtual elimination of persistent toxic substances articulated in the Canada-U.S. Great Lakes Water Quality Agreement and by the International Joint Commission.³

The 1998 Federal Budget was tabled on February 24, 1998. The major environmental initiatives included new spending of \$50 million/year over three years to finance research on options to reduce greenhouse gas emissions and an additional \$34 million dollars annually for the National Research Council's Industrial Research Assistance Program (IRAP) to foster and implement new technologies or approaches for energy, water and resource conservation as well as pollution prevention.

February and March 1998 also saw the completion of negotiations, in which Canada has been a participant, on a number of major international environmental agreements. These included a Convention on Prior Informed Consent (PIC) for Transboundary Movement of Hazardous Chemicals, and Protocols on Persistent Organic Pollutants and Heavy Metals under the UNECE Convention on the Long-Range Transport of Air Pollution. In addition, the Basel Convention bans on exports of hazardous wastes for disposal or recycling were affirmed at a March Conference of the Parties to the Convention. Canada was accused of seeking to undermine the Basel ban at the Conference, and to have succeeded in significantly weakening the UNECE Heavy Metals Protocol.⁴

On March 12, 1998, the revised CEPA was reintroduced as Bill C-32. The Bill includes a number of significant amendments to the original Bill C-74, which had been introduced in December 1996 and died on the Order Paper when the June 1997 election was called. The new amendments require consultation with the provinces, industry, aboriginal organizations and others before the federal Minister can take virtually any action under the Bill, including the gathering of information or the establishment of non-enforceable guidelines or codes of practice. Other amendments further weakened the Bill's provisions related to information gathering and pollution prevention planning. The Bill did require the establishment of a National Pollutant Release Inventory (NPRI).

A Canadian Environmental Assessment Agency report in March 1998 revealed that a federal environmental review panel concluded that Atomic Energy of Canada Limited did not have sufficient public support for its plan to dispose of spent nuclear material in Northern Ontario. Subsequently, it was revealed in February 1999 that pressure had been exerted on Aboriginal Peoples to accept the plan.

In May 1998 the House of Commons Standing Committee on Environment and Sustainable Development tabled a report severely critical of the federal government's environmental law enforcement efforts.⁵ This was followed a week later by the tabling of the Second Annual Report of the Commission for the Environment and Sustainable Development highlighting Canada's failures to fulfil its international environmental commitments, and to implement the requirements of the *Canadian Environmental Assessment Act*.

In the same month, it was revealed that the Province of Ontario had approved the taking of water from Lake Superior for bulk exports. This prompted commitments of legislative action by the federal government to ban such exports in the future.⁶ However, in November the federal government stated that its plans for legislation were on hold, and that it was seeking a voluntary moratorium on exports from the provinces.⁷ As of May 1999, agreement on such a moratorium had not been achieved.

In June 1998, the Minister of Health initiated a review of Health Canada's health protection legislation. Major concerns are raised over proposals to limit the agency's potential liability for harm caused by products it approves, and to strengthen the role of 'clients' in the regulatory process.

A Canadian Federal Court delivered a decision (the Sunpine Decision) in July 1998 that

would revoke the approval for two forestry-road bridges in Alberta. The decision was viewed as a victory for proponents of the environmental assessment process with regard to resource development projects. Later in the year, the Crown launched an appeal of the decision. The appeal was, however, unsuccessful.

July 1998 also saw the federal government's announcement of its repeal of a ban on the use of the gasoline additive MMT in the face of challenges under the North American Free Trade Agreement and the Internal Agreement on Trade. The following month a second challenge was filed under the NAFTA, regarding the federal government's 1995 ban on exports of PCBs for disposal to the U.S.⁸

In October, federal environment and health ministers announced a plan to introduce regulations to lower the allowable level of sulphur in gasoline sold in Canada. Ontario has had the highest sulphur level in gasoline in the nation. Under the new regulated limits, gasoline sulphur levels would be reduced 90% over current average sulphur content.

November 1998 saw negotiations on the implementation of the Kyoto Protocol on Climate change in Buenos Aires. Canada is accused, by some, of attempting to back away from its commitments made in Kyoto, and of seeking to undermine the Accord.⁹ In the same month, the House of Commons Standing Committee on Fisheries and Oceans tabled a report calling for increased federal spending on Great Lakes fisheries research, habitat protection, and alien species control.¹⁰

The budget of February 1999 included \$42 million over three years towards toxics research. This announcement was initially made in December 1998. Specific areas to be investigated include: persistent, bioaccumulative toxic substances, endocrine disruptors and the cumulative effect of toxins.

Canada also played a major role in negotiations over the proposed Protocol on Biosafety under the United Nations Convention on Biological Diversity. Canada acted as lead spokesperson for the six nation Miami Group (Canada, U.S., Australia, Chile, Argentina and Uruguay) which was seen to undermine the negotiating process, resulting in the suspension of the Extraordinary Conference of the Parties on the Protocol without concluding an Agreement.¹¹

In March 1999 it was revealed that there has been a major growth in imports of hazardous wastes into Canada, particularly Ontario and Quebec since 1993.¹² In response, the Minister of International Trade states that nothing can be done regarding waste imports as a result of the provisions of the NAFTA.¹³ In the same month, a study of the performance of Canada and Ontario under the 1994 *Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem*, concludes that most of the goals and objectives of the Agreement will not be met by the time of its expiry in March 2000.¹⁴ Budgetary reductions resulting from the February 1995 federal 'Program Review' budget are cited as a major factor in this outcome.

The revised *Canadian Environmental Protection Act*, Bill C-32 was reported out of the House of Commons Standing Committee on the Environment and Sustainable

Development in April 1999. The Committee made a number of major amendments to the Bill, strengthening its provisions significantly, particularly with respect to toxic and hormone disrupting substances, and biotechnology products. In May 1999, the government tabled amendments to the Bill at Report Stage intended to reverse a number of the key amendments made by the Committee. The government's amendments reflected concerns raised by major industry organizations.

The addition of 73 new substances to the National Pollutant Release Inventory was announced at the end of April 1999. The Trial Division of the Federal Court of Canada delivered a decision regarding the January 1998 Environmental Harmonization Accord in the same month. The Court rejected a legal challenge to the Accord brought by the Canadian Environmental Law Association (CELA). CELA had argued that the Minister had exceeded her jurisdiction and fettered her discretion through its signing. The Court found that signing the Accord was within the Minister's jurisdiction under the *Department of the Environment Act*, and that issue of the fettering of discretion was premature in the absence of a specific fact situation. However, the Court also found that any actions or agreements entered into by the Minister to implement the Accord would have to be consistent with the requirements of the *Canadian Environmental Protection Act* and the *Canadian Environmental Assessment Act*.¹⁵

In the meantime, the development of "Canada-Wide Standards" for six substances (mercury, dioxins and furans, benzene, particulate matter and ground level ozone) under the Standards Sub-Agreement of the Harmonization Accord continued. Although the nature and implementation mechanisms for "Canada-Wide Standards" remain unclear, the standards development processes of the federal government and provinces, including Ontario, are now almost exclusively focussed on the CCME process.

Implications of Changes in Federal Laws and Institutions

Between January 1994 and May 1999, federal capacity to deliver environmental protection services in Ontario has been significantly affected by budgetary reductions. However, impact of other trends at the federal level may actually have a more severe impact on the role of Environment Canada in the delivery of environmental protection services in Ontario.

Particularly important in this regard is the federal government's overall withdrawal from the delivery of environmental protection services as a result of the Environmental Management Framework Agreement and its accompanying sub-agreements. Among other things, this direction will result in a significant loss of operational capacity and experience at the federal level. Significant procedural barriers to independent federal action to protect the environment may also be established if the essential elements of the harmonization agreement are incorporated into federal law, as is currently proposed through Bill C-32.

Significant barriers to legislative or regulatory action by Environment Canada have arisen as a result of the increased role of agencies, which see economic interests as their primary clientele, in the environmental policy-making process. In addition, the November 1995 federal regulatory policy establishes a number of explicit constraints on regulatory action by the federal government to protect the environment or public health and safety.

These barriers have led Environment Canada to rely almost exclusively on the encouragement of voluntary actions by industry to reduce the release of pollutants to the environment. Significant questions have been raised about the effectiveness of this approach, particularly in the absence of a credible threat of coercive action by regulatory agencies. Concerns have also been raised that the model returns environmental policy-making to a process of closed-door negotiations between government and industry.

Major losses have also occurred in the areas of environmental science and monitoring as a result of budgetary reductions. These have been especially evident in the activities of the Department of Fisheries and Oceans, and Health Canada in the Great Lakes Basin.

Provincial Overview

Developments in environmental law and policy in Ontario over the period January 1994 to May 1999 fall into two distinct phases, demarcated by the June 1995 provincial election.

January 1994 - June 1995

Between January 1994 and June 1995, the government of Ontario completed a number of major environmental initiatives, some of which originated with the previous (1985-1990) governments. Among the most significant events were:

- the enactment of major reforms to the *Planning Act*, and the development of a comprehensive set of provincial planning policy statements, based on the work of the Commission on Planning and Development Reform, in March 1995;
- the completion of the Municipal-Industrial Strategy for Abatement direct discharge program with the promulgation between September 1993 and February 1995 of effluent monitoring and discharge regulations for the nine industrial sectors targeted by the program;
- the promulgation between March and December 1994 of regulations controlling or phasing-out the use of a range of ozone depleting substances, including CFCs, HCFCs, halons, carbon tetrachloride and methyl chloroform; and
- the implementation of regulations requiring the provision of municipal solid waste recycling services by municipalities, and solid waste source separation and waste reduction planning by commercial, industrial and institutional waste generators. These regulations flowed from amendments to the *Environmental Protection Act* regarding waste management proclaimed in April 1992.

In addition, as noted earlier, a *Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem* was concluded between the government of Ontario and the federal government in July 1994.

June 1995 - Present

The June 1995 provincial election marked a major watershed in environmental management in the province of Ontario. The four years following the June 1995 election have been marked by an unprecedented series of changes to the province's environmental laws and institutions. The government of Ontario's environmental policies during this period have been structured around three core themes:

- regulatory "reform" in the guise of sweeping amendments to virtually every statute in the province dealing with environmental protection or natural resources management;
- enormous reductions in the budgets and capacity of provincial and local agencies charged with the protection of the province's environment and natural resources; and
- an extensive restructuring of roles and responsibilities between the province, municipal governments, and the private sector.

Regulatory 'Reform'

Between 1995 and 1997, major amendments were made to every significant provincial statute related to environmental protection or natural resources management, with the exceptions of the *Environmental Bill of Rights* and the *Power Corporation Act*. These typically weakened environmental protection requirements, expanded ministerial and cabinet discretion in decision-making, reduced or eliminated opportunities for public participation in decision-making and structures for government accountability, established self-regulation systems for a wide range of industries and activities which have major impacts on the environment, and insulated the government from lawsuits arising out of damages resulting from the government's removal of environmental protection requirements.

The pace of legislative change slowed significantly in the government's third and fourth years. This was partially a result of the fact that many of the province's environmental and natural resources statutes had by then been amended to grant the cabinet or, in some cases, individual ministers, virtually unlimited authority to act through regulations.

However, there have been a number of significant new legislative initiatives over the past two years. In December 1997 the government enacted of Bill 92, the *Development Charges Act*. Bill 92 limited the degree to which municipalities could require developers to internalize the costs of the infrastructure to serve new developments. This effectively requires municipal governments to subsidize urban sprawl. Bill 146, the *Farming and Food Production Protection Act* was enacted in May 1998. This legislation provided a mechanism through which municipal by-laws intended to control environmental nuisances arising from 'normal' farm operations can be overturned in response to complaints by farmers.

October 1998 was marked by the passage of Bill 35, *Energy Competition Act*. The Bill is intended to introduce competition into the electricity market in Ontario and divided Ontario Hydro into three entities: the Ontario Electricity Generation Corporation with generating assets; the Ontario Hydro Service Corporation to operate transmission and distribution infrastructure; and the Ontario Hydro Financial Corporation to hold Ontario Hydro's debt.

The Act provided for the incorporation of the Service Corporation and Generation Corporation under the *Business Corporations Act* as private corporations held by her Majesty in the right of Ontario. Among other things, this arrangement permits the Generation Corporation and the Services Corporation to escape the requirements of the *Freedom of Information and Protection of Privacy Act* and other statutes and accountability mechanisms that normally apply to public entities.

The Bill also creates an Independent Market Operator (IMO) to operate the competitive market and provide the Ontario Energy Board with a regulatory function through requirements for licensing as a condition of market access. The Act makes provision for the requirement of electricity suppliers to be in compliance with environmental performance standards as a condition of market access, but makes no provision regarding the nature of these standards. Major concerns have been raised that unless specific measures to control emissions from new sources of supply are adopted, the introduction of competition into the electricity sector will result in major increases in air pollution.¹⁶ In April 1999, the Ontario government maintained the status quo with regard to environmental oversight by extending the application of the *Environmental Assessment Act* to the operations of Ontario Hydro's successor companies.

In December 1998 Bill 25, *The Red Tape Reduction Act*, an omnibus bill similar to the January 1996 Bill 26, *Government Savings and Restructuring Act*, was enacted. The Bill amended more than a dozen natural resources statutes, permitting the delegation of decision-making authority over a wide range of activities on public lands and affecting lakes and rivers to "any person," removing requirements for conservation authority approvals of aggregates extraction, and facilitating the sale of public lands. Schedule 'C' of the Act, *Statute and Regulation Revision Act, 1998*, makes provision for the adoption of revisions to statutes by the Chief Legislative Council, without approval by the Legislature.

Bill 82, *An Act to Strengthen Environmental Protection and Enforcement* was also enacted in December 1998. The Act introduces administrative monetary penalties for offenses under the *Environmental Protection Act*, *Ontario Water Resources Act* and *Pesticides Act*, and strengthens the penalty and enforcement provisions of the Acts. A second Omnibus 'Red Tape Reduction' bill, Bill 101, making amendments to seven natural resources statutes, including the *Niagara Escarpment Planning and Development Act*, died on the Order Paper with the end of the Legislative session at the end of that year.

The Ministry of the Environment presented proposed 'revisions' to its environmental regulations in July 1996.¹⁷ These affected virtually every regulation administered by the Ministry, and proposed to remove a wide range of environmental protection requirements, including those related to the MISA municipal and industrial water pollution control program, and the management of hazardous wastes. The Ministry's proposals were re-

iterated in November 1997,¹⁸ although some proposed changes to air pollution control regulations were dropped. Specific proposals to weaken the province's municipal and hazardous waste management regulations were presented by the Ministry in June 1998.¹⁹

In September 1998, the Ministry of the Environment proceeded with the implementation of the first "Approval Exemption Regulations" (AERs) for a range of air and water pollution related activities. "Standardized Approvals" (SARs) which also allow activities to take place without Ministry approval have been proposed as well. Major revisions to the pesticide regulation system were adopted in August and September 1998.

For its part, the Ministry of Natural Resources removed approval requirements for most activities on public lands in November 1996. Approval requirements for many undertakings affecting waterways were also removed at that time. Self-monitoring and regulation systems have been adopted by the Ministry for the aggregates, petroleum, forestry, commercial fisheries, fur, and baitfish industries.

The impact of the government's changes to environmental legislation, such as the *Environmental Assessment Act* are becoming increasingly apparent. This has been especially clear in the area of approvals for waste management facilities. Major undertakings, such as the Taro industrial waste landfill in Stoney Creek, approved in July 1996, and the expansion of the province's only commercial hazardous waste landfill in Sarnia in September 1997, have been approved without public hearings before the Environmental Assessment Board. The scope of the review of other large scale projects, such as the Adams Mine Landfill in Kirkland Lake, approved in August 1998, have been significantly curtailed.

Budgetary and Personnel Reductions

The fall of 1995 and spring of 1996 were marked by a series of announcements regarding reductions in the budgets of Ontario government agencies and in transfer payments from the province to municipalities and other agencies. The Ministries of Natural Resources and of Environment were particularly heavily affected by these reductions.

The government's May 1999 budget indicates that, by the end of the 1998/99 fiscal year, the Ministry of Environment and Energy will have lost 38% of its operating budget and 93% of its capital budget, as measured against its actual budget for the 1994/95 year. These losses are outlined in Tables i,ii and Figures i(a), i(b). Figures provided by the Ministry indicate that staffing levels have fallen from 2208 to 1494 over the period 1994/95 to 1997/98, a loss of 32%.

The operating budget of the Ministry of Natural Resources should rise by 9% over the period 1994/95 to 1998/99, while its capital budget will fall by 44%, as illustrated in Tables i,ii and Figures ii(a), ii(b). The operating budget increase in 1998/99 is a result of in-year funding approvals and included: additional fire-fighting resources (\$70M); the Living Legacy program (\$30M); as well as \$14M for commercial fisheries licence buy-outs on the Bruce

Figure i (a)

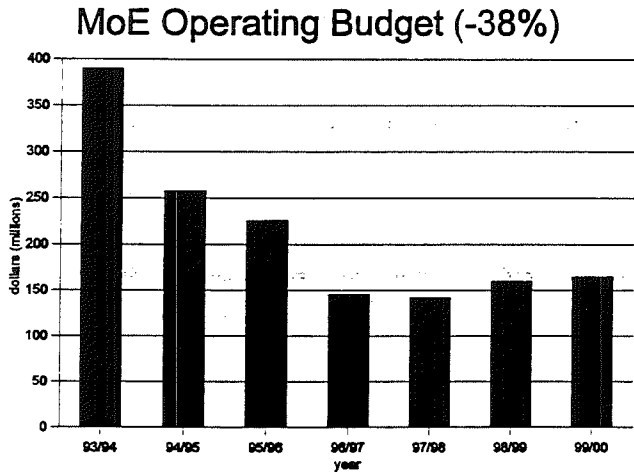


Figure i (b)

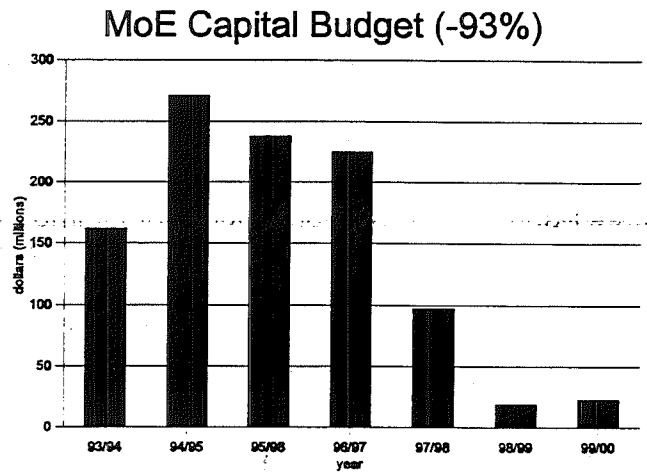


Figure ii (a)

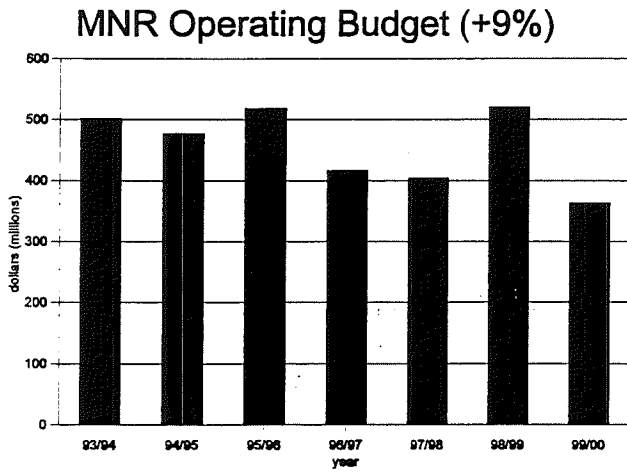


Figure ii (b)

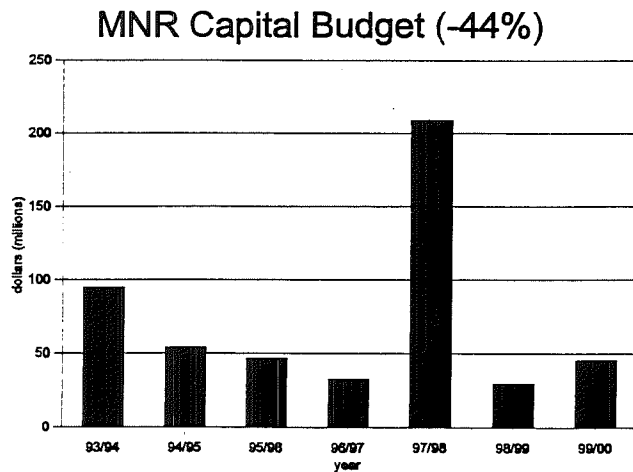


Table i : Operating Expenditures - Select Ministries 1994/95 to 1999/00 (in millions \$)							
Ministry	1994/95	1995/96	1996/97	actual 1997/98	interim 1998/99	plan 1999/00	Change: 94/95 to 98/99%
Agriculture, Food & Rural Affairs	\$409	\$263	\$324	\$306	\$317	\$365	-22
Citizenship, Culture & Recreation	\$363	\$302	\$282	\$344	\$393	\$393	8
Community & Social Services	\$9,364	\$8,816	\$7,965	\$8,047	\$7,707	\$7,677	-18
Consumer & Commercial Rel.	\$150	\$140	\$123	\$92	\$134	\$126	-11
Economic Dev't, Trade & Tour.	\$463	\$385	\$245	\$194	\$157	\$175	-66
Energy, Science and Technology	\$14	\$13	\$11	\$69	\$334	\$146	2,286
Environment	\$258	\$226	\$146	\$142	\$160	\$165	-38
Health	\$17,599	\$17,607	\$17,760	\$18,284	\$18,925	\$20,173	8
Native Affairs Secretariat	\$16	\$16	\$17	\$10	\$10	\$12	-38
Natural Resources	\$478	\$519	\$417	\$405	\$521	\$364	9
Northern Development & Mines	\$54	\$66	\$52	\$62	\$82	\$127	52
Transportation	\$598	\$1,054	\$879	\$709	\$627	\$539	5

Source: 1999 Ontario Budget, Budget Papers, May 1999

Table ii : Capital Expenditures - Select Ministries 1994/95 to 1999/00 (in million \$)							
Ministry	actual 1994/95	actual 1995/96	actual 1996/97	actual 1997/98	interim 1998/99	Plan 1999/00	Change 94/95 to 98-99 %
Agriculture, Food & Rural Affairs	\$12	\$5	\$0	\$1	\$0	\$0	-100
Citizenship, Culture & Recr'tion	\$42	\$29	\$9	\$7	\$6	\$16	-86
Community & Social Services	\$72	\$14	\$116	\$51	\$30	\$22	-58
Economic Dev't, Trade & Tour.	\$117	\$113	\$11	\$3	\$2	\$2	-98
Energy, Science & Technology	\$0	\$0	\$0	\$0	\$23	\$17	n/a
Environment	\$271	\$238	\$225	\$98	\$19	\$23	-93
Water Protection Fund	n/a	n/a	n/a	n/a	\$15	\$185	n/a
Health	\$249	\$168	\$175	\$106	\$172	\$504	-31
Native Affairs Secretariat	\$17	\$9	\$13	\$11	\$10	\$12	-41
Natural Resources	\$54	\$47	\$33	\$209	\$30	\$46	-44
Northern Development & Mines	\$240	\$163	\$168	\$173	\$176	\$225	-27
Transportation	\$1,757	\$1,387	\$1,279	\$1,186	\$902	\$824	-49

Source: 1999 Ontario Budget, Budget Papers, May 1999

Peninsula. The planned direction of the MNR operating budget is a continuing decline to \$364M in 1999/2000, the lowest level since 1994/95. The Ministry's staff has declined from a total of 6,639 in 1994/95 to 4,643 in 1997/98,²⁰ a loss of 30%.

In its 1998 budget, the provincial government stated that it intended to increase spending on environmental matters by \$35 million over the next four years. This is to include \$20 million for land acquisition in the Niagara Escarpment and other sensitive areas, \$10 million to improve fish and wildlife management, and a \$5 million endowment for a foundation to attract contributions for cleaning up the Great Lakes. However, it is important to note that the budget also indicated that the operating and capital budgets of the Ministries of the Environment and of Natural Resources were to fall by more than \$100 million over 1998/99 fiscal year.

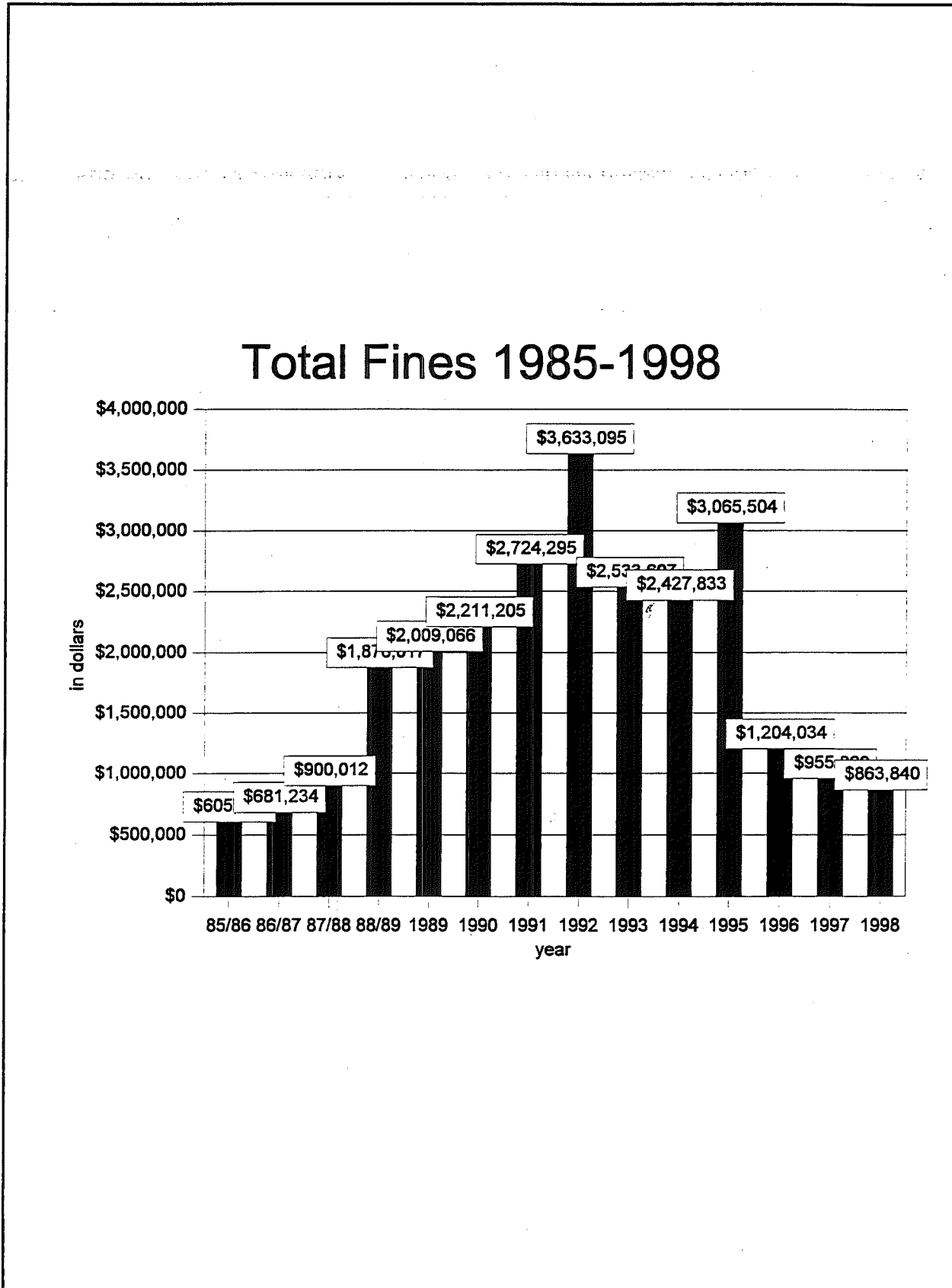
Provincial transfers to municipalities for a range of environmentally related activities, including curbside recycling and household hazardous waste collection programs were terminated in the government's first year in office. The provincial government has also indicated its intention to withdraw provincial support for sewer and water infrastructure and public transit services in January 1997. However, it has stated that it will provide one-time capital grants for sewer and water infrastructure and public transit services during the transition period. Conservation Authorities, which have traditionally played a major role in the delivery of water resources management and the protection of ecologically significant areas have lost approximately 70% of their funding from the province.²¹

The most dramatic evidence of the impact of the budgetary and personnel reductions to provincial agencies is the precipitous decline in their environmental law enforcement activities. This is outlined for the Ministry of the Environment in Table iii and Figure iii. The total fines obtained by the Ministry for 1998, the most recent year for which data could be obtained, were \$863,840 - the lowest figure since 1986/87, and less than one third of the total for 1995. Fines fell, in part, as a consequence of the 28% reduction in Investigation and Enforcement Branch staff over the period 1995-1998.

Table iii : Ontario Ministry of Environment Enforcement Activity, 1995-1998

Activity	1995	1996	1997	1998
Total number of Crown Briefs received.	196	143	145	204
Total number of charges against individuals	615	343	491	353
Total number of charges against corporate defendants	430	409	463	452
Total number of convictions against corporate defendants	232	148	215	243
Total fines against corporate defendants (1000s of \$)	\$1,845	\$750	\$760	\$622
Total number of convictions against individuals	280	189	203	171
Total fines obtained against individuals (in 1000s of \$)	\$1,220	\$453	\$195	\$241

Figure iii: Total fines recorded by the Ministry of Environment 1985-98



In February 1999, it was revealed that the Ministry of the Environment had developed a delivery strategy for its operational staff, directing them not to respond to public complaints about a wide range of environmental problems, or to direct such complaints to other agencies and municipalities. Specific examples included problems arising from: activities related to agriculture; construction and demolition; diesel generators; gravel pits and quarries; mobile sources; oil from vehicles; septic systems; boating; sewers; drinking water quality; road salt; inert fill; pop bottles; industrial, institutional and commercial waste source separation; recycling and composting regulatory requirements; tire disposal sites with less than 5,000 tires; litter; abandoned vehicles; inquiries about pesticide use; and residential pesticide use.²²

A March 1999, analysis of the Ministry's 1996 law enforcement activities by the Sierra Legal Defence Fund indicated that only three of 134 companies and sewage treatment plants that had violated water pollution control requirements had been successfully prosecuted by the Ministry.²³ A similar analysis of air pollution infractions indicated that in 1997 there were 1,224 violations of air pollution regulations, resulting in four charges. In 1998 there were 3,354 violations, resulting in two charges.²⁴

A number of other incidents over the past two years have indicated serious gaps in the province's capacity to monitor activities which may threaten the health, safety or environment of Ontarians. The most prominent of these occurrences was the four-day long, July 1997 fire at the Plastimet PVC recycling facility in Hamilton.²⁵ The Ontario Court, General Division's February and May 1998 decisions²⁶ regarding the Ministry of Natural Resource's failure to comply with the *Crown Forest Sustainability Act* and the Terms and Conditions of the Class Environmental Assessment of Timber Management on Crown Lands, raised similar questions about the management of the province's natural resources. The Ministry's primary defence in the case was that it lacked the resources necessary to comply with the requirements of the Act and Class Environmental Assessment Terms and Conditions.

Restructuring

The Provincial/Municipal Relationship

A wide range of provincial responsibilities have been transferred to municipal governments over the past four years. The withdrawal of provincial funding for municipally delivered environmental services, including curbside recycling and household hazardous waste collection, and the upgrading of sewer and sewage treatment systems to deal with combined sewer overflows, was announced in the fall of 1995. The 'Mega-week' announcements of January 1997 included the withdrawal of provincial funding for public transit services (approximately \$700 million/yr) and sewer and water infrastructure (approximately \$140 million/yr). The government subsequently announced a series of one-time grants in these areas to deal with transitional issues.

The transfer of responsibility for the operation and maintenance of provincially-owned

water and sewage treatment facilities and the regulation of septic systems to municipalities was also announced in January 1997. These steps were completed through the passage of Bill 107, the *Water and Sewerage Services Improvements Act, 1997* in May 1997. Responsibility for dealing with odour, noise, dust and other 'nuisance' environmental problems has effectively been downloaded to municipalities as well. This is a result of the adoption of Approval Exemption Regulations for many sources of these problems by the province. The Ministry of the Environment's Delivery Strategy also directs Ministry staff to refer many types of public complaints about environmental issues to municipalities.²⁷ No additional resources have been provided to municipalities to deal with these demands.

Support by provincial agencies for the management of conservation lands, and environmental protection in land-use planning decision-making has been withdrawn as a consequence of March 1996 amendments to the *Planning Act*. These amendments also weakened requirements that municipal planning decisions be consistent with provincial land-use policies, and environmental protection provisions within those policies. At the same time, the provincial government has not hesitated to override important or innovative local environmental decisions in favour of particular economic or institutional interests. This has included disallowing a vehicle anti-idling by-law enacted by the former City of Toronto,²⁸ adopting a regulation to prevent municipalities from charging product manufacturers or importers for the costs of dealing with their products or packaging through municipal recycling programs,²⁹ blocking municipal efforts to protect ecologically sensitive areas from aggregate development,³⁰ and establishing barriers to the adoption of municipal by-laws to control the environmental and health impacts of agricultural operations.³¹

Finally, the province has forced the amalgamation of a number of municipalities against the clearly expressed wishes of their municipal councils and residents. The most prominent example of such actions was the amalgamation of the six municipalities making up Metropolitan Toronto into a single City of Toronto in January 1998.³² In this case, opposition to the province's proposals was stated by all of the affected local councils, and by seventy-six per cent of Toronto residents who voted in a municipally-sponsored referendum on the subject.³³

Industry Self-Regulation

The past two years have been marked by the transfer, to the private sector, of a wide range of functions previously carried out by the province. These changes have taken a number of different forms. In the case of the Ministry of Natural Resources, self-monitoring and compliance systems have been established for the forestry, aggregates, petroleum, brine, commercial fisheries, fur and baitfish industries which were previously regulated by the Ministry. Similar arrangements have been under consideration regarding the regulation of the closure of mines by the Ministry of Northern Development and Mines since the enactment of amendments to the *Mining Act* through Bill 26 in January 1996.

In the case of the Ministry of Consumer and Corporate Relations, in May 1997 the regulatory functions of the Ministry related to underground storage tanks, boilers, pressure

vessels, fuels, elevators, amusement devices, and upholstered furniture were transferred to a private organization called the Technical Standards and Safety Authority (TSSA). The Authority's board of directors is dominated by representatives of the industries it is to regulate.³⁴ The Independent Market Operator and Electrical Safety Authority are similar entities created through Bill 35, *The Energy Competition Act, 1998*.

Serious questions regarding the implications of these transfers have been raised by the Environmental Commissioner,³⁵ Provincial Ombudsman³⁶ and others. There are particular concerns that, as these functions will no longer be carried out by provincial government agencies, they will escape the application of such statutes as the *Environmental Bill of Rights, Freedom of Information and Protection and Privacy Act, Ombudsman Act, Environmental Assessment Act*, and the *French Language Services Act* and mechanisms for public and legislative oversight and accountability, such as the Provincial Auditor. Although some of these entities, such as the TSSA, carry out law enforcement activities, it is also unclear whether the *Canadian Charter of Rights and Freedoms* applies to their actions.

Similar issues exist with respect to the successor companies to Ontario Hydro created through the *Energy Competition Act*. The Act provided for the incorporation of the Ontario Electricity Service Corporation and Ontario Generation Corporation under the *Business Corporations Act* as private corporations held by the Crown in Right of Ontario. As private corporations these entities also escape the application of statutes such as the *Freedom of Information and Protection of Privacy Act* that apply to public bodies.

Government Initiatives

Despite a growing body of evidence regarding deteriorating environmental conditions in the province, the government of Ontario's actions to improve environmental protection over the past four years have been extremely limited. Summer gasoline volatility limits were lowered in February 1997, an 'interim' Acceptable Ambient Air Quality Criteria (AAQC) for PM₁₀ (particulate matter) was adopted in November 1997,³⁷ and an 'interim' ban on the approval of new waste oil burning space heaters in March 1998.³⁸

New standards for nine hazardous air pollutants were adopted in December 1998, although the improvements over existing standards were marginal.³⁹ The Ministry of the Environment stated its intention to phase out the use of waste 'black liquor' (also known as 'Dombind') from pulp mills as a dust suppressant in the same month.⁴⁰ Bill 82, also adopted in December 1998, strengthens the enforcement powers available to the Ministry of the Environment. However, no additional resources have been provided to support its implementation.

The government's much publicized 'Drive Clean' vehicle inspection and maintenance program is scheduled to become mandatory on April 1, 1999. However, the program will initially be limited to the Greater Toronto Area and Region of Hamilton-Wentworth, and excludes heavy trucks and buses.

In January 1999, the Minister of Natural Resources announced the cancellation of the

annual spring bear hunt in Ontario. The provisions of the *Fish and Wildlife Conservation Act*, enacted in December 1997 came into force in the same month. The new legislation replaced the *Fish and Game Act*, and provides protection for non-game species, and for wildlife held in captivity. However, the new Act has been criticized for granting excessive discretion to the Minister of Natural Resources, and permitting the delegation of Ministry functions to private individuals and entities.

The government announced its response to the recommendations of the 'Lands for Life' Round Table Reports in March 1999. The 'Lands for Life' process had been established in April 1997 to determine the future uses of public lands in Central and Northern Ontario, an area encompassing 47% of the province's land area. The government stated its intention to protect 12% of the lands in the planning area from development, a significant increase over current levels and the recommendations of the Round Tables.⁴¹

However, this commitment is subject to a number of major concessions to the forestry and mining industries, and other interests. In the case of mining, land tenure in new parks and protected areas is to be maintained, prospecting permitted in these areas, and land 'borrowed' from parks for mining purposes if significant mineral deposits are found. More than \$20 million in new subsidies to the mining industry are also to be provided.⁴²

With respect to forestry, the government has committed to: no long-term reduction in wood supply; no increases in the costs of the wood supply; potential exemptions for the biodiversity protection provisions of the *Crown Forest Sustainability Act* in areas where intensive silviculture is to be practiced; and \$21 million in new subsidies and compensation to the forest industry.⁴³ The issue of extended tenure for forest companies was not addressed in the government's announcements, but extensions of tenure appear to be implicit in the 'Lands for Life' process. The forestry and mining industries are to have a veto over any future expansion of parks and protected areas.⁴⁴ Finally, commercial fur harvesting and sport hunting and fishing are to be permitted in new protected areas.⁴⁵

Intergovernmental and International Environmental Commitments

The enormous reductions in the budgets and resources of the province's environmental and natural resources agencies have had a major impact on the province's ability to fulfil its obligations under agreements with other levels of government.

The Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem

In its 1996, 8th and 1998 9th *Biennial Reports on Great Lakes Water Quality*, the International Joint Commission expressed concern over the effects of the Ontario government's actions on the province's ability to fulfil its responsibilities under the 1994 *Canada-Ontario Agreement Respecting the Great Lakes Ecosystem Basin (COA)*.⁴⁶ The Agreement is the primary instrument for the carrying out of Canada's obligations under the *Canada-U.S. Great Lakes Water Quality Agreement*.

An assessment of the performance of the Parties to the Agreement published by the

Canadian Institute for Environmental Law and Policy in March 1999 concluded that "it is clear that most of the goals and objectives in the Agreement will not be met by the time of its expiry in March 2000."⁴⁷ The report highlighted the impact of budgetary reductions to agencies and programs essential to the fulfilment of Ontario's obligations under the Agreement, including the lay-off of the Coordinators for many of the provincially-led Remedial Action Plans for Areas of Concern identified in the *Great Lakes Water Quality Agreement*, in January 1997. The report also noted that the Ministry of Natural Resources had disbanded its Great Lakes Branch, and that there was no mention of COA or Great Lakes commitments in the Ministry's current Business Plan.

Fisheries Act Enforcement

In September 1997 the Ministry of Natural Resources terminated its enforcement of the habitat protection provisions of the federal *Fisheries Act*, on one month's notice to the federal government. The Ministry had responsibility for the enforcement of these provisions of the Act under an arrangement with the federal Department of Fisheries and Oceans. The enforcement of the Act was also a commitment contained in the *Canada-Ontario Agreement on the Great Lakes Basin Ecosystem*.

In May 1998, a report by the House of Commons Standing Committee on Environment and Sustainable Development described the Ontario government's action in this regard as leaving a "huge hole"⁴⁸ in the protection of fish habitat, such as streams and wetlands, in the province. In September 1998, eight federal fisheries officers and one supervisor were assigned to Ontario on a temporary basis to enforce the habitat provisions of the Act. Over the summer of 1998, only one official, based in Yellowknife, had been left responsible for the enforcement of the Act in the province.⁴⁹

Blocking National Initiatives on Acid Rain, Smog, Sulphur Content of Gasoline and Climate Change

Despite the Government of Ontario's repeated statements that reducing air pollution is its priority environmental issue, the province has taken steps to block a number of major intergovernmental initiatives on the subject. Ontario's representatives played a central role in undermining the consensus on the National Air Issues Coordinating Committee's Acidifying Emissions Task Group in favour of additional action to reduce emissions that cause acid rain.⁵⁰ The Task Group's report indicated that a 75% reduction in permitted levels of acidifying emissions in Eastern Canada was required to halt the continuing damage to water bodies and human health.⁵¹ A Canada-Wide Acid Rain Strategy was agreed to by the federal and provincial energy and environment ministers in October 1998.⁵² However, it contained no specific targets or timetables for reducing acidifying emissions.

The province has played a similar role in halting the development of a National Smog Management Plan. Efforts towards the development of such a plan were ended in the summer of 1997 when Ontario and British Columbia indicated that they would be unable to prepare and consult on their Regional Smog Management Plans prior to the fall 1997 joint energy and environment ministers' meeting.⁵³

In November 1998 it was revealed that the Ontario Ministers of the Environment, Economic Development and Trade and Transportation had written to the federal Minister of the Environment, opposing a federal initiative to dramatically lower the sulphur content of gasoline sold in Canada.⁵⁴ The government of Ontario had publicly stated its support for the federal initiative.⁵⁵ Gasoline sold in Ontario has one of the highest sulphur content levels in the world.⁵⁶

Ontario representatives have also sought to block progress on the development of any specific conclusions or recommendations in the issues tables established by the federal government to develop an implementation strategy for Canada's obligations under the Kyoto Protocol on Global Climate Change.⁵⁷

Environmental Education

One of the most significant, and least noticed, environmental initiatives of the government has been the changes to province's elementary and secondary school curriculum. In April 1998 the government adopted a new elementary school curriculum. The environmental content of the new curriculum was significantly reduced. An evaluation of the new curriculum by the Ontario Society for Environmental Education concluded that its environmental content averaged less than five percent of learning outcomes for all grades except Grade 7. The Society concluded that there are few and only fragmented requirements for awareness or knowledge building on environmental subjects in lower grades.⁵⁸ A new secondary curriculum is to be adopted in April 1999. Its environmental content has also been significantly reduced.

Local Government Overview

Municipal level governments have experienced a great deal of flux over the study period in terms of the delivery of many environmental services and policies for which they are responsible. This has resulted in primarily negative environmental trends arising at the municipal and regional level; however some positive developments have taken place. The overall trend, over the study period, largely follows the pattern of changes at the provincial level: initially, the environmental protection framework was being strengthened, then, at the direction of the province, a more flexible supervisory system and weaker environmental protections were instituted. This trend is supported by the following:

- Substantial support for waste diversion systems (\$3.2 million/yr) in the form of grants to municipalities continued until 1995, then were terminated.
- Substantial support for municipal transit systems (\$718 million/yr) in the form of grants to municipalities continued until 1997, then were terminated.
- Conservation Authorities were significant voices at the municipal level for habit, water resources and biodiversity protection; a series of changes starting with Bill 26 the *Government Savings and Restructuring Act* weakened CAs to the extent that they could potentially be dissolved and their lands dispensed.
- Land use planning changes : initially, land use protections were continuing to be

strengthened through the implementation of Bill 163 *The Land Use Planning and Protection Act*, then through a series of legislative and regulatory changes, land use protection, and therefore habitat and biodiversity protection, began to be significantly weakened. Both senior levels of government admit that wetland protection has been greatly diminished through concessions to the development industry.⁵⁹

- Niagara Escapement planning and protection has become much weaker. The most obvious indication of this was the transfer of its fate to the Ministry of Natural Resources from the Ministry of the Environment.

In the face of these and many other changes, municipalities have no other course of action but to adopt the new rules governing waste diversion, land use planning, biodiversity protection and to accept the financial responsibilities, such as transit, assigned to them by the province. Despite this very challenging set of demands, some positive environmental initiatives were advanced, in many cases, through agencies other than a municipal government.

Positive developments included: various cities consideration of a vehicle anti-idling by-law (the City of Toronto's attempt was over-ruled by the Minister of Municipal Affairs and Housing); wind turbine projects are under study or in progress in Belleville and Toronto; cogeneration, deep-lake cooling and landfill gas capture projects that have moved ahead in Waterloo and Toronto; as well as numerous small ecosystem improvement projects with the help of senior levels of government such as an expansion of the Rouge River Valley park.

Less positive developments included: the difficulties that Hamilton residents have had with adequately resolving Plastimet Inc. fire contamination and environmental response issues; on-going concerns over the Red Hill Creek Expressway development; the many spills and discharges of sewage, effluent, oil, and radioactive substances that have occurred in municipalities across the province; and the difficulties with landfills in such locations as the City of Kingston and Stoney Creek, need the Phillip Services Corporation Taro landfill.

Municipal Restructuring

In the midst of the generally negative environmental legal and regulatory changes that municipalities were to adopt, they also became the subject of the most extensive and compressed municipal restructuring in Ontario history. In the process a wide range of provincial responsibilities were transferred to municipal governments and a limited range of responsibilities (primarily educating and its funding) was absorbed by the province. This process impacted the delivery of, or funding for : curbside recycling, household hazardous waste collection, sewer and sewage treatment systems; and public transit to name just some.

The most significant episode in this restructuring process was the now infamous 'Mega-week' of January 1997 in which the province announced the withdrawal of provincial funding for public transit services (approximately \$718 million/yr) and sewer and water infrastructure (approximately \$140 million/yr). Other significant legislative initiatives, over

the past four years, associated with this restructuring exercise included: Bill 26, the *Government Savings and Restructuring Act*; the Bill 107, the *Water and Sewerage Services Improvements Act, 1997*; March 1996 amendments to the *Planning Act*; and a host of policy, regulatory and administrative changes within the Ministry of Municipal Affairs and Housing, Ministry of Environment and Ministry of Transportation.

Late in the government's term, it announced a series of one-time grants in the areas of transit and water and sewer services to deal with transitional issues. Some speculation was made the MoE's Water Protection Fund might be more permanent than transitional.

Finally, the province forced the amalgamation of a number of municipalities against the clearly expressed wishes of their municipal councils and residents. The most prominent example of such actions was the amalgamation of the six municipalities making up Metropolitan Toronto into a single City of Toronto in January 1998.⁶⁰ In this case, opposition to the province's proposals was stated by all of the affected local councils, and by seventy-six per cent of Toronto residents who voted in a municipally-sponsored referendum on the subject.⁶¹

Municipal Summary

In summation, it is apparent that municipal levels of government will not be able absorb the responsibilities being shed by senior levels of government under existing resources. Even the commitment of new resources may not be sufficient to manage the responsibilities as regulatory control remains with the senior levels of government. Furthermore, as competition for resources at the municipal level continues to intensify, securing resources for environmental protection is bound to become ever more difficult.

Implications of Federal, Provincial and Local Changes for Environmental Protection in Ontario

The cumulative impact of the changes to environmental laws and institutions at the federal, provincial and local levels in Ontario over the past five years has been severe. There has been a significant loss of environmental protection services delivered by all levels of government in Ontario. The impact of this loss is beginning to be manifested in strong evidence of deteriorating environmental conditions in the province.

Imports of hazardous wastes into the province from the United States, for example, have grown dramatically, rising by a factor of four, from 56,000 tonnes in 1993 to 246,000 tonnes in 1997.⁶² The quantities of hazardous and liquid industrial wastes being transferred off-site for disposal from Ontario sources have also increased sharply, with a 50% growth reported through the provincial Waste Manifest System, from 1.4 million tonnes, to over 2.1 million tonnes between 1994 and 1997.⁶³ A major increase in waste transfers between 1994 and 1996 is also shown in the federal National Pollutant Release Inventory data.⁶⁴

Air emissions have risen dramatically in Ontario as a result of increased reliance on coal-fired generation as a replacement for electricity supplied by nuclear generating facilities

'laid-up' as part of the utility's Nuclear Asset Optimization Plan (NAOP). Emissions of nitrogen oxides and sulphur dioxide (acid rain and smog precursors), have risen 58% and 68% respectively over the period 1996-1998, on an average basis, from Ontario Hydro's coal-fired operations.⁶⁵ Emissions of particulates and heavy metals from Ontario Hydro facilities have likely increased by a similar amount over the same period.⁶⁶ NAOP was developed in response to reports raising major safety concerns regarding Hydro's nuclear operations.⁶⁷

There have also been a significant number of reports, from independent and authoritative bodies, highlighting the extent of the environmental challenges facing the province. These included an October 1998 report from the North American Commission on Environmental Cooperation,⁶⁸ indicating that the province was the third largest source of releases to the environment and transfers to disposal of pollutants in Canada and the United States.⁶⁹ As shown in Table iv, Ontario's 1995 releases and transfers of pollutants were exceeded only by those of the states of Texas and Louisiana.

Province/ State	Total Releases & Transfers in (kg)
Texas	151,082,326
Louisiana	74,495,761
Ontario	74,278,803
Ohio	71,555,943
Pennsylvania	56,361,058
Alabama	49,861,913
Illinois	49,704,025
Tennessee	48,249,163
Michigan	47,645,356
Indiana	46,399,630
North Carolina	41,490,654
Florida	35,686,897

Table iv - Largest sources of NPRI / TRI substances in North America

Other reports from the Commission on Environmental Cooperation,⁷⁰ Environmental Commissioner for Ontario,⁷¹ Ontario Medical Association,⁷² International Joint Commission,⁷³ the Acidifying Emissions Task Group of the National Air Issues Coordinating Committee,⁷⁴ the North East States for Coordinated Air Use Management,⁷⁵ and the University of Toronto⁷⁶ have stressed the province's air pollution problems and their impacts on human health.

A report by the Office of the Fire Marshal in the aftermath of the July 1997 Plastimet PVC fire raised serious questions about the adequacy of the province's regulation of waste 'recycling' and handling sites.⁷⁷ Similar issues were identified by the Canadian Institute for Environmental Law and Policy in a February 1998 report on the management of hazardous wastes in Ontario.⁷⁸ The extent of the gaps in environmental science and monitoring capacity within the province, resulting from budgetary reductions at the federal and provincial levels, is also becoming increasingly apparent.

The capacity of all levels of government to respond to these challenges remains limited. At the federal level, the impact of budgetary reductions has significantly reduced the resources available for the delivery of services. At the same time, significant barriers to legislative or regulatory action to protect the environment have arisen as a result of the federal government's moves towards the devolution of the bulk of its environmental protection functions, and the emphasis on 'regulatory reform' and limiting the impact of environmental protection requirements on economic interests.

In some cases, the federal government has been left with no option but to intervene. The

most prominent example has been the federal response to the province's withdrawal from enforcement of the habitat protection provisions of the *Fisheries Act*. Other examples have included provincial withdrawal from key functions related to the *Great Lakes Water Quality Agreement* and COA, most notably funding of the positions of the RAP coordinators in many provincially-led RAPs.

The May 1999 federal budget included indications of the possibility of a significant increase in federal spending on environmental matters in the following year's budget. This would likely strengthen the capacity of Environment Canada in such areas as environmental science and monitoring, and environmental remediation, particularly in the Great Lakes. However, additional financial resources will not overcome the principle barriers to a more active regulatory role on the part of Environment Canada, namely, the overall shift towards devolution, and the growing policy and institutional barriers to action within the federal government. However, a stronger federal presence will be required if what has been described by some as the growing 'race to the bottom' among the provinces in terms of environmental standards is to be halted.

At the provincial level, the capacity of all agencies with environmental mandates has been severely affected by the impact of budgetary reductions. The emphasis on 'Red Tape' reduction has also presented major barriers to legislative or regulatory action to strengthen environmental protection in the province. Significant questions have been raised about the level of political will to carry out environmental protection functions at the provincial level as well.

Local agencies have found themselves left with a range of environmental service delivery responsibilities which have been delegated to them by the province. However, they have also been severely affected by the impact of provincial downloading and restructuring. This has left them with little capacity to address new environmental challenges.

Public awareness of declining environmental conditions in Ontario, resulting from the enormous loss of capacity to delivery environmental services as all three levels of government, appears to be rising. Interventions by respected non-traditional voices on environmental matters, such as the Ontario Medical Association, making linkages between deteriorating environmental quality and human health, are also emerging as significant factors. Public expectations of governments regarding environmental protection seem likely to increase in the next few years.

However, the direction of public policy in this regard remains uncertain. The next year will be one of the most critical in the province's history with respect to the protection of its environment. If the current pattern of decline becomes more deeply entrenched, it will become increasingly difficult to reverse, as key institutions at the provincial and local levels may be lost. Alternately, growing public concern may result in a recommitment of political will to securing the health and environment of Ontario residents.

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Federal Environmental Protection Initiatives : Chronology of Events (1995-1999)

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Air, Energy and Climate Change

- Mar 21/94 Framework Convention on Climate Change (FCCC) is ratified. Industrialized countries, as well as countries with economies in transition, are committed to the goal of stabilizing greenhouse gas emissions at 1990 levels by the year 2000.
- Sep 1994 Canada's National Report on Climate Change released and submitted to the United Nations - an obligation under the FCCC.
- Feb 1995 The federal, provincial and territorial governments release Canada's National Action Plan on Climate Change. The plan is heavily reliant on voluntary measures to achieve Canada's GHG reduction targets. Natural Resources Minister Anne McLellan unveils Canada's Voluntary Challenge and Registry (VCR). The VCR is a reporting mechanism for voluntarily initiated GHG reduction measures and has been criticized for weaknesses such as the lack of any verification mechanism.
- Nov 1995 First Progress Report of the Voluntary Challenge and Registry.
- Mar 6/96 The federal budget is unveiled and contains some measures intended to encourage investment in the environmental industry and the renewable energy sector. Specifically, the measures are aimed at promoting consultations on proposals for tax incentives to:
- increase energy efficiency;
 - remediate environmentally damaged lands;
- Also announced is :
- a new fund called the Technology Partnerships Canada Fund which will earmark money for the promotion and demonstration of Canadian environmental technologies (see also March 26, 1996 and section on Budgetary and Staff Changes);
 - the continuance of high levels of tax deductibility of investments in oil sands developments;
 - tax deductions for monies contributed to mining trusts.
- Apr 25/96 The Transport and Environment Ministers announce that the federal government will contribute \$200,000 to help establish a national Centre for Sustainable Transportation. The non-profit centre will be located in Toronto and will initially be funded equally by Environment Canada and Transport Canada (\$33,000 each per year over three years). The centre will maintain a secretariat of experts from the transportation field and will support a program of core activities in the areas of research, strategy development and educational programs.
- Jun 5/96 Federal Environment Minister outlines new standards for diesel and gasoline under the *Canadian Environmental Protection Act*. The Diesel Fuel Regulations deem that the fuel contain no more than 0.05 percent by weight sulphur while the Benzene in Gasoline Regulations will limit benzene in gasoline to 1 percent, effective January 1, 1999. Sulphur contributes to urban smog while benzene is a human carcinogenic. The standards were originally announced in June 1996. Additionally, he criticizes the province of Ontario for its lack of a mandatory vehicle emissions testing program.
- Jun 10/96 Federal Transport and Environment Ministers announce changes to the Motor Vehicle Safety Regulations under the *Motor Vehicle Safety Act*. The changes will require on-board diagnostic systems that monitor the operation of emission systems and should

enhance the reduction of exhaust and evaporative emissions. The regulations will put Canada in line with US EPA regulations.

Dec 12/96

At the meeting of energy and environment ministers, Ministers McLellan and Marchi recognize that actions to date, including those announced today, will not be sufficient to meet Canada's climate change obligations ie. the goal of stabilizing greenhouse gas emissions at 1990 levels by the year 2000. It is projected that, by the year 2000, emissions will be about 8% above 1990 levels and will rise thereafter. The principle instrument used to date by the federal government to curb GHG emissions is the Voluntary Challenge and Registry. The ministers agreed to work over the next year to further strengthen the VCR Program through various means, including attempting to standardize reporting. The Environment Minister however acknowledges that more needs to be done in order to meet our international obligations. Other initiatives to combat climate change include:

- an multi-stakeholder advisory committee will be formed to provide technical advice and input on program operation and performance;
- a new information program designed to help private sector fleet operators reduce their fuel consumption and GHG emissions;
- the federal government insists that it will press the North American automobile industry to improve vehicle fuel efficiency;
- Natural Resources Canada and Environment Canada have committed to purchase power from renewable energy sources from utilities;
- a Canadian Home Energy Efficiency Rating System will be released, and audit software will be developed to help home owners and others identify cost-effective opportunities for energy-efficiency retrofits.
- regulatory measures will be developed in the commercial sector, such as energy efficiency regulations to cover electric motors, air conditioners, heat pumps, transformers and other products.
- national climate change education and outreach initiatives aimed at individual Canadians will be launched.

Despite these measures, or perhaps because of their insufficiency, Canada will unlikely meet the year 2000 target. A reflection of the likelihood that this or other climate change targets are likely to be met is the announcement that the federal government will fund the Canada Country Study, the first-ever national integrated assessment of the social, biological and economic impacts of climate change in Canada.

Apr 7/97

Environment Canada and the United States Environmental Protection Agency announce commitments to continue cooperating in five areas of mutual environmental concern (toxic substances, air pollution, climate change, environmental research and development and the IJC):

- air pollution - attempt to coordinate joint plan of action on transboundary air pollution, particularly smog;
- climate change - to involve education, impact studies, and explore tradeable permits;
- environmental research and development - a memorandum of understanding to promote information sharing.
- IJC - both governments made statements to the effect that they are still committed to the International Joint Commission.
- toxic substances - the two regulatory bodies announce the Great Lakes Binational Toxics Strategy. The strategy will set forth a collaborative process by which Environment Canada and the United States Environmental Protection Agency will pursue the goal of virtual elimination of persistent toxic substances.

- Apr 18/97 Canada and the United States announce an agreement to continue working on smog issues, however the agreement involves no new substantive actions or stricter emission guidelines. Smog issues continue to rise in stature as ambient levels increasingly exceed acceptable limits in many parts of North America and governments, including Ontario's, have been reducing resources to combat the problem. Approximately half of the ambient ozone concentration in Ontario at any given time is attributable to sources in the United States.
- Jun 24/97 Prime Minister Chrétien addresses the United Nations General Assembly Special Session. The session's purpose was to review progress since the UN Conference on Environment and Development in Rio de Janeiro in 1992. The Prime Minister:
- expressed regret that Canada had not fulfilled, and is very unlikely to fulfil its commitment to stabilize its emissions of greenhouse gases by the year 2000;
 - supported "legally-binding medium-term" targets on greenhouse gas reduction (i.e. extending timeframes for action);
- Jul 15/97 Environment Canada and Natural Resources Canada release "Canada's Second National Report on Climate Change." The report indicates that Canada is still at least 8.2% short of meeting its commitment to stabilize its greenhouse gas emissions by the year 2000 under the Framework Convention on Climate Change.
- Jul 97 The "Annual Report on the Federal-Provincial Agreements for the Eastern Canada Acid Rain Program" is released. The report provides a snapshot of 1996 sulphur dioxide emissions in 1996 in eastern Canada. In 1996 the eastern provinces were 24.5 under the 2,300 kilotonne cap. Emissions were down slightly from 1995.
- Aug 97 Release of "The Nine Year Report: Acidification of Surface Water in Europe and North America - Long Term Developments (1980s and 1990s)." Prepared by the International Cooperative Programme on Assessment and Monitoring of Acidification of Rivers and Lakes under the United Nations Economic Commission for Europe Convention on Long-Range Transportation of Air Pollution.
- Sep 4/97 The Commission for Environmental Cooperation releases the report "Continental Pollutant Pathways / An Agenda for Cooperation to Address Long Range Transport of Air Pollution in North America." In it, the agency reviews the nature of airborne pollution in North America:
- continental pollutants are affecting human health and the environment throughout North America;
 - there are particularly vulnerable populations in each country (ie children, the elderly, pregnant women and indigenous peoples);
 - major sources of air pollutants are electric power plants, transportation and some industries;
 - action on emissions could be focused to maximize benefits;
 - air pollution should be addressed through effective collaborative mechanisms with the necessary authority and expertise.
- Sep 17/97 Delegates from signatory nations of the Montreal Protocol meet in Montreal to review progress, or need for additional efforts, with regards to the phase-out of ozone depleting substances. The protocol stipulates:
- a total phase-out of methyl bromide use by the year 2005 for developed countries;
 - a total phase-out of methyl bromide use by the year 2015 for developing countries.
- The Parties agreed to the need for:

- stronger measures to control the smuggling of CFCs;
- transition strategies to move from CFCs to non-CFCs.

- Oct 97 The Acidifying Emissions Task Group, a multi-stakeholder Task Force of the CCME sponsored National Air Issues Coordinating Committee releases the report "Towards a National Acid Rain Strategy." The report indicates that many lakes in central and eastern Canada will not recover from acidification unless atmospheric emissions of acid precursors are reduced by 75% of the existing levels in Canada and the United States. The report also indicates that more than 95,000 lakes in Canada will be damaged by stubbornly high acidity even if compliance with existing targets is achieved.
- Nov 7/97 Government of Canada releases *Phase Two of the Federal Smog Management Plan*. Phase Two for the federal government involves primarily summarizing, coordinating assisting and reviewing efforts to date as well as those efforts taken by other governments. No significant new programs or regulations are specifically announced. Phase Two primarily entails continuing with efforts that have already been established.
- Nov 11/97 The Commission on Environmental Cooperation releases "Long-Range Transport of Ground-Level Ozone and its Precursors: Assessments of Methods to Quantify Transboundary Transport within the Northeastern United States and Eastern Canada." The report notes that health standards for smog are being exceeded in both Canada and the United States. The Canadian guideline is that ozone should not exceed 82 parts per billion averaged over one hour. The report calls for: a more regionally coordinated approach to tackling ozone; restoring ozone monitoring stations; and increasing data comparability.
- Nov 12/97 Canada's federal, territorial and provincial energy and environment ministers met in Regina to negotiate a position regarding Canada's commitments under the *Framework Convention on Climate Change*. Canada is currently projected to not meet its year 2000 stabilization commitments. Furthermore, a position is required to be taken to the third convention of the parties to the FCCC in Kyoto, Japan in December 1997. The ministers agree to a target of achieving stabilization by 2010 and reducing emissions 3% by 2015.
- Nov 19/97 The National Round Table on Environment and Economy releases "The Road to Sustainable Transportation in Canada." The report indicates that the transportation system could have a major negative impact on the environment if subsidies are not removed and pricing is not reflective of true cost. It recommends: public awareness about the risks of the status quo; a national strategy for sustainability; targets for emission reduction; and vehicle inspection and maintenance programs.
- Dec 1/97 Canada's position regarding its planned reduction of greenhouse gas emissions is announced. The Government of Canada's announcement coincides with the start date of the Third Conference of the Parties to the Framework Convention on Climate Change. Canada's position is to reduce GHGs to 3% below 1990 levels by the year 2010 and to further reduce this level 5% by 2015. Canada, however intends to promote flexible approaches (joint implementation, tradeable permits and fuel switching) to meet the targets.
- Dec 2/97 The Auditor General of Canada and the Commissioner of the Environment and Sustainable Development release a report indicating that ozone layer depletion remains a threat to Canadians' health. The report notes that while Canada has met or exceeded its international treaty obligations under the Montreal Protocol, Environment Canada has been weak in its enforcement of regulations to control ozone-depleting substances

in the private sector.

- Dec 8/97 The House of Commons Standing Committee on Environment and Sustainable Development releases "Kyoto and Beyond: Meeting the Climate Change Challenge." The Committee's report presented a review of the existing programs and initiatives of the federal government regarding climate change, particularly to identify gaps and conflicting policies that have impeded Canada from achieving its targets. Recommendations were provided in the areas of:
- o a phased approach to implementing Canada's commitment;
 - o encouraging shifts in energy use;
 - o promoting alternative energy sources and environmental technology innovation;
 - o municipal cooperation such as promoting landfill gas capture and the Toronto Atmospheric Fund model; and
 - o reducing tax expenditures for oil sands projects.
- Dec 12/97 The commitment Canada agrees at the end of the Kyoto Conference on Climate Change is to stabilize its greenhouse gas emissions by the year 2008 and reduce its emissions by 6% by the year 2012. The total combined effect of these efforts would be a 19% reduction in current levels by the year 2012 as Canada is currently 13% over the stabilization target (referenced to 1990).
- Dec 16/97 Natural Resources Minister Ralph Goodale announces a \$60 million dollar program of energy efficiency measures that will reduce Canada's carbon dioxide emissions by 1 million tonnes or about one percent of what is required to meet Canada's climate change objective as agreed to at the Climate Change Conference in Kyoto, Japan.
- Feb 11/98 Natural Resources Minister Ralph Goodale is appointed responsible for developing and implementing Canada's domestic greenhouse gas reduction strategy while Christine Stewart, Environment Minister, is appointed responsible for international liaison on climate change matters. This paring of responsibilities ensures that the Minister of Natural Resources, and not the Minister of Environment, has most of the authority to determine which instruments and policies Canada will chose to try to meet its commitments.
- The federal government also establishes a climate change secretariat. The secretariat will coordinate and manage climate change issues and will be run by former Agriculture and Agri-food Canada Assistant Deputy Minister David Oulton.
- Mar 3/98 A study by Environment Canada indicates that Canadians are using the highest sulphur gasoline among major developed nations of the world. Canada's national average for sulphur content is 343 ppm; in the United States 260 ppm; in Europe 300 ppm; while Japan, Finland and Sweden have a current maximum of 100 ppm. (for comparison within Canada, see Ontario Provincial Section, Mar 3/98).
- Mar 7/98 While the federal government is considering participation in an international greenhouse gas emissions trading scheme to help meet its commitment under the Framework Convention on Climate Change, the Minister for Natural Resources Canada Ralph Goodale warned Newfoundland Premier Brian Tobin that it is premature to speculate on the use of selling emission credits to help finance Lower Churchill Falls power developments.
- Mar 10/98 The National Round Table on Environment and Economy releases a report which claims that it will cost Canadians \$100 billion over 15 years to comply with greenhouse gas reduction commitments flowing from the Kyoto Conference on Climate Change (a 19%

reduction from current levels).

- Mar 13/98 Environment Canada and Ontario Ministry of Environment fail to file full submissions with the US Environmental Protection Agency before the 120 day consultation period for a proposed tougher limit on smog expired. Environment Canada filed a letter while, the MoE suggested that it might comment at a later date. Ontario is one of the regions of Canada most impacted by transboundary sources of smog.
- Apr 15/98 Amended Gasoline Regulations (1998 Amendments Affecting Leaded Gasoline for Competition Vehicles) include new obligation for annual reporting to detail the production, import and sales of leaded gasoline for use in competition vehicles.
- June 26/98 Environment Canada and the Ontario MoE co-fund the establishment of an air quality monitoring station in Windsor, Ontario, in large part, to monitor the effects of transboundary air pollution, particularly the emissions of the Detroit Edison coal-fired power generating station at Conners Creek in Detroit, Michigan. The station will continually monitor sulphur dioxides, nitrogen oxides, inhalable particulate matter and mercury.
- July 8/98 The Climate Action Network criticizes federal government's 18-month study period to formulate greenhouse gas reductions to comply with Kyoto Protocol commitments.
- July 15/98 Canada's Natural Resources Minister, Ralph Goodale, announces that despite scientific uncertainty surrounding climate change, and industry criticisms, the federal government will pursue a greenhouse gas emissions reduction strategy in an effort to meet emissions targets agreed upon at the Kyoto conference in December of 1997.
- Sep 12/98 Natural Resource minister indicates that tax credits may be used as incentives for GHG reductions.
- Sep 24/98 Leaked report calls for substantially higher gasoline prices to reduce kilometres driven and air pollution. Environment Canada states that the report does not represent government policy.
- Sep 25/98 Environment Minister indicates that regulation will be used if voluntary efforts do not achieve Canada's greenhouse gas reduction goals.
- Sep 28/98 Most participants in the Voluntary Challenge Registry get failing marks for their efforts according to Pembina Institute analysis.
- Sep 29/98 National Energy Board indicates that it accepts the recommendations of the Auditor-General's Report regarding oil and gas distribution infrastructure and environmental performance.
- Oct 7/98 Air pollution causes 16,000 deaths per year in Canada and the number is likely to rise in the future according to Suzuki Foundation report.
- Oct 7/98 Ontario Hydro required to guarantee the \$18.7 billion cost of decommissioning nuclear capacity under new guidelines issued by the Atomic Energy Control Board.
- Oct 17/98 Internal Environment Canada report obtained under access to information indicates that substantial parts of Ontario Quebec and the Maritimes are under significant threat from acid precipitation and smog.

- Oct 19/98 Federal, provincial and territorial energy and environment ministers sign the Canada-wide Acid Rain Strategy which commits governments to no targets and timelines for reductions in SO₂ emissions. As well, ministers indicate their support for negotiating an Ozone Annex under the Canada-U.S. Air Quality Agreement.
- Oct 20/98 Natural Resource and Environment Ministers meet in Halifax to develop position for FCCC talks in Buenos Aires in November 1998.
- Oct 23/98 Federal environment and health ministers announce intent to introduce regulations to lower the allowable level of sulphur in gasoline sold in Canada. Under the new regulated limits, gasoline would contain on average 150 ppm (maximum of 200 ppm) by 2002 and 30 ppm average / 80 ppm maximum by 2005. The latter value represents a 90% reduction over current average sulphur content which average 360 ppm in Canada and 530 ppm (average) in Ontario in 1997.
- Nov 2/98 Negotiations begin on the implementation of the Kyoto protocol for greenhouse gas emission reductions in Buenos Aires. Canada's commitment is a 6% reduction in its emission levels relative to 1990 by between 2008-2012. The federal environment minister indicated that Canada intends to unveil its national strategy by the end of 1999, which is likely to require reliance on emission credit-trading and emission sinks.
- Nov 30/98 USEPA announces stricter limits on mercury emissions from fossil fuel sources, particularly coal-fired electricity generation. As much as two-thirds of US airborne mercury emissions (estimated to be 150 tonnes annually) may migrate outside the US. the Great Lakes and Ontario are recipients of significant amounts of US emissions.
- Dec 4/98 Components of the Cross Canada Study which detail climate change impacts on Canada are released. Increases in storm severity, heat stress, shrinking wildlife habitat and other potential impacts are detailed.
- Jan 5/99 Finance Minister is urged to provide tax break to transit users. Campaign information is provided in Ottawa, Toronto and GO transit vehicles. Personal vehicles are considered more emission-intensive than transit and receive preferential tax treatment when employer-sponsored.
- Feb 11/99 Environment Canada announces its support for the US EPA's nitrogen oxides emissions reduction program. The program is being challenged in court by 70 entities including industrialized states, coal and electricity interests. In March 1998, MoE and Environment Canada had the opportunity to comment, in support of smog-limiting legislation proposed by the US EPA, but declined to do so (see March 13/98). See also Feb 10/ 99 in Provincial Chronology.
- Feb 27/99 Transport Canada attempts to negotiate equivalent US EPA standards being applied to manufacturers of large, diesel fuelled trucks. seven manufacturers including Mack, Volvo and Caterpillar are involved. Tens of thousands of trucks in Canada are reportedly operating with disabled pollution control equipment.
- Feb 99 Canadian air quality could benefit under a proposed move by the US EPA to regulate the fuel consumption and sulphur emissions of sport utility vehicles. To date, this class of vehicles has largely escaped many air regulations. Manufacturing integration would likely mean standards would be met by most SEVs whether built for Canadian or US market.
- Mar 2/99 Federal Environment Minister reaffirms Canada's commitment to the Kyoto Protocol and

greenhouse gas reduction.

- Mar 8/99 Health Canada study leaked to public indicating that adverse health effects begin from ground level ozone at 15 ppb. The current national guideline is 82 ppb.
- Mar 9/99 Reported that several brands of carbon monoxide detector available in Canada fail tests and are recommended for recall.

Climate Change and Greenhouse Gas Management Chronology

Canada's current greenhouse gas reduction efforts, embodied by *Canada's National Climate Change Process*, flow from the Kyoto Protocol negotiations which was the Third Convention of the Parties to the Framework Convention on Climate Change.

Framework Convention on Climate Change

The United Nations's Framework Convention on Climate Change is the principle agreement through which the nations of the world have been advancing the goals of greenhouse gas emission reduction and climate change mitigation. The ultimate objective of the FCCC is to: "achieve...stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner."¹ The FCCC was unveiled at the Earth Summit in Rio de Janeiro in 1992 and came into force on March 21, 1994 - ninety days after the receipt of the 50th instrument of ratification.²

Federal Processes to Address Climate Change flowing from the FCCC

In response to the FCCC, which committed Canada to stabilize its greenhouse gas emissions at the 1990 level by the year 2000, the federal, provincial and territorial governments devised and released in 1995, Canada's National Action Plan on Climate Change³. The plan was heavily reliant on voluntary measures to achieve Canada's GHG reduction targets. Accordingly, the federal government unveiled Canada's Voluntary Challenge and Registry in February 1995.⁴ The VCR is a reporting mechanism for voluntarily initiated GHG reduction measures and has been criticized for weaknesses such as the lack of any verification mechanism.

The Kyoto Protocol

The Kyoto Protocol is effectively a subsidiary agreement of the FCCC and was adopted at the Third Convention (COP-3) of the Parties to the Framework Convention on Climate Change in December 1997. Under the Protocol (if ratified), industrialized countries will have a legally binding commitment to reduce their collective greenhouse gas emissions by at least 5.2% compared to 1990 levels by the period 2008-2012. The Protocol was opened for signature on March 16, 1998 and will enter into force 90 days after it has been ratified by at least 55 Parties to the Convention, including developed countries representing at least 55% of this group's total 1990 CO₂ emissions.⁵

Initiatives such as Credit for Early Action, Emissions Trading and other International Cooperative Mechanisms are some of the 'tools' that are under development through the negotiations brought about by the Framework Convention on Climate Change and the Kyoto Protocol.

International cooperative mechanisms under the Kyoto Protocol

The Kyoto Protocol incorporated a number of "cooperative mechanisms" to assist countries in the fulfilment of their commitments. In particular these mechanisms permit industrialized nations "flexibility" to meet their targets. Of particular note are the Clean Development Mechanism, Joint Implementation, Emissions Trading and Credit for Early Action. The *Clean Development Mechanism* would permit industrialized countries to finance emission reduction projects in developing countries and receive credit for doing so. *Joint Implementation* would apply between developed countries and grant credit for investment in emission-reducing projects when more than one nation is involved. *Emissions Trading* will permit industrialized countries the trading of excess emission credits. *Credit for Early Action* refers to a system which will recognize the greenhouse gas reduction efforts of those who took action to reduce GHGs in the period before the 2008-2012 compliance period and before an emissions

trading system is in operation.

Canada's National Climate Change Process

Since the Kyoto negotiations in December 1997, the federal government has committed resources to develop an implementation strategy which is, at May 1999, still on-going.

In December 1997, Natural Resources Minister Ralph Goodale announced a \$60 million dollar program of energy efficiency measures that are expected to reduce Canada's carbon dioxide emissions by 1 million tonnes or about one percent of what is required to meet Canada's climate change objective as agreed to at the Climate Change Conference in Kyoto, Japan earlier in that month. Also in December, the House of Commons Standing Committee on Environment and Sustainable Development released its report "Kyoto and Beyond: Meeting the Climate Change Challenge." The Committee's report presented a review of the existing programs and initiatives of the federal government regarding climate change, particularly to identify gaps and conflicting policies that have impeded Canada from achieving its targets. Recommendations were provided in the areas of: encouraging shifts in energy use; promoting alternative energy sources and environmental technology innovation; and reducing tax expenditures for oil sands projects.

In February 1998, Natural Resources Minister Ralph Goodale was appointed the minister responsible for developing and implementing Canada's domestic greenhouse gas reduction strategy while Christine Stewart, Environment Minister, was appointed responsible for international liaison on climate change matters.

Also in February 1998, the federal government established the Climate Change Secretariat. The secretariat was charged with coordinating the development of a National Implementation Strategy that will enable Canada to meet the greenhouse gas emission reduction targets established by the Kyoto Protocol. As well it is responsible for the management of the Climate Change Action Fund. The secretariat is run by former Agriculture and Agri-food Canada Assistant Deputy Minister David Oulton.

Under the current process, sixteen issues table and additional sub-committee tables were established in July 1998 covering areas such as transportation, municipalities, agriculture and agri-food and electricity. Each table is responsible for developing options for greenhouse gas reduction from within their designated area. Several tables are reviewing mechanistic issues such as credit for early action and analysis and modelling. The issue tables are to finalize their options by Spring 1999 in order to deliver them to an integrative group within the Climate Change Secretariat. The options will be formulated into a National Implementation Strategy for release in the fall of 1999. The strategy is to be announced at the fall Joint Ministers Meeting of federal, provincial and territorial ministers of Environment and Energy, provided that agreement is reached by that time.

Summary

The federal, provincial and territorial governments have been struggling to construct a coherent and respectable response to the issue of climate change for almost a decade. Measures which would substantially reduce Canada's greenhouse gas emissions almost invariably reduce the demand for fossil fuels and related products. Given that significant fossil fuel resources and interests reside in Canada, and that climate change measures are perceived to be threat to competitiveness, many governments have been reluctant to pursue measures which would substantially reduce greenhouse emissions. A number of reports and analyses, for example the 1993 COGGER report, have indicated that a variety of measures could be instituted on a no-regrets basis.

Measures that are likely to be implemented to comply with the Kyoto commitments (provided that enough parties and the right parties ratify the agreement) are likely to be those which offer the

maximum amount of flexibility to Canadian society in an effort to avoid implementing anything that would require Canadians to substantially alter their material and energy consumption patterns. Such measures would include maximizing carbon sequestration or 'sinks', maximizing the use of loosely-verifiable voluntarily achieved credits and employing clean development mechanisms to the maximum degree possible.

In this respect, the climate change policy that is likely to flow from the current process is unlikely to present a significant challenge to the business-as-usual scenario for Canadian industry. A possible win-fall for the Ontario Region of Environment Canada would be a number of fiscal measures that could flow from the 2000 federal budget and be used to finance energy efficiency and greenhouse gas reduction projects.

1. *United Nations Framework Convention On Climate Change, Article 2*
2. United Nations Environment Program, *Climate Change Information Sheet 17*, URL: <http://www.unfccc.de>
3. Natural Resources Canada *Voluntary Challenge and Registry(VCR) - November 1995 Progress Report* Nov. 1995, page 1.
4. Natural Resources Canada *Voluntary Challenge and Registry(VCR) - November 1995 Progress Report* Nov. 1995, page 1.
5. United Nations Environment Program, *Climate Change Information Sheet 17*, URL: <http://www.unfccc.de>

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Biodiversity and Natural Spaces

- July 24/95 Ban on lead shot from National Parks and Migratory Bird Sanctuaries through the *Migratory Birds Convention Act*.
- Aug 29/95 Department of Fisheries and Oceans Proposes to Amend *Fisheries Act* to delegate administration and issuing of authorizations under s.35(2) (habitat protection) to the provinces.
- Mar 12/96 Environment Minister Sergio Marchi and Fisheries and Oceans Minister Fred Mifflin release a report on further environmental assessment of the recovery of the Irving Whale - a sunken oil barge containing PCBs in the Gulf of St Lawrence. The decisions made in this clean up effort are likely to have ramifications for other PCB clean-up or contaminated site remediation efforts in Canada, particularly their financing. Public consultation will proceed in the Atlantic provinces and Quebec as ordered on November 17, 1995.
- The government report concludes that lifting the Irving Whale would be the safest way to deal with the PCBs.
- Apr 22/96 Minister of the Environment Sergio Marchi announces that 84 projects across Canada (totalling \$2,428,948) will be funded under Environment Canada's Action 21 program. Fourteen are in Ontario (totalling \$521,175) and include:
- a watershed ecology program in Toronto;
 - a home energy assessment program in Belleville;
 - community-based endangered species recovery project for the blue racer snake on Pelee Island.
- Apr 30/96 *Canada Wildlife Act* and Wildlife Area Regulations passed by Cabinet. The amalgamation of three regulations into one to create the Prevention of Certain Toxic Substances Regulations given Cabinet approval as well as the National Parks Water and Sewer Regulations.
- May 14/96 *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* and Wild Animal and Plant Trade Regulations given Cabinet approval. The Act will help protect endangered and threatened species and the Regulation consolidates federal trade controls, designates species controlled by the Act and lists exemptions.
- WAPPRIITA will:
- prohibit any commercial trade in endangered species.
 - monitor and regulate trade of less threatened species through a permit system.
 - provide some protection for Canadian ecosystems from the introduction of undesirable species that could harm Canadian species.
- Offenders will be subject to penalties of up to \$150,000 for individuals, and up to \$300,000 for corporations for the illegal importation of endangered species or the possession of products made from these species. The legislation was passed in 1992 but required provincial approval of the regulations prior to the Act being proclaimed. This initiative arises from Canada's obligations under CITES, the Convention on International Trade in Endangered Species.
- May 14/96 Environment Canada announces that North American waterfowl populations have rebounded dramatically since the late 1980s. The 1995 count, compiled by Canadian

and U.S. officials, showed a mid-continent fall flight of 77 million ducks--up 22 million from 1985, and an increase of 18 million in the last two years alone. This improvement is being attributed to favourable water conditions and the habitat work of over 500 Canadian, U.S. and Mexican partner agencies who have collaborated in securing and enhancing over one million hectares of wetlands and uplands habitat for both wildlife and agricultural productivity under the North American Waterfowl Management Plan. The Plan, was signed on May 14, 1986 by the United States and Canada, following years of declines in waterfowl numbers. The Plan was updated in 1994 to include Mexico. In Canada, over 100 Canadian partner agencies have worked during the past decade to preserve and enhance a half million hectares, and have influenced another two million hectares of wetlands and other habitat. Federal contributions to this program to the end of 1995 total almost \$53 million, supplemented by \$72 million from the provinces, \$40 million from private sources and \$141 million from U.S. partners.

- Jul 22-26/96 Canada participates in the Ad Hoc Working Group on Biosafety Protocol under the Convention on Biological Diversity in Aarhus, Denmark. The protocol is being negotiated to address concerns over the transboundary movement of living modified organisms. Clear direction over the path forward did not arise at the meeting.
- Aug 17/96 Draft regulations unveiled requiring environmental and human health assessments of biotechnology products such as genetically engineered microorganisms. The draft regulations cover Feeds, Seeds, Fertilizers and Health of Animals, will fall under their respective statutes and flow from requirements of the *Canadian Environmental Protection Act*. Details of finalized regulations under Dec 19, 1996.
- Aug 23/96 Environment Minister Sergio Marchi announces that the first conviction under the newly proclaimed *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (WAPPRITA) has occurred. The accused, a Philippine seaman, was arrested on August 9, at Pearson International Airport in Toronto, when he attempted to bring elephant tusks into Canada. He was subsequently sentenced to 22 days imprisonment and forfeited the tusks that have an estimated total value of up to \$800.
- Oct 2/96 Federal, provincial and territorial ministers responsible for wildlife agree upon on a National Accord for the protection of endangered species at a meeting in Charlottetown. The Accord:
- commits governments to complementary legislation and programs to ensure that endangered species are protected throughout Canada; and
 - establishes a Council of Ministers that will provide direction, report on progress and resolve disputes.
- Oct 3/96 Bill C-62, to create a revitalized *Fisheries Act*, is given first reading. A key element of this legislation is the proposal to delegate decision-making authority for fish habitat management from the federal government to the provinces.
- Oct 31/96 Environment Minister Sergio Marchi introduces Bill C-65, the *Canada Endangered Species Protection Act*. The Act will apply to migratory birds, fish and marine mammals, species that range across international boundaries and all species on federal lands. Habitat that is critical to the survival of a species is protected. Recovery plans will identify such critical habitat. The legislation proposes to:
- establish fines of up to \$500,000 and/or imprisonment for up to five years for violaters;
 - apply to 60% of Canadian territory including some off-shore areas, the Yukon and Northwest Territories;

- protect 40% of the 276 species now considered at risk in Canada.

The legislation will provide for:

- an independent committee of wildlife experts to identify and assess species at risk;
- an official list of species at risk with automatic prohibitions upon listing such as killing, harming, harassing etc;
- emergency orders for the protection of critical habitat and measures for recovery plans;
- rights for citizens to make representations to the Minister or under certain circumstances to take civil action.

Dec 16/96 Quebec Minister of the Environment and Wildlife David Cliche and Environment Minister Sergio Marchi sign the Canadian Intergovernmental Agreement Regarding the North American Agreement on Environmental Cooperation, the environmental side agreement to the North American Free Trade Agreement (NAFTA). This is significant as it indicates that Quebec is covered under the side agreement.

Dec 19/96 Four regulations, which modify existing regulations and which will require environmental and human health assessments of biotechnology products such as genetically engineered microorganisms are finalized and gazetted. The regulations are:

- Feeds Regulations, 1983, amendment: covers the environmental assessment of field release of feeds which are products of biotechnology;
- Seeds Regulations, amendment: covers the environmental assessment of field release of seeds which are products of biotechnology;
- Fertilizers Regulations, amendment: covers the environmental assessment of field release of fertilizers which are products of biotechnology; and
- Health of Animals Regulations, amendment: covers the environmental and health assessment of animals which are products of biotechnology.

The regulations fall under their respective statutes and were brought about in response to the concern from the public for environmental and human health and safety.

Feb 5/97 Bill C-65, the proposed *Canadian Endangered Species Protection Act*, is criticized by 300 prominent scientists for being insufficient to protect the survival of most of the plants and animals now threatened with extinction. The Bill is undergoing review by the House of Commons Standing Committee on Environment and Sustainable Development.

Feb 97 Minister of Canadian Heritage releases a discussion paper entitled "Charting the Course: Towards a Marine Conservation Areas Act." The paper proposes legislation that would:

- recognize the benefits derived from Canada's marine environments;
- establish a representative system of marine areas in Canada;
- help maintain biodiversity and ecosystems of coasts;
- contribute to worldwide coastal conservation;

The proposed legislation would provide powers and protections similar to those of the *National Parks Act* but modified for maritime international law. The Great Lakes, Hudson's Bay and James Bay would be the areas in Ontario affected by the legislation.

Mar 24/97 Minister of Environment Sergio Marchi states that the future of two key pieces of environmental legislation are in doubt. The Minister remains optimistic that Bill C-65, the *Canadian Endangered Species Protection Act* will pass before the end of this parliamentary session (April 1997). It is doubtful, however, that Bill C-74, the legislation to update the *Canadian Environmental Protection Act* will proceed. The Bill has not been scheduled for second reading in the session of the House of Commons that commences on April 7, 1997.

- Apr 2/97 The Canadian Food Inspection Agency (CFIA) commences operations. The CFIA will integrate and manage the delivery of inspection and quarantine services that were previously provided by Agriculture and Agri-Food Canada, Health Canada, Industry Canada and the Department of Fisheries and Oceans. While inspection services related to food safety and animal and plant health programs will be provided by CFIA, food safety policy, standard-setting, risk assessment and analytical testing research will remain responsibilities of Health Canada. The reorganization arises in part from the 1994 Program Review and comments in the 1994 Auditor General's Report. The Agency will be responsible for the administration and enforcement of the *Canadian Agricultural Products Act, Feeds Act, Fertilizers Act, Fish Inspection Act, Health of Animals Act, Meat Inspection Act, Plant Breeders' Rights Act, Plant Protection Act, Seeds Act* and the *Agriculture and Agri-Food Administrative Monetary Penalties Act* as well as for the evaluation of products of biotechnology.
- Apr 14/97 Government tables response to the November 1996 Standing Committee on Environment and Sustainable Development report on the regulation of biotechnology. The federal government agrees to establish a national advisory body on biotechnology in response to a Standing Committee recommendation.
- Jun 24/97 Prime Minister Chrétien addresses the United Nations General Assembly Special Session. The session's purpose was to review progress since the UN Conference on Environment and Development in Rio de Janeiro in 1992. The Prime Minister:
- stated commitment to a legally-binding agreement to reverse deforestation;
 - indicated that Canada would seek urgent action to address persistent organic pollutants;
 - promised to soon pass legislation to safeguard threatened species and their habitats within federal jurisdictions;
 - committed to maintaining existing parks and creating new ones.
- Aug 19/97 Environment Canada announces that, effective September 1, 1997, the ban under the *Migratory Bird Regulations* that prohibits the hunting of migratory game birds with lead shot near wetland areas will be modified. Effective September 1, certain types of bird hunting is made exempt from the ban (woodcocks, mourning doves and band-tailed pigeons except in National Wildlife Areas). The ban as it exists, applies only when hunting within 200 metres of any water course or body of water and does not become fully operative in all areas until 1999.
- Sep 5/97 The Canadian Food Inspection Agency announces intention to ban the use of some rendered animal products in the manufacture of feed for cattle, sheep and goats to limit the possibility of spreading a pathogen such as Bovine Spongiform Encephalopathy (BSE).
- Sept 18/97 The Federal Government is informed that the Ontario Ministry of Natural Resources will be terminating the federal-provincial joint agreement for fisheries habitat management and protection in Ontario. In effect this means that the OMNR will no longer be applying or enforcing Section 35(2) of the federal *Fisheries Act* when reviewing plans and proposals that are likely to harm fish habitat.
- Oct 1/97 The Canadian Council of Wildlife Ministers meets to reaffirm the need to protect wildlife species at risk. A review of wildlife policy across Canada was agreed to. No new programs, resources or regulations were announced to help protect species at risk.
- Oct 2/97 Bill C-9, the *Canada Marine Act* receives first reading.

- Oct 30/97 Environment Canada responds to the Eighth Biennial Report on the Great Lakes Water Quality Agreement of June 1996. The report reviewed progress on water quality / ecosystem restoration. Environment Canada responded that no new measures would be required to carry out restoration and that the tools that are in place are sufficient.
- Oct 31/97 Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem Second Progress Report is released jointly by Environment Canada and the Ontario Ministry of the Environment. The report indicates that zero discharge has been achieved for five toxic substances: aldrin/dieldrin, chlordane, DDT, toxaphene and mirex at least in terms of these products not being imported to, sold or used in the province (residual of these compounds are still active in the environment). Other highlights of the report include:
- 50% of required remedial actions completed;
 - 5000 hectares of wetlands protected and rehabilitated.
- Dec 16/97 The Federal and Quebec Provincial Governments agree to a new arrangement for the administration of the Pulp and Paper Mill Regulations under the *Canadian Environmental Protection Act* and the *Fisheries Act*. The provincial government will become the sole administrator of the regulation (monitoring, inspection, enforcement and all communications about the regulation). The federal government will subsidize the cost of administering the regulation by up to \$300,000 per year. A similar agreement is being negotiated with Ontario.
- Feb 5/98 Bill C-29 *An Act to Establish a Canadian Parks Agency* is introduced in the House of Commons. The legislation would take over the role of Parks Canada in maintaining Canada's national parks. The new agency would:
- have the ability to raise and use the revenues from park fees;
 - report to the Heritage Minister;
 - not have the power to create new parks; and
 - allow the agency to create its own corporate plan of operations.
- Mar 6/98 The International Joint Commission warns that Canada and the United States are failing to adequately inspect all dams and dykes along the international border for safety. While not an indication that the dams are unsafe, the finding reveals that there is not sufficient information to determine whether the dams are in a state of proper maintenance.
- May 5/98 Federal Minister of Foreign Affairs states that the federal government is exploring means of prohibiting large scale exports of water from Canada. The statement is in response to revelations on May 1 that the government of Ontario had granted approval for a proposal to export Lake Superior water to Asia.
- May 16/98 Federal Minister of the Environment states that, subject to provincial agreement, the federal government is prepared to pass legislation prohibit the export of fresh water in the fall.
- June 9/98 Heritage Minister, Sheila Copps, communicates the federal government's perspective on the commercial development of Banff. One year ago, the town of Banff asked Parks Canada to approve the proposal for the development of 850,000 square feet of land. The proposal was not approved and the federal government has decided to introduce a new law to control commercial development in the country's national parks.
- June 27/98 The federal government outlines new legislation to curtail the development of communities on national parks, such as Banff, and to ensure that they adhere to environmentally sensitive plans for the future. Such plans cannot be changed without

the approval of the federal government.

- July 8/98 The reappearance of a deep-water sculpin fish in Lake Ontario, leads scientists to believe that the quality of the lake has been improving. This species of fish has not been seen in the lake in approximately 50 years.
- Sep 28/98 Meeting of Canadian Council of Wildlife Ministers. Under the National Accord for the Protection of Species at Risk, federal, provincial and territorial wildlife ministers: agree to implement a national process for regular monitoring of the status of all wild species; commit to issuing a national wildlife status report by the year 2000; approve new terms of reference for the Committee on the Status of Endangered Wildlife in Canada (COSEWIC); and agree to require the development of recovery plans within two years following listing of a species as endangered or threatened by COSEWIC.
- Oct 14/98 Rideau River to be designated a Heritage River.
- Nov 2/98 Federal Minister of the Environment acknowledges delays in development of legislation to ban water exports.
- Nov 7/98 Allegations are made that animal parts, including those of endangered species are being sold illegally in herb and remedy stores in Toronto in violation of provincial and federal regulations (WAPPRIITA, Fish and Game Act).
- Nov 13/98 Environment Canada eliminates prohibition on the use of birds of prey for hunting water fowl.
- Nov/98 House of Commons Standing Committee on Fisheries and Oceans report on 'Central Canada's Freshwater Fisheries' calls for significant increases in funding for Great Lakes research and calls upon the Canadian government to oppose the commodification of Great Lakes water.
- Dec 10/98 Environment Minister reveals that the Canadian and United States Governments are collaborating on a submission to the International Joint Commission concerning bulk water exports. A bulk water export ban could be subject to a challenge and possibly compensation under the North American Free Trade Agreement. Companies currently have arrangements / permits to export water from Ontario and British Columbia. No legislation exists banning the practice, however, the Prime Minister vows not to permit the practice.
- Feb 10/99 Federal Ministers of the Environment and Foreign Affairs announce federal government is dropping idea of a ban on bulk exports of fresh water and invite the provinces to join a temporary moratorium on approvals of exports. A proposed federal strategy would involve:
- regulations prohibiting removal of water in bulk from boundary waters under the *International Water Treaty Act*;
 - negotiating a national accord limiting bulk water removals;
- The federal government stopped short of an all-out ban on bulk water exports for fear of reprisals under trade agreements. Some provinces have passed legislation or adopted regulations limited bulk water transfers or exports
- Feb 14/99 6th and final negotiating session on Protocol on Biosafety under the United Nations Convention on Biological Diversity begins.
- Feb 25/99 Extraordinary Conference of the Parties to the Convention on Biological Diversity on the

Biosafety Protocol suspended without resolution. Many delegations and NGOs state the talks have been undermined by the six-nation Miami group (U.S., Canada, Australia, Chile, Argentina and Uruguay) for whom Canada has been the primary spokesperson.

Feb 26/99

The International Joint Commission announces public hearings starting March 17 to solicit input on diversions and bulk export of Great Lakes. This initiative stems in part from the May 1998 revelation that the Ontario MoE issued a permit for bulk water takings from Lake Superior for export to Asia. Hearings will be held in both nations. The IJC will investigate, report and make recommendations about both groundwater and surface water in four areas:

- existing and potential consumptive uses of water;
- existing and potential diversions of water in and out of the transboundary basin, including withdrawals of water for export;
- the cumulative effects of existing and potential diversions and removals of water, including removals in bulk for export; and
- current laws and policies which may affect the sustainability of water resources in boundary and transboundary basins.

Mar 8/99

Study by Canadian Institute for Environmental Law and Policy concludes that "it is clear that most of the goals and objectives of the *July 1994 Canada-Ontario Agreement on the Great Lakes Basin Ecosystem will not be met by the time of the Agreement's expiry in March 2000.*

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud.

2. The second part of the document outlines the various methods used to collect and analyze data. It describes the use of statistical techniques to identify trends and anomalies in the data, and the importance of using reliable sources of information.

3. The third part of the document discusses the role of the auditor in the process. It explains that the auditor's primary responsibility is to provide an independent and objective assessment of the financial statements. This involves a thorough review of the records and a comparison of the results with the applicable accounting standards.

4. The fourth part of the document discusses the importance of communication in the auditing process. It explains that the auditor must maintain open and honest communication with the client throughout the process. This includes providing regular updates on the progress of the audit and discussing any issues that arise.

5. The fifth part of the document discusses the importance of ethics in the auditing profession. It explains that auditors must adhere to a strict code of ethics and must be able to resist pressure from the client to engage in unethical behavior. This is essential for maintaining the trust of the public and the integrity of the profession.

Environmental Law Reform

- Dec 6/94 Introduction of Bill C-62 - the *Regulatory Efficiency Act*.
- proposes "compliance agreements" to replace regulations;
 - proposes delegation of administration of federal regulations to "any person."
- Dec 22/94 *Canadian Environmental Assessment Act* comes into force.
- Nov 16/95 PCB Export Ban to United States Interim Order imposed.
- Nov 24/95 Amendments to the *Bankruptcy Act* introduced:
- environmental remediation costs given priority over claims of creditors and governments;
 - exemption from environmental liability for trustees.
- Dec 15/95 Enactment of amendments to the *Auditor-General Act*, establishing position of federal Commissioner of Environment and Sustainable Development:
- requires Departments and Agencies to develop Sustainable development plans.
- Jan 25/96 Prime Minister Chrétien announces changes and restructuring of cabinet. Specific changes and new Ministers include:
- Sergio Marchi becomes Minister of the Environment; former Minister Sheila Copps becomes Minister of Canadian Heritage and retains the title of Deputy Prime Minister;
 - Stéphane Dion, Minister of Intergovernmental Affairs;
 - Fred Mifflin, Minister of Fisheries and Oceans;
- Feb 1/96 Parliamentary Session Prorogued - Bills C-62, the *Regulatory Efficiency Act*, C-94 (contained MMT Ban), C-117 (would have amended *Fisheries Act*) die on order paper.
- Feb 21/96 Environment Minister Sergio Marchi announces Canada's endorsement of the Organization for Economic Co-operation and Development (OECD) *Council Act* recognizing the importance of governments demonstrating leadership in achieving high environmental standards in government operations and facilities. In Canada, the Commissioner of the Environment and Sustainable Development will be charged with ensuring the greening of policies and operations in all federal departments.
- Feb 27/96 Throne speech outlines some specific federal initiatives:
- modernization of the *Canadian Environmental Protection Act*;
 - introduce an "Endangered Species Protection Act";
 - legislation to ratify the UN Straddling Stocks Agreement and Law of the Sea Convention to be presented to Parliament;
 - promote conservation of, and revitalize the Pacific salmon fishery and revitalize the east coast fishery;
 - references to federal-provincial "partnerships" in environmental management and inland fish habitat protection, federal withdrawal from areas of mining and forestry.
- Mar 6/96 Minister of the Environment's Follow-up to Speech from Throne:
- federal-provincial cooperation does not mean "giving away the store;"
 - focus will be in ensuring no gaps;

- work out with provinces and territories a "measured journey" -"one step at a time."
- Mar 22/96 Bill C-25 The *Regulations Act* receives first reading. This Act have the effect of would reducing the number and types of regulations gazetted and could advance the use of industry/company specific programs such as ISO 14000.
- May 31/96 The Canadian Council of Ministers of the Environment has concluded its spring meeting with a more focused vision for the body. The Council claims that its primary purpose will be to improve environmental protection and promote sustainable development in Canada. It will accomplish this through a streamlined agenda, focusing on solving significant environmental problems. Key developments and items discussed:
 - The Environmental Management Framework Agreement was not signed and was therefore effectively considered incapable of proceeding further in its current form. Instead, the Ministers discussed other means of 'harmonizing' environment management nationally through a "comprehensive, multilateral umbrella environmental accord" (see Harmonization, below).
 - *Harmonization:* The Ministers agreed to pursue a national Accord and develop multilateral agreements on inspection, environmental assessment and standards development to demonstrate how the principles of the Accord will be applied. The Ministers committed to developing the Accord. Beyond agreement to continue, the Accord was not actually agreed upon in principle.
 - *Pollution Prevention:* The Council of Ministers approved a strategy for encouraging and implementing pollution prevention.
 - *Packaging Stewardship:* The council endorsed principles to guide the establishment of packaging stewardship programs across Canada.
 - *Climate Change:* Ministers agreed to support the scientific findings of the Second Assessment Report of the Intergovernmental Panel on Climate Change, which concluded that human activity is having a discernible effect on global climate.
 - *Cleaner Vehicles and Fuels:* Ministers reconfirmed their commitment to develop and implement low emission vehicle standards and new gasoline and diesel standards as outlined in the Cleaner Vehicles and Fuels Task Force Report.
- Jun 20/96 At the First Ministers Conference, Environment Ministers were directed to show progress on the Harmonization initiative by the November 1996 CCME Meeting.
- Jul 96 Brian Emmett named as Canada's first Commissioner of the Environment and Sustainable Development (CESD). The CESD is charged with reporting to Parliament on ministerial compliance with departmental sustainable development strategies as well as the status of petitions from the public on environmental issues.
- Jul 25/96 At a meeting of the Commission on Environmental Co-operation Federal Environment Minister Sergio Marchi attacks the environmental record of the Ontario government. Particularly, the Minister cites the plans to eliminate 19 environmental laws, to streamline 80 regulations and to allow industry to self-regulate as worrisome.
- Aug 1-2/96 Council of the Commission for Environmental Cooperation Meets in Toronto. Concern expressed over development in Cozumel, Mexico.
- Aug 23/96 CCME releases a draft National Accord on Harmonization.
- Aug 29/96 CCME releases a draft sub-agreement on inspections.

- Aug 29/96 The Federal Environmental Assessment Agency releases two significant policy statements, *Discussion Paper on Cost Recovery* and *Position Paper on Process Efficiency*. Through these papers, the agency announces that it will attempt to achieve cost recovery from its consultation processes and suggests that environmental assessments may not necessarily be solely a government function. Its Public Participation Funding Program is to expire without replacement in March 1997. The agency may in turn operate as a supervisory body, rather than one that conducts assessments. It contracts the Canadian Standards Association to develop standards for screening procedures for use in EAs by April, 1997.
- Aug 96 The National Round Table on Environment and Economy releases the results of its national consultation on water "State of the Debate Report on Environment and Economy: The Water and Wastewater System in Canada." The paper concludes that innovative solutions are required because of a combination of aging infrastructure and shrinking financial resources. Two key recommendations include:
- raise water and wastewater treatment prices and establish a user pay system to reflect the full-cost of environmental infrastructure;
 - open up the area to public-private partnerships to give municipalities a new source of financing and project management expertise.
- Sep 6/96 CCME releases a draft sub-agreement on standard setting.
- Sep 96 Environment Minister Sergio Marchi names the members of Canada's national advisory committee under the North American Agreement on Environmental Cooperation.
- Nov 20/96 Ministers of the Environment approve in principle an agreement to harmonize federal and provincial environmental laws and policies (National Accord on Harmonization). Ministers are to seek cabinet approval in their own jurisdictions. The Accord would then be signed at the May 1997 CCME meeting. Critics of the Accord cite one of its major weaknesses to be that high environmental quality be achieved in the context sustainable development (interpreted to mean economic development). The Ministers did not approve in principle: the Sub-agreements on Standards and Inspection and the proposed approach to environmental assessment. There was agreement in principle to the development of additional sub-agreements in the areas of monitoring and reporting, enforcement, environmental emergency response, and research and development over the 18 months from November 1997. Within three years, sub-agreements in the areas of policy and legislation, international agreements and state of the environment reporting are to be concluded.
- Dec 96 Federal Auditor-General Denis Desautels releases annual report. Comments on government which impact on environmental protection:
- Parks Canada lacks the monitoring and assessment of information capacity to carry out sound ecosystem-based management. The agency also lacks an action plan or target date for the National Marine Conservation Areas System. Finally, a number of parks remain subject to industrial activities;
 - a number of operating and management deficiencies at the Atomic Energy Control Board that may not allow it to carry out its mandate fully and properly;
 - the lack of disclosure of the environmental liabilities of Atomic Energy of Canada in its annual financial statements.
- Mar 4/97 The House of Commons Standing Committee on Environment and Sustainable Development reviews Bill C-65, the legislation that would create a *Canadian Endangered Species Protection Act*, and amends the bill to strengthen it. Most notably, the Committee strengthens habitat protection for endangered species that live on

federal land or water. This would modestly improve the survival potential of about a third of the species threatened with extinction.

- Mar. 21/97 The Commissioner of the Environment and Sustainable Development (CESD), Brian Emmett, releases his first report to the House of Commons for the year 1997. Rather than review the performance of government over the past year, the report outlined the work ahead for the CESD:
- to review of sustainable development strategies of the 24 federal departments and agencies that prepared them;
 - the auditing of key issues such as environmental assessment, climate change and fisheries management;
 - special studies on the Canada's international commitments and public and private sector performance; and
 - monitoring public petitions on environmental and sustainable development issues.
- Apr 22/97 The Ministers from three federal government departments (Environment Canada, Agriculture and Agri-Food Canada and Public Works) table their Sustainable Development Strategies. The strategies flow from the 1995 amendments to the *Auditor General Act* which created the Office of the Commissioner of the Environment and Sustainable Development. Key points from these strategies include:
- Environment Canada will attempt to strengthen its ability to meet sustainable development goals. Its strategy includes: green procurement, fleet management and promotion of good environmental practices in other government departments.
 - Agriculture and Agri-Food Canada Strategy involves capacity building, stewardship promotion, research and trade promotion.
 - Public Works and Government Services Canada's Strategy includes measures such as green procurement policies, fleet fuel economy improvements and water conservation.
- Apr 26/97 Federal election called. Legislation-in-process that dies on the order paper includes:
- Bill C-25, the *Regulations Act*;
 - Bill C-44, the *Canada Marine Act*;
 - Bill C-58, amendments to the *Canada Shipping Act*;
 - Bill C-62, an amended *Fisheries Act*;
 - Bill C-65, the *Canadian Endangered Species Protection Act*;
 - Bill C-74, to amend the *Canadian Environmental Protection Act*.
- May 7/97 Federal Court of Canada, Trial Division, *Sunpine* decision. A Department of Fisheries and Oceans policy that attempts to exempt the need for projects to undergo an environmental assessment under the Canadian Environmental Assessment Act is struck down by a federal court judge. Permits granted under the *Fisheries Act* are supposed to undergo an EA. The court likened the policy to "sheer evasion" of statutory obligations. The federal government has appealed the decision.
- Jun 11/97 New Federal Cabinet is announced. Notable (re)appointments include:
- Sergio Marchi, Minister of the Environment is moved to International Trade and Development;
 - Former Secretary of State for Latin American and African Affairs, Christine Stewart, becomes Environment Minister;
 - Allan Rock becomes Minister of Health;
 - Former Minister of Agriculture and Agri-Food Canada, Ralph Goodale becomes

- Minister of Natural Resources;
 - David Anderson becomes Minister responsible for the Department of Fisheries and Oceans;
 - Sheila Copps remains Heritage Minister;
 - Lyle Vanclief, becomes Minister for Agriculture and Agri-food Canada;
 - Andrew Mitchell, minister responsible for Parks Canada.

- Sep 18/97 Supreme Court upholds the federal government's use of criminal law powers to regulate toxic substances from entering the environment. The ruling arises from charges laid against Hydro-Quebec in 1990 under the *Canadian Environmental Protection Act*. The illegal act involved a release of PCB-contaminated oil. The Supreme Court decision is extremely important in terms of the strength with which the majority affirmed the federal government's authority in this area. The Court held that the protection of the environment was a legitimate exercise of Parliament's power to legislate on matters relating to criminal law. Indeed, the majority stated that it did not even need to refer to Parliament's more general power to legislate for the Peace, Order and Good Government of Canada, to uphold the authority of federal legislators to deal with environmental issues.

- Oct 25/97 The Commission for Environmental Cooperation is urged to become more assertive in dealing with the consequences for the environment arising from trade activities and the impact on environmental policy arising from trade policy. The recommendation comes from a task force established to review the commission. The task force is chaired by Maurice Strong.

- Nov 97 The Commission for Environmental Cooperation releases "NAFTA's Institutions: The Environmental Potential and Performance of the NAFTA Free Trade Commission and Related Bodies." In it, the CEC states that the actual undertaking of environmental protection initiatives under the *North American Free Trade Agreement* is falling short of its potential. Some of the areas being ignored, according to the report, are environmentally harmful subsidies at the national and sub-federal levels. As well, the nations of NAFTA could better coordinate standards in such areas as automobile emissions and energy efficiency standards.

- Dec 10/97 Sustainable Development Strategies are tabled in the House of Commons for 24 departments and agencies of the federal government. This requirement flows from a 1995 amendment to the *Auditor General Act*, creating the Office of Commissioner of the Environment and Sustainable Development. A total of 28 departments and agencies have filed strategies.

- Dec 10/97 The House of Commons Standing Committee on Environment and Sustainable Development releases its report: "Harmonization and Environmental Protection: An Analysis of the Harmonization Initiative of the Canadian of Ministers of the Environment." In it, the Committee urges the federal government to postpone signing the *Canada-Wide Accord on Environmental Harmonization* pending the resolution of substantive and procedural issues. The Committee concluded that:
 - there is insufficient evidence of overlap and duplication of environmental regulations / activities between federal and provincial / territorial governments;
 - the sub-agreements will unlikely achieve savings or efficiencies;
 - more comprehensive analysis is needed before proceeding;
 - the agreement would lead to a much reduced federal environmental protection role;
 - the agreement's ultimate aim is to eliminate one level of regulations and practices rather than make the two complimentary;

- the accord did not have enough meaningful input from Canada's aboriginal society.

Ten recommendations were made by the committee to address the points raised above including delaying the agreement's ratification, more detailed review, an audit of the effectiveness of bilateral agreements and more substantive public consultation.

Dec 97

New procedural guidelines aimed at making the Canadian Environmental Assessment process more efficient and more effective are released. The ministerial guideline, *Procedures for an Assessment by a Review Panel* provides:

- more notice time for participants to prepare for hearings;
- for a guaranteed minimum of 60 days for participants to review an environmental impact statement;
- a mandatory public meeting phase;
- a means of testing the quality of statements made by presenters.

Jan 4/98

Part I of the proposed Canada Port Authority Environmental Assessment Regulation is published. The regulation falls under the *Canada Marine Act* and will make Canada Port Authorities (yet to be created) subject to the federal environmental assessment process. Port corporations in Ontario which will become subject include Windsor and Toronto.

Jan 29/98

At a meeting of the Canadian Council of Ministers of the Environment, all provinces except Quebec, the territories and the federal government sign the Environmental Management Framework Agreement and its sub-agreements in St. John's, Newfoundland. The Agreement specifies roles for the federal and provincial governments in many areas of environmental protection. Its sub-agreements deal with national environmental standards, inspections and environmental assessment.

The Accord has implications for virtually every major environmental issue facing Canada. It will set the pattern for how issues like the implementation of the Kyoto Protocol on Climate Change, Acid Rain, Urban Smog, the reform of the *Canadian Environmental Protection Act* and the *Canadian Endangered Species Protection Act* will be addressed. In future, the federal government will only exercise its authority to protect the environment when all provinces agree that it should do so.

Concern is expressed that the Agreement tends to exclude federal authority or oversight in many areas which should be a legitimate constitutional domain. As well, provisions of each of the sub-agreements would suggest that the Accord promotes the devolution of Ottawa's environmental responsibilities to the provinces.

Also at the meeting in St. John's, the Ministers endorsed the CCME Policy for the Management of Toxic Substances. The effect of the endorsement is to combine or harmonize Environment Canada's Toxic Substance Management Process with the CCME standards setting process. The policy includes provisions for: substance identification; joint priority setting; assessment of toxicity; classification as Track 1 or 2; Canada-wide control strategies; implementation plans; and monitoring and reporting.

Mar 3/98

The Canadian Environmental Law Association announces that it is launching a legal challenge to the National Accord on Environmental Harmonization, on the basis that the Minister of the Environment exceeded her authority by signing the Accord in January.

Mar 9/98

The federal government consolidates all federally-mandated food inspection services into a single food inspection agency entitled the Canadian Food Inspection Agency (CFIA). The agency began operating in April of 1997. According to the government, the purpose of developing such an agency was to reduce costs and to ensure an

effective, efficient and streamlined approach to food inspection and quarantine services.

- Mar 14/98 The Canadian Environmental Assessment Agency reports that a federal environmental review panel concluded that Atomic Energy of Canada Limited does not have sufficient public support for its plan to dispose of spent nuclear material in Northern Ontario. The panel recommends the establishment of a "nuclear fuel waste management agency" to "build and determine" public acceptability to the plan.
- Apr 6/98 Report of Federal Minister of Finance's Task Force on Business Taxation. Report recommends implementation of an environmental levy on toxic substances, and a reduction in the gasoline excise tax.
- May 22/98 House of Commons Standing Committee on the Environment tables report on enforcement of federal environmental laws entitled *The Public Interest Must Come First*. The report is highly critical of the federal government's enforcement efforts, and makes a series of recommendations regarding the strengthening of the Environment Canada's law enforcement efforts, and increased reporting on these efforts.
- May 27/98 Second Annual Report of the Commissioner for the Environment and Sustainable Development. Report highlights federal government's failure to meet international obligations regarding biodiversity conservation, global warming, ozone depleting substances, hazardous waste. The report is also critical of the federal government's implementation of the *Canadian Environmental Assessment Act*.
- June 6/98 The federal government decides to use the NAFTA labour side agreement for the first time, by agreeing to hear a labour complaint regarding practices at an auto company's plant in Mexico. The complaint was made in April by the Canadian branch of the United Steelworkers of America. Company officials say that the operations are safe. The Canadian NAFTA labour office will be spending four months investigating the complaint.
- July 6/98 Minister of Health initiates review of Health Canada's health protection legislation. Major concerns are raised over proposals to limit the agency's potential liability for harm caused by products it approves, and to strengthen the role of 'clients' in the regulatory process.
- July 11/98 A Canadian Federal Court decides to revoke the approval for two forestry-road bridges in Alberta. The decision is a major victory for environmental groups. Further, the decision is likely to have impacts on the ways in which environmental assessments are conducted in the country. The key element in this case was the limited scope of the assessment in terms of the examination and mitigation measures for potential impacts on the local environment as a whole. The project required the approval of the Federal Department of Fisheries because it crossed two waterways. It appears that the department examined the impact that the project would have on the waterways, without considering the impacts on the surrounding systems because these systems are under provincial jurisdiction. Environmentalists and Mr. Justice Frederick Gibson however, feel that this assessment was limited and that the initial approval was inappropriate.
- Aug 21/98 An American company submits a claim to sue the Canadian federal government under the NAFTA agreement. The company is planning to use the investment protection measures under NAFTA in order to obtain compensation for a 1995 federal ban on PCB exports to the U.S.

- Aug 24/98 A study released by the federal Solicitor General, Andy Scott, discloses that environmental organized crime has significant impacts on Canada. One of the primary illegal activities being undertaken by organized crime groups is the transportation and dumping of hazardous waste. The report suggests that the main impacts of such crimes include effects on the health of Canadians and the environment as well as clean up costs.
- Nov 12/98 Federal government seeks stay of the Sunpine Decision. The judgment against Sunpine Forest Products indicated that federal departments which issued permits for projects without considering the cumulative effect of environmental impacts from the project had violated the environmental assessment process. The specific case involved the review of the impacts of a bridge but not the impact of the road it linked. Large resource extraction projects under development would be most affected application of the reasoning behind this ruling in the future.
- Nov 25/98 Stay is denied in the appeal of the Sunpine Decision. (see Nov 12/98). Two other lawsuits, based on the Sunpine Decision, are in process.
- Dec 98 Natural Resources Canada responds to the final report of the Atomic Energy Control Board on Canada's nuclear waste management and disposal concept (see also March 20/98). In response to the report, three measures are identified as priorities :
- a dedicated fund for nuclear fuel waste (established by producer and owners);
 - regular reporting on waste management activities; and
 - a review and approval mechanism to govern funds.
- Jan 12/98 Federal Court of Canada hears legal challenge of January 1998 Environmental Harmonization Accord by the Canadian Environmental Law Association.
- Jan 25/99 Californian company files a "Notice of Intent to Submit a Claim to Arbitration" under the North American Free Trade Agreement regarding the withdrawal of permission to export water. The case involves a British Columbia company but a similar issue has arisen in Ontario.
- Mar 9/99 Revealed that federal government has approached the Assembly of First Nations to discuss how to get remote northern native communities to accept high-level nuclear waste disposal facilities.
- Apr 21/99 Auditor-General reports to parliament. Among his findings:
- The federal government's scientific research capacity has diminished significantly. The federal government lost 3700 employees from six science-based departments between 1994 and 1998;
 - The department of Fisheries and Oceans was criticized for not ensuring that fisheries are harvested on a sustainable basis. While the focus was east coast fisheries, DFO has been cited in past for a retrenching presence in the Great Lakes basin.
- Apr 21/99 A study by Queen's University professor Alasdair Roberts and financed by the Canadian Newspaper Association finds that the federal government is slower to respond, and doing a poorer job of responding, to information requests than it was five years ago. The Atlantic Canada Opportunities Agency, Industry Canada and Environment Canada were among those cited as drastically increasing the amount of exemptions cited in response to freedom of information requests.

May 25/99

The Commissioner of Environment and Sustainable Development releases his third report, findings include:

Sustainable Development Strategies:

Departmental Sustainable Development Strategies generally lack information sufficient enough to judge whether or not the strategies are on track. For six strategies reviewed in detail, the departments did not have a systematic approach to:

- identifying priorities;
- defining management expectations;
- assigning accountability for results;
- identifying related training needs at lower levels in the organization; and
- performing self-assessments that would facilitate steady improvement.

Toxic Substances:

- fundamental concerns are raised over the government's ability to detect and understand the effects of toxic substances on Canadians and ecosystems;
- insufficient action to ensure that the risks to Canadians posed by toxic substances are being dealt with;
- there is insufficient knowledge about the 23,000 chemicals in use in Canada, many of which have been linked to cancer and birth defects;
- the government does not collect data on the release of many toxic substances and has no reliable data on the sale and use of pesticides;
- voluntary programs to limit releases of toxic industrial chemicals may be insufficient to manage priority toxic substances;
- monitoring for the presence and effects of toxic substances in the environment is incomplete and inconsistent.

Federal-Provincial Environmental Agreements:

- serious deficiencies exist within existing agreements particularly the 1998 Harmonization Initiative;
- key features of one agreement, on pulp and paper pollution control, have not been implemented;
- in some cases, federal-provincial management committees to oversee the agreements were never established;
- under some agreements, the federal government did not have sufficient information to know whether the provinces were enforcing federal regulations;
- many agreements lacked provisions for audits, performance standards and specific reporting requirements.

International Agreements and Other Country Activities:

- while many environmental protection agreements have been signed to protect Canada's Arctic region, many of the activities are being carried on in "piecemeal" or uncoordinated fashion. A coordinating strategy is needed;
- sustainable practices are being incorporated into manufacturing and food industries in Europe. Canadians could learn from this.

Greening Government:

- Consistent, measurable information about each department's material consumption and waste generation patterns is required to ensure that government operations are made greener.

Pollution Prevention and Toxic Substances

- Feb '94 Completion of CEPA PSL I Substances Assessment Reports:
- 26 "toxic;"
 - 6 not "toxic;"
 - 13 undetermined.
- substances for which no determination made are removed from PSL I. Strategic Options Process (SOP) initiated for "toxic" substances.
- June 1/94 Coming into force of amended CEPA Ozone Depleting Substances Regulations:
- require phase-out of CFCs, halons, carbon tetrachloride, methyl chloroform, and HBFCs.
- July 1/94 Coming into force of CEPA New Substances Notification Regulations Parts I and II (New Chemical Substances).
- Sep 27/94 Draft Toxic Substances Management Policy released.
- Oct 25/94 Federal Chlorine Action Plan announced:
- proposes elimination of release of most harmful chlorinated substances (under proposed TSMP);
 - environmental performance agreements with industry;
 - better science and information on chlorine and its impacts on the environment and human health.
- Dec '94 CEPA PSL I "toxics" Strategic Options Process issue tables - begin meetings.
- March '95 Release of First Accelerated Reduction and Elimination of Toxics (ARETS) report.
- March '95 Draft Federal Pollution Prevention Strategic Framework released.
- Apr 27/95 First National Pollutant Release Inventory Report Released.
- June 2/95 Release of Toxic Substances Management Policy.
- proposes virtual elimination of release of Persistent, Toxic and Bioaccumulative Substances;
 - proposes "life-cycle" management of other "toxic" substances.
- July 7/95 Release of Pollution Prevention: A Federal Strategy for Action:
- defines pollution prevention;
 - commits to federal pollution prevention legislation.
- Nov 16/95 PCB Export Ban to United States Interim Order imposed.
- Nov 24/95 Amendments to the *Bankruptcy Act* introduced:
- environmental remediation costs given priority over claims of creditors and governments;
 - exemption from environmental liability for trustees.
- Nov 28/95 Third Reading in House of Commons of Bill C-94 (Regulates interprovincial trade and the importation for commercial purposes of certain manganese-based substances (MMT

Ban)).

- Dec 16/95 Second CEPA Priority Substances List Published (PSL II)
◦ 25 substances on PSL 2.
- Jan 14/96 Environment Minister Sheila Copps warns petroleum refiners and distributors that if an agreement is not reached on the use of MMT (methylcyclopentadienyl manganese tricarbonyl), then it will be banned on January 31, 1996.
- Feb 21/96 Environment Minister Sergio Marchi announces Canada's endorsement of the Organization for Economic Co-operation and Development (OECD) Ministerial Declaration on lead risk reduction at an OECD meeting in France. The Ministerial Declaration promotes the phase-out of lead in gasoline and is intended to eliminate the exposure to lead from children's products and food packaging. It also has provisions for controlling lead shot in wetlands and air emissions of lead from major industrial sources. A major weakness of the Declaration is its inclusion of a voluntary action plan by the lead producer industry to reduce exposure to lead and encourage user-industries to develop their own risk reduction programs. The Canadian delegation was instrumental in advancing a voluntary as opposed mandatory approach on this issue.
- Feb 28/96 PCB Export Ban to United States Interim Order extended.
- Mar 12/96 Environment Minister Sergio Marchi and Fisheries and Oceans Minister Fred Mifflin release a report on further environmental assessment of the recovery of the Irving Whale - a sunken oil barge containing PCBs in the Gulf of St Lawrence. The decisions made in this clean up effort are likely to have ramifications for other PCB clean-up or contaminated site remediation efforts in Canada, particularly their financing. Public consultation will proceed in the Atlantic provinces and Quebec as ordered on November 17, 1995.
- The government report concludes that lifting the Irving Whale would be the safest way to deal with the PCBs.
- Mar 12/96 Amendment to add new substances to Part I of the CEPA Domestic Substances List given Cabinet approval.
- Mar 21/96 Bill C-23 The *Canadian Nuclear Safety Commission Act* gets first reading.
- Apr 18/96 The Minister of the Environment announces that the government will reintroduce the MMT Bill, C-94. The bill, which died on the order paper following prorogation of the House February 2, 1996, will be reintroduced at 3rd reading stage on Monday, April 22. Bill C-29, *An Act to regulate interprovincial trade in and the importation for commercial purposes of certain manganese based substances* would ban the importation and use of MMT is re-introduced at third reading. MMT (Methylcyclopentadienyl manganese tricarbonyl) is used as an octane booster in gasoline, is accused of contributing to smog, can become an airborne toxin if concentrations are high enough and is criticized by automakers for its ability to clog diagnostic systems. It has been used in Canada as a replacement for lead in gasoline since 1977.
- Jul 3/96 Amendment to add new substances to Part I of the CEPA Domestic Substances List passed by Cabinet.
- Sep 10/96 The U.S. based supplier of MMT launches court action against the federal

government's proposed ban on the substance through Bill C-29.

- Sep 10/96 Adele Hurley resigns as the Ontario designate to the International Joint Commission.
- Sep 25/96 Bill C-29, the Bill to ban MMT commences third reading.
- Sep 30/96 Federal Environment Minister Sergio Marchi announces the lifting of the ban on export of PCBs to the United States. The ban was imposed by former Environment Minister Sheila Copps in November 1995 and was opposed by US trade interests and Canadian industry.
- Oct 21/96 Environment Canada releases the second summary report (from 1994) of the National Pollutant Release Inventory (NPRI). The NPRI lists the types and quantities of 178 substances released into the air and water, and on land, on a facility-by-facility basis across Canada. The summary report shows:
- a 16 per cent reduction in the amount of reported pollutants released into the environment;
 - more than 1700 facilities filed reports for 1994, an increase of more than 340 from 1993;
 - reported releases of NPRI substances deemed toxic under the *Canadian Environmental Protection Act* (CEPA) for 1994 are 14,000 tonnes, or 7.4 per cent of total overall releases. They are projected to decrease by 15 per cent, or 2,100 tonnes by 1997.
- Dec 2/96 Bill C-29 the Bill to ban MMT, passes third reading and moves to Senate.
- Dec 10/96 Bill C-74, to renew the *Canadian Environmental Protection Act*, is introduced to parliament. It is presented that the new *Canadian Environmental Protection Act* will:
- make pollution prevention the national goal;
 - implement a fast track approach to evaluating and controlling toxic substances;
 - ensure the most dangerous substances will not be released into the environment in any measurable quantity, or will be phased-out;
 - improve enforcement of existing and new regulations;
 - encourage greater citizen participation; and
 - allow for more cooperation and partnership with other governments and Aboriginal Peoples.
- The 221 page, 360 section bill proposes:
- a new right for Canadians to bring to court those that are violating the provisions of CEPA. However, the right is severely limited by qualifications;
 - to provide for the virtual elimination of the most harmful toxic substances. However, very detailed risk assessment and cost benefit analyses are required to proceed on any substance elimination;
 - a new part dealing with biotechnology products. It will allow for a minister other than the Minister of Environment to exempt products from environmental and human health impact reviews;
 - to strengthen the regulatory regime on ocean dumping;
 - to make CEPA a residual Act (ie. applies only where other federal laws do not);
 - the expanded use of equivalency agreements under which federal environmental laws and regulations do not apply in particular provinces.
 - that the renewed Act be administered in a manner consistent with the CCME's National Accord on Harmonization.
- The new CEPA is said to be consistent with the Canada-Wide Accord on Environmental Harmonization agreed to in principle by federal, provincial and territorial Ministers of the Environment on November 20, 1996. The legislation also reaffirms the principle that

environmental management in Canada is a shared responsibility.

Dec 96

Environment Canada releases Implementation Strategy for Existing Substances which flows from the adoption of the Toxic Substances Management Policy (TSMP) in June 1995. Each federal department is required to implement the policy in its programs. To help implement the TSMP, Environment Canada will:

- regulate under CEPA, aspects of toxic substances not regulated by other federal legislation;
- develop non-regulatory instruments aimed at preventing or reducing the release or exposure of toxic substances;
- promote research and enforce regulations under its responsibility;
- oversee the virtual elimination of Track 1 Substances (those that are CEPA-toxic or equivalent, persistent, bioaccumulative and result predominately from human activity);
- oversee the management of Track 2 Substances (all CEPA-toxic substances other than those which satisfy the criteria for Track 1);

The TSMP is under implementation through the Strategic Options Process which has identified 25 substances found to be toxic under CEPA.

Jan 31/97

The government of Alberta announces intention to challenge the proposed ban on the use of MMT (methylcyclopentadienyl manganese tricarbonyl) as a fuel additive using the dispute resolution mechanism of the Internal (Canada) Free Trade Agreement.

MMT is used as an octane booster in gasoline, is accused of contributing to smog, can become an airborne toxin if concentrations are high enough and is criticized by automakers for its ability to clog diagnostic systems. It has been used in Canada as a replacement for lead in gasoline since 1977.

Bill C-29, *An Act to regulate interprovincial trade in and the importation for commercial purposes of certain manganese based substances*, or the bill that would ban MMT, was passed on December 2, 1996 by the House of Commons.

Feb 6/97

Environment Minister Sergio Marchi announces that Canadian PCB wastes may now be exported to the U.S. for destruction under controls. The new PCB Waste Export Regulations prescribing these controls will go into effect on Friday, February 7, 1997.

The new federal regulations replace an Interim Order under the *Canadian Environmental Protection Act*, put in place in November 1995, following a U.S. decision to open its border to Canadian PCB wastes. The regulations ensure that Canadian PCB wastes above 50 ppm exported to the U.S. cannot be landfilled, but must be sent to U.S. Environmental Protection Agency approved facilities for thermal, chemical or other forms of destruction.

Under the Basel Convention, which Canada ratified in August 1992, Canada is legally bound to ensure that exported PCB wastes are managed in an environmentally sound manner. The decision to allow exports to the United States for specified destruction followed a November 1996 agreement by provincial, territorial and federal environment ministers to put in place a Canada-wide ban on landfilling wastes with a concentration of PCBs in excess of 50 parts per million.

Feb 10/97

Environment Minister Sergio Marchi announced that his department will proceed with recommendations to significantly reduce the release of four toxic chemicals into the environment. The four substances targeted under the Strategic Options Process are the first Track 1 substances for virtual elimination: tetrachloroethylene (also known as perchloroethylene) trichloroethylene, benzidine, dichlorobenzidine. Tetrachloroethylene

is used extensively in the dry cleaning industry; its use is mandated to be reduced by 70 per cent by the year 2001. The other substances are used in automobile, aerospace, electronic industries and in the making of dyes and pigments. A mix of federal regulations under the *Canadian Environmental Protection Act* (CEPA), national standards and other measures will be used to reduce the release of the toxic substances.

- Feb 97 Senate hearings on Bill C-29, the legislation banning the use of MMT.
- Mar 3/97 Federal Environment Minister re-announces standards for diesel fuel and gasoline under the *Canadian Environmental Protection Act*. The Diesel Fuel Regulations deem that the fuel contain no more than 0.05 percent by weight sulphur while the Benzene in Gasoline Regulations will limit benzene in gasoline to 1 percent, effective January 1, 1999. Sulphur contributes to urban smog while benzene is a human carcinogenic. The standards were originally announced in June 1996. Additionally, he criticizes the province of Ontario for its lack of a mandatory vehicle emissions testing program.
- Mar 20/97 Bill C-23 the *Canadian Nuclear Safety Commission Act* receives royal assent.
- Mar 20/97 Environment Canada announces that it is targeting 13 substances for virtual elimination. The substances are those covered by Track 1 of the Toxic Substances Management Policy. Scientific justifications are released through the Canada Gazette on March 22/97.
- Apr 7/97 Environment Canada and the United States Environmental Protection Agency announce commitments to continue cooperating in five areas of mutual environmental concern (toxic substances, air pollution, climate change, environmental research and development and the IJC):
- air pollution - attempt to coordinate joint plan of action on transboundary air pollution, particularly smog;
 - climate change - to involve education, impact studies, and explore tradeable permits;
 - environmental research and development - a memorandum of understanding to promote information sharing.
 - IJC - both governments made statements to the effect that they are still committed to the International Joint Commission.
 - toxic substances - the two regulatory bodies announce the Great Lakes Binational Toxics Strategy. The strategy will set forth a collaborative process by which Environment Canada and the United States Environmental Protection Agency will pursue the goal of virtual elimination of persistent toxic substances.
- Apr 17/97 Prime Minister Chrétien visits President Bill Clinton in Washington. Announcements are made that the US and Canada will continue to work on toxin elimination in the Great Lakes, endangered species and climate change. No specific measures or new actions are announced for these environmental protection initiatives.
- June 6/97 A draft report by the International Joint Commission indicates that the governments on both side of the Detroit River are not doing enough to clean up the river. Sewage, oils and grease remain problems.
- June 97 North American Regional Action Plans for the elimination of chlordane and DDT from the North American environment are finalized by the North American Commission for Environmental Cooperation.

- Jul 12/97 Health Canada announces that it is eliminating 123 positions at its Food Directorate, that it will cease in-house research on food nutrition and chemical quality and that it will close its laboratory facilities. The Directorate has in past conducted research on the uptake of toxins into the food system and transfer of toxins from packaging into food products.
- Jul 16/97 A Great Lakes / St Lawrence Municipal Water Quality Network is announced at the Great Lakes-St Lawrence Mayors' Conference. the network will share data and information on the quality of water from their wastewater and filtration plants.
- Jul 29/97 The Commission for Environmental Cooperation releases "Taking Stock / North American Pollutant Releases and Transfers" a report which ranks jurisdictions in the United States and Canada according to their pollutant releases. The data were compiled from 24,000 reports filed with the U.S. Toxic Release Inventory and the Canadian National Pollutant Release Inventory. The province of Ontario is ranked third in North America behind Texas and Tennessee as a source of release and transfer of matched NPRI and TRI substances. The 20 highest polluting jurisdictions were : Texas, Tennessee, Ontario, Ohio, Louisiana, Illinois, Alabama, Pennsylvannia, Michigan, Mississippi, Indiana, Quebec, North Carolina, Florida, Missouri, Utah, Alberta, Virginia, South Carolina, Georgia. It also suggests that Canadian plants make releases to the environment at rates two times greater than those in the US.
- Jul 97 The export of PCBs for destruction into the United States is suspended as a U.S. Court overturns the U.S. Environmental Protection Agency's October 1995 decision to permit PCB imports for destruction. Ban on exports of Canadian PCB's to U.S. for disposal had been lifted by the Canadian federal government in February 1997.
- Aug 13/97 Environment Minister Christine Stewart issues a recommendation that federal shipments of PCBs to the Swan Hills hazardous waste management facility in Alberta be suspended. The recommendation was made as a result of a leak of toxic substances, including PCB's, from the facility in October 1996 and a serious explosion at the facility's incinerator in July 1997. The plant's operator stated that the incinerator was unlikely to be re-opened for several months.
- Aug 97 Environment Canada and Industry Canada release a draft agreement with the Canadian Chemical Producers Association to reduce benzene emissions by 70% by the year 2001. Agreement awaits finalization.
- Aug 97 Pre-Canada Gazette version of the updated Transportation of Dangerous Goods Regulations are made available for comment. Comments can be received until April 1, 1998.
- Sep 18/97 Supreme Court upholds the federal government's use of criminal law powers to regulate toxic substances from entering the environment. The ruling arises from charges laid against Hydro-Quebec in 1990 under the *Canadian Environmental Protection Act*. The illegal act involved a release of PCB-contaminated oil. The Supreme Court decision is extremely important in terms of the strength with which the majority affirmed the federal government's authority in this area. The Court held that the protection of the environment was a legitimate exercise of Parliament's power to legislate on matters relating to criminal law. Indeed, the majority stated that it did not even need to refer to Parliament's more general power to legislate for the Peace, Order and Good Government of Canada, to uphold the authority of federal legislators to deal with environmental issues.

- Oct 7/97 Auditor-General releases the report, "Control of the Transboundary Movement of Hazardous Waste." The Auditor-General concludes that "as a result of significant gaps in the areas of prevention, detection and enforcement and the limited facilities to physically control exports of hazardous wastes at the boarder, Canada is not in a position to know the extent to which it is living up to its international obligations with regard to preventing illegal traffic at the border."
- Oct 25/97 Regulations Amending the Gasoline Regulations are gazetted. The Regulations fall under sections 46 and 47 of the *Canadian Environmental Protection Act*. The amendments extend exemptions to the ban on the use of lead in gasoline for motor sports which was first granted in May 1993.
- Oct 25/97 Research by the United States Environmental Protection Agency and the University of Wisconsin indicates that dioxin levels in the Great Lakes 50 years ago were 2.5 times higher than the amount considered deadly for lake trout embryos and eggs. This finding suggests that pollution may have been a factor in the trout's rapid decline.
- Oct 30/97 Bill C-14, the *Safe Drinking Water Act* is introduced for first reading.
- Oct 30/97 Environment Canada responds to the Eighth Biennial Report on the Great Lakes Water Quality Agreement of June 1996. The report reviewed progress on water quality / ecosystem restoration. Environment Canada responded that no new measures would be required to carry out restoration and that the tools that are in place are sufficient:
- o Toxic Substances Management Policy;
 - o *Pest Control Products Act*;
 - o Accelerated Reduction / Elimination of Toxics Program;
 - o Great Lake Binational Toxics Strategy.
- Oct 31/97 Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem Second Progress Report is released jointly by Environment Canada and the Ontario Ministry of the Environment. The report indicates that zero discharge has been achieved for five toxic substances: aldrin/dieldrin, chlordane, DDT, toxaphene and mirex at least in terms of these products not being imported to, sold or used in the province (residual of these compounds are still active in the environment). Other highlights of the report include:
- o reduced discharge levels for some Tier 1 compounds;
 - o 50% of required remedial actions completed;
 - o 5000 hectares of wetlands protected and rehabilitated;
 - o almost 30% of stored high level PCBs destroyed.
- Oct 97 Health Minister Allan Rock reverses the decision to exterminate or liquidate the research colonies of monkeys at Health Canada. As a consequence of the shut down of Health Canada's Bureau of Drug Research and other cutbacks at Health Canada, it had been proposed that the two colonies of monkeys be exterminated or sold. One colony was considered to have unique genetic traits and some had been used to test the effects of toxaphene (a pesticide) which has regularly appeared in the foods of Inuit people. The discontinuing of these facilities will reduce Canada's research contribution on food consumption and toxicology issues.
- Nov 19/97 The release of 1995 National Pollutant Release Inventory data. Environment Canada announces that releases to air and water of toxic substances have declined 6% from 1994 levels according to the latest published NPRI data. At the same time off-site transfers to disposal are up 25%.

- Nov 97 North American Regional Action Plans for the elimination of mercury from the North American environment are finalized by the Commission for Environmental Cooperation. Also released by the CEC is the PCB Task Force Status Report "Management of PCBs in North America."
- Dec 16/97 The Federal and Quebec Provincial Governments agree to a new arrangement for the administration of the Pulp and Paper Mill Regulations under the *Canadian Environmental Protection Act* and the *Fisheries Act*. The provincial government will become the sole administrator of the regulation (monitoring, inspection, enforcement and all communications about the regulation). The federal government will subsidize the cost of administering the regulation by up to \$300,000 per year. A similar agreement is being negotiated with Ontario.
- Dec 18/97 Environment Canada releases "Proposed Modification to the National Pollutant Release Inventory 1998 Reporting Year Issues" and initiates a consultation period on the NPRI. Proposal drops previous proposal to require mandatory reporting of on-site fate of NPRI substances (e.g. treatment, incineration, landfilling, or recycling). Reporting requirements of this nature have been part of the U.S. Toxics Release Inventory since 1990.
- Jan 30/98 The Canadian Council of Ministers of the Environment announces that the amount of packaging sent to disposal in 1996 has declined 51% (on a weight basis) since 1988. This achievement represents the completion of a goal set in 1988, under the National Packaging Protocol to reduce packaging disposal by 50% by the year 2000. Much of the reduction was achieved through diversion efforts and through the 'lightweighting' of materials as opposed to the elimination of packaging.
- Feb 11/98 Text of Protocol on Heavy Metals under United Nations Economic Commission for Europe Long-Range Transport of Air Pollution Convention completed. Protocol is scheduled to be adopted at a special session of the Executive Body on June 23, 1998. It will require reduction in emissions of Cadmium, Lead and Mercury measured against a base year, and the application of best available techniques to all new stationary sources. Provisions are also included regarding use of lead in gasoline and mercury in batteries. Canada plays a major role in obtaining an exemption from emission reduction requirements for large countries (i.e. Canada, the U.S. and the Russian Federation).
- Feb 24/98 A report by the National Round Table on Environment and Economy estimates that there are over more 2,900 contaminated industrial sites in Canada. Reasons cited for lack of remedial action include: legal uncertainty regarding long-term liabilities; a lack of site-specific information on environmental conditions; and scientific and legal uncertainty about appropriate clean-up standards. Recommendations include: limiting the liability of lenders; simplification and harmonization of laws and standards; and the creation of insurance to help governments manage risks.
- Feb 27/98 Conclusion of 4th Conference of the Parties to the Basel Convention on the Transboundary Movement of Hazardous Wastes. The parties agree to maintain the ban, adopted at the 3rd Conference of the Parties on the export of hazardous wastes for disposal or recycling from OECD to non-OECD countries. A new list of materials classified as hazardous waste was also adopted by the Parties. Canada, the United States, Australia, New Zealand, the Netherlands, Germany and South Korea were accused by environmental organizations as seeking to undermine the ban.
- Feb 27/98 A 12 year study by Health Canada and McMaster University indicates that a significant downward trend in the sperm concentration of men is taking place. Significant

variability occurs regionally. The study did not attempt to link sperms counts to, or test for environmental contaminants.

- Mar 3/98 Environment Canada acknowledges that Environment Canada staff wrote to the Commission on Environmental Cooperation seeking to prevent the release of a draft report which cites eight Canadian companies among the worst fifty polluters in North America. The report that is being prepared for release, "Taking Stock / North American Pollutant Releases and Transfers", would be the second annual report for the Commission in which it ranks air and water emissions and chemicals transferred to other sites for disposal. The companies cited in the draft report, from Canada, that would appear in the top fifty list include:
- o CXY Chemicals in Nanaimo, BC;
 - o Novacor Chemicals in Sarnia, ON;
 - o Fletcher Challenge Canada's Elk Falls Mill, Campbell River, BC;
 - o QIT Fer et Titane in Tracy, QC;
 - o Bayer Rubber Inc. in Sarnia ON;
 - o Methanex in Medicine Hat, AB;
 - o Dominion Colour Corp., Ajax, ON;
 - o Dofasco, Hamilton, ON.
- Mar 12/98 Bill C-32 the New *Canadian Environmental Protection Act* (CEPA) introduced into Parliament for First Reading. The Bill includes a number of significant amendments to the original Bill C-74, which had been introduced in December 1996 and died on the Order Paper when the June 1997 election was called. The new amendments require consultation with the provinces, industry, aboriginal organizations and others before the federal Minister can take virtually any action under the Bill, including the gathering of information or the establishment of non-enforceable guidelines or codes of practice. Other amendments further weakened the Bill's provisions related to information gathering and pollution prevention planning. The Bill does require the establishment of a National Pollutant Release Inventory (NPRI).
- Mar 16/98 Negotiations on Convention on Application of Prior Informed Consent Procedure for Certain Hazardous Chemicals completed. Convention is scheduled to be signed at a diplomatic conference in September 1998. Convention requires prior informed consent of country of import for exports of 22 pesticides and five industrial chemical products.
- Mar 25/98 Bill C-32, *The Canadian Environmental Protection Act*, passes second reading in the House of Commons.
- Apr 15/98 Amended Gasoline Regulations (1998 Amendments Affecting Leaded Gasoline for Competition Vehicles) include new obligation for annual reporting to detail the production, import and sales of leaded gasoline for use in competition vehicles.
- Apr 17/98 Letter of commitment signed by Environment Canada, US EPA, Ontario and Michigan regarding the Detroit River cleanup.
- June 9/98 The Conference of the New England Governors and Eastern Canadian Premiers releases a study on the effects of mercury in the eastern region of North America. Upon examination of the findings, all of the provinces and states represented at the conference agreed to have their emissions cut by 50% over the next five years.
- June 24/98 Canada signs UNECE LRTAPs protocols on persistent organic pollutants and on heavy metals in Aarhus, Denmark.

- June 27/98 Delegates from over 100 countries gather in Montreal to negotiate an international treaty that would end the use of the world's 12 worst toxic chemicals. The list of chemicals consists of nine pesticides, PCB's, dioxins and furans. None of the nine pesticides are currently used in Canada, but are in use elsewhere in the world. However, chemicals can easily cross boundaries as they are transported by the atmosphere. Research has indicated that these chemicals are linked to a variety of problems such as cancers, birth defects and declining sperm counts.
- July 20/98 Federal government announces repeal of ban on fuel additive MMT. Government agrees to provide Ethyl Corporation with \$18 million in compensation and to issue a statement that MMT is not harmful to human health.
- July 21/98 Release of National Pollutant Release Inventory annual report covering the 1996 reporting year. While releases to the environment are noted as falling 6.1% from 1995 overall generation of NPRI substances increased as transfers and disposal increased.
- July 30/98 Environment Canada and US EPA announce joint monitoring program for priority pollutants in the Great Lakes Basin.
- Aug 21/98 An American company submits a claim to sue the Canadian federal government under the NAFTA agreement. The company is planning to use the investment protection measures under NAFTA in order to obtain compensation for a 1995 federal ban on PCB exports to the U.S.
- Aug 24/98 A study released by the federal Solicitor General, Andy Scott, discloses that environmental organized crime has significant impacts on Canada. One of the primary illegal activities being undertaken by organized crime groups is the transportation and dumping of hazardous waste. The report suggests that the main impacts of such crimes include effects on the health of Canadians and the environment as well as clean up costs.
- Sep 23/98 Canadian Environment Assessment Agency posts notice of public comment period on the Comprehensive Study Report regarding Bruce Used Fuel Dry Storage Facility. Comment period extends to Nov 6/98.
- Oct 6/98 North American Commission for Environmental Cooperation releases second *Taking Stock* report, based on 1995 NPRI and TRI data. Report continues to rank Ontario as 3rd largest source of releases and transfers of a matched set of NPRI and TRI listed substances.
- Oct 28/98 Release of report "Treading Water" by GLU, NWF and CELA. The report sites evidence of health damage to people and wildlife from toxics.
- Nov 17/98 Health Canada's Product Safety Bureau issues a warning concerning vinyl toys which contain the softening agent di-isononyl phthalate (DINP). A risk of ingestion of the toxic substance arises from infants or children chewing the toys. The use of other plasticizers are recommended by the Vinyl Council of Canada. The warning leads to the removal of toy and infant products for sale from as many as 325,000 retail establishments.
- Nov 21/98 An analysis by Health Canada's Laboratory Centre for Disease Control concludes that chlorinated drinking water may increase the risk of developing bladder cancer. The analysis propels the Federal-Provincial Drinking Water Committee to review existing standards for levels of chlorine by-products.

- Dec 98 Natural Resources Canada responds to the final report of the Atomic Energy Control Board on Canada's nuclear waste management and disposal concept (see also March 20/98). In response to the report, three measures are identified as priorities :
- a dedicated fund for nuclear fuel waste (established by producer and owners);
 - regular reporting on waste management activities; and
 - a review and approval mechanism to govern funds.
- Dec 4/98 MoU signed between Canada and the United States to harmonize pesticide regulation and the methods of assessing risks. Under the agreement, Canada will cooperate with implementing the US's *Food Quality Protection Act* and Canada's Pest Management Regulatory Agency will work more closely with the US EPA.
- Dec 5/98 Environment Canada announces a four-year, \$40 million funding program to undertake research on the impact of toxic substances. Specific areas to be investigated include:
- persistent, bioaccumulative toxic substances;
 - endocrine disruptors;
 - metals in the environment;
 - urban air pollution; and
 - the cumulative effect of toxins
- Critics link the announcement to the on-going efforts to reform the *Canadian Environmental Protection Act* and equate it to a substitute for stricter regulation of toxic substances.
- Dec 9/98 The Atomic Energy Control Board of Canada informs the Environmental Bureau of Investigation that it will cost \$40,000 to comply with its request for monitoring reports from the Deloro Mine Site since 1970.
- Dec 17/98 Environment Canada contributes \$29,000 to remediation efforts of the Detroit River Area of Concern through the Great Lakes 2000 Cleanup Fund. the funding is directed to tree planting to create buffer strips and erosion control.
- Dec 22/98 Canada ratifies two protocols on the reduction and elimination of Persistent Organic Pollutants (POPs) and Heavy Metals. The protocols emanate from the United Nations Economic Commission for Europe (UN/ECE). The POPs Protocol covers 16 persistent organic pollutants including PCBs, DDT, toxaphene, dioxins and furans. The Heavy Metals Protocol covers cadmium, lead and mercury.
- Jan 7/99 Environment Canada contributes \$269,000 to rehabilitation efforts of the Severn Sound Area of Concern through the Great Lakes 2000 Cleanup Fund. The funding is directed to improve local water quality, wildlife corridors and stream habitat.
- Mar 9/99 Revealed that federal government has approached the Assembly of First Nations to discuss how to get remote northern native communities to accept high-level nuclear waste disposal facilities.
- Mar 16/99 The federal government announces its intent to allow US and Russian weapons-grade plutonium to be used as fuel in Ontario Hydro nuclear reactors. Environmental and safety are scheduled to take place before the plan proceeds.
- Mar 17/99 Eighteen substances declared toxic under the *Canadian Environmental Protection Act* are added to CEPA's list of Toxic Substances (Schedule 1) and published in the Canada Gazette Part II.
- Mar 18/99 Report by Canadian Institute for Environmental Law and Policy reveals major growth

in hazardous waste imports into Ontario, and increase in domestic hazardous waste generation. Federal Minister of International Trade states that under NAFTA rules nothing can be done to halt waste imports.

- Mar 19/99 Environment Minister issues warning to polluters, that do not agree voluntarily to reduce their emissions of Schedule 1 CEPA substances, that toxic substance reduction may have to be regulated.
- Mar 23/99 Prime Minister offers to dispose of radioactive plutonium from Russia and the United States in Canadian reactors.
- Apr 22/99 Co-Steel Lasco indicates its intent to attempt to recycle 6,000 tonnes of zinc found in 20,000 tones arc furnace dust that it produces each year. The decision is in part in response to the Whitby facility reporting to the National Pollutant Release Inventory and being cited in the CEC report "Taking Stock."

**Ontario Provincial Environmental Protection Initiatives :
Chronology of Events (1995-1999)**

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ENVIRONMENTAL BILL OF RIGHTS & PUBLIC PARTICIPATION IN DECISION-MAKING

CHRONOLOGY

- Nov 29/95 *Ontario Regulation 482/95* promulgated. Effect is to exempt the Ministry of Finance from the Environmental Bill of Rights, and temporarily suspend specific public notice requirements for cost-cutting measures for the next ten months.
- Jan 17/96 The Environmental Commissioner of Ontario presents "Special Report to the Speaker of the Legislature". In it, she criticizes the government for violating the spirit and intent of the *Environmental Bill of Rights* through the promulgation of Regulation 482/95.
- Apr 1/96 *Intervenor Funding Project Act* expires.
- Jun 3/96 The Minister of Environment and Energy tables the *Environmental Approvals Improvement Act* in the legislature. The Act is intended to alter the environmental approvals process and a variety of acts and bodies:
- the shut-down of the Environmental Compensation Corporation;
 - the repeal of the Ontario Waste Management Corporation Act;
 - the creation of authority for the MoEE to recover administrative cost from activities such as waste generator registration and manifests, water well records and permits to take water.
- Jun 96 Environmental Commissioner of Ontario delivers first Annual Report. Commissioner highlights failures of Ministries to post environmentally significant decisions on the EBR registry; failures to provide Ontarians adequate time, information and opportunities for comment on proposed decisions that are posted; and failures of Ministries to assess and report on the environmental implications of proposed decisions.
- July 31/96 The Ontario government releases *Responsive Environmental Protection : A Consultation Paper*. A number of the recommendations, if adopted would make changes to Ontario's Environmental Bill of Rights.
- Oct 10/96 Environmental Commissioner Eva Ligeti issues a special report citing the Ontario government for cutting environmental regulations without giving the public an adequate opportunity for comment. Criticisms include:
- ministries are not posting environmentally significant decisions on the Environmental Registry;
 - public comment periods are unreasonably short or provided during inconvenient times; and
 - ministries are failing to assess and report potential environmental effects of decisions.
- Dec 11/96 Filing of an EBR Request for Investigation made regarding the construction of a logging road near Cross Lake.
- Jan 16/97 The first successful appeal under the Ontario Environmental Bill of Rights announced. Five applications were received in June 1996 to appeal the air and sewage approvals issued to Petro-Canada by the MoEE. Sulphur dioxide emission levels were subsequently reduced 20%.
- Mar 10/97 The Ministry of Natural Resources posts on the EBR Registry *Instrument Regulation for Prescribed MNR Legislation* which proposes to define what MNR policies, standards and legislation will be posted.

- Apr 22/97 Environmental Commissioner of Ontario Eva Ligeti releases second annual report detailing the adherence of the Ontario government to its stated environmental values and vision. Commission states "Ministries demonstrated an alarming lack of environmental vision in 1996." Report highlights Ministries of Environment and Health decision to terminate drinking water testing services for municipalities, "dissolution of the province's acid rain program, and the Ministry of Natural Resources' move to self monitoring systems for the aggregates industry.
- Jun 11/97 Filing of an EBR Request for Investigation regarding Ontario Hydro's discharge of more than 1000 tonnes of copper and zinc into Lake Ontario from its Pickering Nuclear Generating Station and other facilities.
- Dec 30/97 Decision posted on EBR registry not to proceed with removal of 'minor' approvals for EBR notice requirements, as proposed in the July 1996 "Responsive Environmental Protection" document.
- Apr 27/98 Environmental Commissioner for Ontario tables Third Annual Report: "Open Doors - Ontario's Environmental Bill of Rights." The Commissioner states "I regret to report that in the past year there has been little substantive improvement in the actions taken by provincial ministries toward protecting the environment." Major areas of concern included Air Quality, Forest Management, Environmental Monitoring, Voluntary Agreements, Conservation Authorities and Watershed Management, the Plastimet Fire.
- Sep 1/98 Classification Regulation for Class I Instruments under the *Mining Act* adopted under the *Environmental Bill of Rights*.
- Jan 14/99 Ministry of Municipal Affairs and Housing proposes to classify standards for septic systems as regulations for the purposes of the *Environmental Bill of Rights*, and Minister's rulings on the use of innovative sewage technology as Class I Instruments.
- Feb 19/99 Ministry of Municipal Affairs proposes Instrument Classification Regulation under the *Environmental Bill of Rights for Planning Act* instruments.
- Apr 28/99 Environmental Commissioner of Ontario Eva Ligeti delivers her annual Report to the Legislative Assembly. The report documents how the "Ontario government has redefined its role in relation to environmental protection" and in particular documents "the decline of Ontario's capacity to protect the environment." Select examples from the report include:
- Statements of Environmental Values.* A number of ministries have not dedicated attention and resources to carrying out the commitments contained in their SEVs :
- The Ministry of Health : commitment to support the elimination of carcinogens and toxics implicated in the environmental causes of cancer has been weak;
 - Management Board Secretariat : has been deficient in the area of preparing environmental reports and consulting with the public prior to selling environmentally significant public lands;
 - Ministry of Transportation : lacks commitment to carry out its promise to reduce transportation related air emissions.
- Environmental Protection Standards.* The Commissioner reports that "Evidence of the deterioration of the province's environmental protection standards is widespread":
- Ministry of Natural Resources is noted for its reduced staffing and reliance on industry self-monitoring programs;
 - Ministry of the Environment was supposed to update its 70 provincial air quality standards, after two years only nine guidelines have been produced and no enforceable standards;
 - Ministries of Municipal Affairs and Housing and of Transportation have done

little to support environmentally sustainable land use and transportation;

Specific Program Performance. :

- Climate Change: lack of effort and lack of analysis by ministries to support their GHG reduction strategies;
- Drive Clean: behind schedule; impact minimal relative to all smog-causing agents; program weaknesses need to be corrected;
- Blue Box: not as strong at beverage container return as most other systems in Canada and still costing municipalities more than its revenue;
- Lands for Life: poor public participation process; shifting goals;
- Standardized Approval Regulations: loss of EBR rights, rights to appeal / seek reviews; concern that public will be frustrated by inability to comment.
- Hazardous Waste : MoE is not supporting its SEV which calls for pollution prevention ahead of pollutant management; heavy reliance on voluntary initiatives; lack of adequate response to legitimate issues raised; better reporting needed.
- Domind: the rules governing 'recycling' of waste pulp liquor need strengthening and clarification;

Ministry Compliance with 1997 ECO Recommendations

- Groundwater Protection Strategy: no formal strategy yet; mixed performance by ministries involved; MoE taking some action.
- Crown Land Sale Consultation : partially met; generally land strategy to be posted but no specific details.
- Air Standards Development: Slow to no progress; guidelines instead of standards for: ethylene dichloride, carbon tetrachloride, and 1,4 dichlorobenzene; no point of impingement standards to be attempted for methylene chloride or terachlorethylene;
- Roadless Wilderness: MNR is still very slow in clarifying this policy; internal working group assembled; fall of 1998 report deadline missed; failed to provide insight to the Lands for Life process.

ENVIRONMENTAL APPROVALS & ENVIRONMENTAL ASSESSMENT

CHRONOLOGY

- Sep 29/95 Environment and Energy Minister Brenda Elliott announced the termination of the Environmental Assessment Advisory Committee (EAAC) which provides forum to comment on the EAA's rules and application to specific projects.
- Apr 1/96 *Intervenor Funding Project Act* expires.
- Jun 3/96 Minister of Environment introduces Bill 57, *The Environmental Approvals Improvement Act*. The Bill provides for:
- the exemption by the Lieutenant-Governor in Council of any person from any provision of the *Environmental Protection Act* or *Ontario Water Resources Act* or any regulation made under those Acts;
 - the dissolution of the Environmental Compensation Corporation;
 - the dissolution of the Ontario Waste Management Corporation and repeal of the *Ontario Waste Management Corporation Act*;
 - the Lieutenant-Governor in Council to prohibit, regulate or control any thing or activity related to the Act;
 - the Lieutenant-Governor in Council to deem a certificate of approval to exist under the *Environmental Protection Act*;
 - the prohibition of any action against the Crown arising out of any exemption from an approval requirement under the *Environmental Protection Act* or *Ontario Water Resources Act*; and
 - an amendment giving the Ministry of the Environment and Energy authority to administer fees to recover administrative costs.
- Jun 13/96 The Minister of Environment and Energy proposes changes to the *Environmental Assessment Act* through Bill 76 by introducing the amendments (scheduled to take effect by 1997). These amendments will have the effect of:
- significantly narrowing the scope of the Act and the environmental assessment process;
 - granting the Minister of Environment and Energy a great deal of discretion over the application of the environmental assessment process, the granting of hearings and their contents;
 - ensuring less consistency in the application of the Act;
 - imposing strict time frames for all key steps in the decision-making process; and
 - doing nothing to lower the barriers to entry into the environmental assessment process by citizens.
- Sep 11/96 Two organizations, the Sierra Legal Defense Fund and Algonquin Wildlands League file a suit against the MNR alleging non-compliance with requirements of a Class Environmental Assessment on Timber Management on Crown Land and the *Crown Forest Sustainability Act*.
- Dec 31/96 Ministry of Environment and Energy announces that Bill 76, the *Environmental Assessment and Consultation Improvement Act, 1996* will be proclaimed on January 1, 1997. Key elements include:
- terms of reference in an EA can now be legally binding;
 - regulated timeframes for each step of an EA process;
 - the Minister can order mediation to resolve disputes.

- Feb 14/97 Ministry of Environment and Energy releases draft Guide to Preparing Terms of Reference for Individual Environmental Assessments.
- Mar 10/97 The Ministry of Environment and Energy posts a proposed policy on the EBR Registry to use mediation as a means to resolve issues in Environmental Assessment processes. This provision flows from the changes to the Act arising from Bill 76, the *Environmental Assessment and Consultation Improvement Act, 1996*. The provision:
- allows the Minister to appoint anyone as mediator including an EA Board;
 - requires that time limits be set for mediation with a maximum timeframe of 60 days.
- Apr 17/97 The Ministry of Environment and Energy lays charges against the Ministry of Natural Resources under the *Environmental Assessment Act* regarding construction of Cross Lake Road.
- May 14/97 A hearing is held in Ontario Divisional Court to determine whether the Minister of Natural Resources Chris Hodgson violated the *Crown Forest Sustainability Act* and the *Environmental Assessment Act*. The dispute arose from allegations made by two organizations, Algonquin Wildlands League and Friends of Temagami, that the Minister exceeded his jurisdiction by approving plans and work schedules without providing for the sustainability of Crown forests.
- May 21/97 A policy proposal is posted on the Environmental Bill of Rights Registry to establish an interim ambient air quality criterion for inhalable particulates (PM10) of 50 micrograms/m³ (24 hour average).
- May 28/97 Regulations made under *Consolidated Hearings Act*, *Environmental Protection Act*, and *Ontario Water Resources Act* dealing with environmental assessments. Regulations under the *Environmental Protection Act* and *Water Resources Act* eliminate statutory requirements for public hearings under those acts for undertakings subject to the *Environmental Assessment Act*, or which fall under a Class Environmental Assessment.
- Jun 5/97 Bill 57, *The Environmental Approvals Improvement Act* is given royal assent. The Bill provides for:
- the exemption by the Lieutenant-Governor in Council of any person from any provision of the *Environmental Protection Act* or *Ontario Water Resources Act* or any regulation made under those Acts;
 - the dissolution of the Environmental Compensation Corporation;
 - the dissolution of the Ontario Waste Management Corporation and repeal of the *Ontario Waste Management Corporation Act*;
 - the Lieutenant-Governor in Council to prohibit, regulate or control any thing or activity related to the Act;
 - the Lieutenant-Governor in Council to deem a certificate of approval to exist under the *Environmental Protection Act*;
 - the prohibition of any action against the Crown arising out of any exemption from an approval requirement under the *Environmental Protection Act* or *Ontario Water Resources Act*; and
 - an amendment giving the Ministry of the Environment and Energy authority to administer fees to recover administrative costs.
- Jul 97 The Ministry of Environment and Energy posts a second draft of a regulation governing timelines for Environmental Assessment Processes on the EBR Registry.
- Sep 13/97 Ministry of Natural Resources submits a plea of guilty with respect to the charges laid against it, under the *Environmental Assessment Act*, for the construction of an access road to Cross Lake and is fined subsequently (in December 1997) \$1200.

Specifically, the MNR contravened the Comprehensive Land Use Plan for the Temagami Region by allowing the construction of an access road to Cross Lake. The lake was designated to be motor vehicle access free.

- Nov 25/97 The Provincial Auditor Erik Peters submits his annual report to the Ontario Legislature. The Auditor highlights the lack of monitoring and enforcement with respect to terms and conditions imposed on approvals through the environmental assessment process and suggests that the process deserves better monitoring.
- Nov 27/97 Ministry of the Environment releases discussion document "Better, Stronger Clearer: Environmental Regulations for Ontario." Proposals related to approvals include:
- removal of public hearing requirements under Environmental Protection Act and Ontario Water Resources Act for 'demonstration' projects.
 - removal of rules of practice regulation of EAB under Environmental Assessment Act (under the *Statutory Powers Procedures Act*, the Board can now make its own rules of procedure).
 - revoking obsolete exemption regulations made under the EAA;
 - delaying proposed removal of EBR notification requirements for certain instruments of little environmental significance;
 - 'simplified' procedures for 'manufacturer controlled networks' for waste approvals;
 - 'Standardized' approvals for a range of waste management related activities including PCB storage and transfer sites;
 - exemptions from waste approval requirements for battery and precious metal bearing sludge recycling activities.
- Dec 4/97 Environmental Assessment Board approves use of scrap metal smelting furnace in Northumberland County to destroy low level PCB's. The facility is the first permanent PCB destruction facility to be approved in Ontario. In its decision the Board expressed concern over the province's failure to designate the undertaking under the *Environmental Assessment Act*, its implications for non-incineration PCB destruction technologies, the inability of public interest intervenors to participate effectively in the hearing due to the lack of intervenor funding, and the operator's lack of previous experience in the handling of hazardous wastes.
- Dec 5/97 Ministry of the Environment centralizes approvals functions by transferring the issuing of all waste-related provision certificates of approval from MoE regional offices to the MoE Approvals Branch.
- Dec 97 The Ministry of Environment announces the scope of the Environmental Assessment Board hearing for the Adams Mine waste disposal proposal. The Board will hear evidence on two issues about the site: its hydrogeology and surface water characteristics and leakage containment.
- Feb 1/98 Ministry of the Environment posts proposal for Standardized Approvals Regulations (SARs) and Approval Exemption Regulations (AERs) for a 45 day public comment period. SAR regulated activities would not be required to obtain a certificate of approval, but would be subject to conditions laid out in the SAR regulation. Exempted activities would not be subject to any approval requirements at all. Proposed activities for SARs include:
- Air**
- modifications to equipment resulting in less than 10% change in emissions
 - combustion equipment for space heating or industrial processes;
 - emergency generators
 - sterilizers
 - arc welding.

Water

- water and sewage work modifications
- temporary water takings
- pumping stations

Waste

- municipal waste transfer stations
- utilization of biosolids (sewage sludge) on agricultural lands.

Proposed AERs include**Water**

- area drains
- bottled water plants
- stormwater management facilities

Air

- area sources (sandblasting, drilling, construction, crushing screening, storage, sewage treatment, irrigation of farmland with effluent, special events)
- ventilation systems
- food preparation exhaust systems
- air conditioners
- mobile equipment used in construction and maintenance.

- Feb 7/98 The Ontario Divisional Court declares three Northern Ontario timber management plans to be "of no force and effect." The panel who heard the case gave the province 12 months to bring the Elk Lake, Upper Spanish and Temagami plans into compliance with the *Crown Forest Sustainability Act* and Terms and Conditions of the Class Environmental Assessment of Timber Management on Crown Lands. The most contentious actions by the Ministry of Natural Resources included:
- approving work schedules without proof that the forest would be managed sustainably;
 - approving plans which lacked any sustainability indicators and frequently allowed for clear-cutting; and
 - timetables for phasing in new standards were arbitrarily extended.
- Feb 11/98 The Red Tape Commission and the Ministry of Municipal Affairs and Housing announce that they will initiate an industry consultation to explore the feasibility of a 'one-window' approach to building regulations and approvals. Such an approach will continue to limit the amount of review that the Ministry of the Environment has of land development projects and speed the approval of urban sprawl.
- Apr 29/98 Environmental Commissioner for Ontario tables annual report in the Legislature. In her report the Commissioner expresses concern that polluters may be able to avoid liability in the civil courts under the Ministry of the Environment's proposed 'standardized' approval system if they are sued under the common law causes of action such as negligence, nuisance and trespass, or the public nuisance provisions of the EBR. This avoidance of liability may arise as polluters will be able to claim they were acting under legislative authority and thus have permission to discharge pollution.
- May 10/98 Ontario Court rejects application to amend its February 1998 decision regarding the failure of the Ministry of Natural Resources to comply with the requirements of the *Crown Forest Sustainability Act* and the Environmental Assessment Board's decision

regarding the Class Environmental Assessment of Timber Management on Crown Lands. The Court grants the original applicants in the case, the Wildlands League and the Friends of Temagami, a costs award of \$127,000 in relation to the Ministry's application.

- Jun 2/98 Ministry of the Environment posts proposals for major changes to Regulation 347 on the EBR Registry. The proposals include 'standardized' approvals for on-site storage of hazardous wastes, including PCBs, expanding exemptions from approval requirements for hazardous waste 'recycling' activities, and eliminating requirements for public hearings prior to the approval of expansions of hazardous or municipal solid waste disposal facilities.
- June 20/98 The Adams Mine garbage proposal is the first major environmental assessment under the new *Environmental Assessment Act*. Under this new regime, the assessment process was streamlined so that proponents of a project no longer have to study alternatives to their proposal (in this case waste reduction/recycling). In addition, the act eliminates intervenor funding which was previously provided by the government, to residents opposed to a project. According to the Canadian Environmental Law Association (CELA) and other groups, this has compromised the public's ability to participate in decisions that will likely have significant impacts on their lives.
- June 22/98 Community members in and near Kirkland Lake hope that an appeal to the provincial cabinet regarding the conversion of Adams mine to municipal waste landfill, will allow time for Notre Developments (the project proponent) to seek alternative waste disposal methods.
- June 29/98 Ministry of the Environment adopts revised Fee Schedule for Certificates of Approval under the *Environmental Protection Act* and *Ontario Water Resources Act*.
- July 2/98 Community residents and local councillors in Northeastern Ontario raise concerns regarding the recent approval of the Adams Mine Waste Proposal by the Environmental Assessment Board. David Ramsay, Liberal MPP for Timiskaming (a community near the site) contends that the project is very high-risk and that it is being driven by short-term economic imperatives, which are not properly accounting for environmental/social concerns.
- Aug 26/98 The Ontario cabinet approves the conversion of the Adams mine pit in Kirkland Lake to a privately operated landfill. The site is expected to serve mainly Toronto residents as well as York Region. Environmental groups fear the decision will undermine waste diversion initiatives.
- Sept 30/98 First of AERs (Approval Exemption Regulations) for air and water, proposed in February 1998 come into effect.
- Dec 2/98 Ministry of the Environment proposes following regulatory exemptions from Approval requirements:
Air
- o contaminants from the grounds of a race track, if the emission of contaminants is attributable to the racing of horses, dogs, or motorized or non-motorized vehicles;
 - o emissions of contaminants from the grounds or premises upon or in which a special amusement, entertainment, charitable, political, education, artistic, musical or sporting event is held, if the emission of contaminants is attributable to the special event;
 - o natural gas or propane gas dispensing units;

- emission of contaminants from a shooting range, if the contaminants are attributable to the firing of a gun or guns;
- any equipment, apparatus, mechanism or thing that is used for the ventilation of emissions resulting from vehicles, trains, forklifts, etc used in warehouses and enclosed storage areas; and
- any equipment, apparatus, mechanism or thing that is used solely to mitigate the effects of an emergency declared to exist under the *Emergency Plans Act*.

Water

- the establishment, alteration, extension or replacement of, or a change in a water or sewage works that is used solely to mitigate the effects of an emergency declared to exist under the *Emergency Plans Act*;
- the taking of more than 50,000 litres a day to mitigate the effects of an emergency under the *Emergency Plans Act*; and
- the taking of water and establishment, alteration, or replacement of drains, pump devices and appurtenances for the collection and disposal or drainage from building foundations.

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ENVIRONMENTAL STANDARDS & REGULATORY PROCESSES

CHRONOLOGY

- Sep 12/95 The Ontario Round Table on Environment and Economy is disbanded. Office closed on November 17/95. ORTEE's mandate was the establishment of a sustainability strategy for Ontario.
- Sep 29/95 Environment and Energy Minister Brenda Elliott announced the termination of three committees: the Advisory Committee on Environmental Standards; the Environmental Assessment Advisory Committee and the Municipal Industrial Strategy for Abatement Advisory Committee. The committees, in brief, performed the following functions:
- MISA: advised on pollutant limits in industrial waste water.
 - EAAC: forum to comment on the EAA's rules and application to specific projects.
 - ACES: specific contaminant guideline establishment e.g. tritium.
- Nov 29/95 Government introduces Bill 26 the *Government Savings and Restructuring Act*. This Bill includes major amendments to more than 40 statutes, including *the Freedom of Information and Protection of Privacy Act, Mining Act, Public Lands Act, Fish and Game Act, Lakes and Rivers Improvements Act, Forest Fires Prevention Act, Conservation Authorities Act* and *Municipal Act*. The amendments greatly expand cabinet and ministerial discretion in decision-making, remove statutory requirements for approvals, and weaken opportunities or requirements for public participation in decision-making.
- Nov 29/95 MPP Frank Sheehan appointed to chair the Red Tape Review Commission. It will review all 45,000 regulations in effect in the Province and attempt to streamline or eliminate as many as possible within 12 months. The Commission's mandate includes no reference to ensuring that regulations necessary to protect the environment are retained.
- Jan 29/96 Bill 26, the *Government Saving and Restructuring Act* enacted:
- the *Freedom of Information and Protection of Privacy Act* amended to make it easier to reject requests that are considered frivolous or vexatious;
 - the *Municipal Freedom of Information and Protection of Privacy Act* amended to make it easier to reject requests that are considered frivolous or vexatious;
 - Both sets of amendments require the establishment of fees for both applying for, and retrieving information.
- Feb 5/96 Fees for both applying for, and retrieval of information set under freedom of information acts.
- Jun 3/96 Minister of Environment introduces Bill 57, *The Environmental Approvals Improvement Act*. The Bill provides for:
- the exemption by the Lieutenant-Governor in Council of any person from any provision of the *Environmental Protection Act* or *Ontario Water Resources Act* or any regulation made under those Acts;
 - the dissolution of the Environmental Compensation Corporation;
 - the dissolution of the Ontario Waste Management Corporation and repeal of the *Ontario Waste Management Corporation Act*;
 - the Lieutenant-Governor in Council to prohibit, regulate or control any thing or activity related to the Act;
 - the Lieutenant-Governor in Council to deem a certificate of approval to exist

- under the *Environmental Protection Act*;
 - the prohibition of any action against the Crown arising out of any exemption from an approval requirement under the *Environmental Protection Act* or *Ontario Water Resources Act*; and
 - an amendment giving the Ministry of the Environment and Energy authority to administer fees to recover administrative costs.

- Jun 5/96 Minister of Environment and Energy introduces Bill 66, *Government Process Simplification Act* which proposes to amend the *Consolidated Hearings Act* and *Environmental Protection Act*. This could:
 - permit Ontario Energy Boards and Environmental Appeal Boards to sit in panels of one member;
 - be further amended so that prosecutions under the Act or its regulations will no longer require ministerial approval;
 - amend the *Ontario Energy Board Act* to allow the Minister (rather than the Lieutenant Governor) to refer a request for inquiry to the board and to require a hearing into the reasonableness of gas rates under section 13;
 - allow the joint board and the Environmental Appeals Board to designate one person to represent a group of people with the same interest;
 - allow the Minister of Environment and Energy to amend the *Pesticides Act* to allow classification of pesticides by the Minister or a delegate.

- Jul 31/96 Ontario government releases a discussion paper entitled *Responsive Environmental Protection* which makes over 80 recommended changes to environmental regulation. The recommendations include revising the Environmental Bill of Rights Classification of Proposals for Instruments Regulation to eliminate notice requirements for proposals with minimal environmental impact. For specific recommended changes to regulations see Jul 31/96 under *Air, Water, Energy, Pesticides* and *Waste*.

- Aug 31/96 Premier Harris announces changes to the Provincial Cabinet. The Minister of Environment and Energy, Brenda Elliott MPP for Guelph is replaced by Norm Sterling MPP for Carleton who was previously acting as Minister of Consumer and Commercial Relations.

- Sep 5/96 Ministry of Environment and Energy announces a 30-day extension to the public consultation period on proposed reforms to Ontario's environment and energy regulations (*Responsive Environmental Protection*). The extension reflects the enormity of the undertaking and the reaction by many stakeholders that the government's original timeframe was insufficient to allow a proper review of the proposed changes.

- Oct 10/96 Ministry of Environment and Energy puts policy proposal entitled "Proposed Three Year Plan for Standard Setting" on Environmental Bill of Rights Registry for 30-day public comment period. The plan identifies standards that need to be established over the next three years in the areas of air, soil, ground, drinking and surface water, sediment, tissue residue, sewage sludge, and compost.

- Oct 10/96 Environmental Commissioner Eva Ligeti issues a special report citing the Ontario government for cutting environmental regulations without giving the public an adequate opportunity for comment. Criticisms include:
 - ministries are not posting environmentally significant decisions on the Environmental Registry;
 - public comment periods are unreasonably short or provided during inconvenient times; and
 - ministries are failing to assess and report potential environmental effects of decisions.

- Oct 15/96 Provincial Auditor Erik Peters criticizes the conduct of the Ministry of Environment and Energy in a number of areas:
- the use of the Hazardous Waste Information System. The Auditor reports that the ministry should be taking steps to identify registered generators of hazardous waste who do not report disposals;
 - his main criticism on air pollution abatement stems from a 1992 review conducted by the MOEE that showed that 226 of 289 air pollutant standards required reduction, reassessment, or further review, and this review was not followed up on by the ministry;
 - the Ministry of Environment and Energy's handling of its water well information system is deficient. Of 200,000 well records submitted to the MOEE over the past 12 years, only about 30,000 have been entered into the water well information system; and
 - groundwater quality is not monitored systematically throughout the province.
- Nov 13/96 Premier Harris defends the Ontario government regulatory streamlining initiative at the Ministry of Environment and Energy Technology Transfer Conference in Toronto. The Premier declares that there are too many needless regulations.
- Jan 29/97 Release of the Red Tape Commission releases Final Report. Recommends extensive changes to environmental regulations, weakening many requirements, particularly with respect to waste management.
- Feb 26/97 Ontario Government announces that five agencies are to be eliminated and another 35 with similar mandates are to be combined. One of the five to be eliminated is the Environmental Compensation Corporation which the government claims will be made obsolete after proposed changes to the *Environmental Protection Act* proceed. The Environmental Compensation Corporation makes decisions about compensation for those affected by toxic spills. Other changes:
- The Ontario Municipal Board is to be consolidated with the Assessment Review Board and the Board of Negotiations and renamed the Property and Planning Tribunal;
 - The Environmental Assessment Board (including the Niagara Escarpment Hearing Office) and Environmental Appeal Board are to be consolidated into the Environmental Appeals Tribunal;
 - Others to undergo consolidation with other agencies: Game & Fish Hearing Board, Farm Practices Protection Board, Ontario Drainage Tribunal, Building Code Commission, Fire Code Commission;
 - Those to remain relatively unchanged at the time of the announcement include: the Animal Care Review Board, the Conservation Review Board, Crown Timber Board of Examiners, Niagara Escarpment Commission and the Ontario Energy Board.
- April 4/97 Charges laid against Inco Limited were dismissed in court as Ministry of Environment and Energy prosecutors failed to appear. The charges (five in total) relate to a massive sulphur dioxide gas leak on November 16, 1995 which sent dozens of residents of Sudbury to hospital with breathing problems. This is the second time that charges have been dismissed on this basis which reflects the serious resource shortage at the MoEE for dealing with enforcement and prosecution matters. The MoEE is attempting to re-introduce the charges against Inco Limited.
- Apr 22/97 Release of the Environmental Commissioner of Ontario's 1996 annual report (See *Environmental Bill of Rights & Public Participation in Decision-making* section).

- Apr 23/97 Mr. Norm Sterling, Minister of Environment and Energy states: "That is why we [Ontario] are re-regulating, not deregulating as some would suggest....The fact is this government is not deregulating. We are simplifying and improving our regulations to set tough environmental standards and we will be vigilant in ensuring that these standards are met." in a letter to the Windsor Star.
- May 21/97 A policy proposal is posted on the Environmental Bill of Rights Registry to establish an interim ambient air quality criterion for inhalable particulates (PM10) of 50 micrograms/m³ (24 hour average).
- Jun 5/97 Bill 57, The *Environmental Approvals Improvement Act* is given royal assent.
- Jun 10/97 Release of the Annual Report of the Ontario Ombudsman. In the report, the Ombudsman cites the Ontario government's delegation of decision-making authority to private sector bodies and the promotion of industry self-regulation as causes for concern, particularly the Technical Standards and Safety Authority.
- Jun 27/97 Linda Stevens transferred from position of deputy minister at the Ministry of Environment and Energy to Cabinet Office. The position of Deputy Minister of the Environment remains vacant until October 1997.
- Nov 4/97 Ontario Environment Minister writes to federal Environment Minister Christine Stewart regarding the MoE's opinion that National Pollutant Release Inventory data does not provide an accurate indicator of environmental health. Furthermore, the data should not be used for reporting purposes (e.g. "Taking Stock/North American Pollutant Releases and Transfers") by the Commission for Environmental Cooperation in the MoE's opinion.
- Nov 25/97 The Provincial Auditor Erik Peters submits his annual report to the Ontario Legislature. Among the key points:
- the measuring of, and reporting on the Province's waste reduction targets needs to be strengthened;
 - the province needs to work with municipalities on reducing the cost of collecting and processing recycled materials as well as implementing a full costing approach for waste disposal;
 - the provincial goal of 50% waste diversion from disposal should be incorporated into the Ministry of the Environment's Waste Reduction Branch's business plan;
 - the Ministry should expedite the resolution of issues surrounding refillable soft drink containers and address municipal concerns;
 - the environmental assessment process requires better monitoring of the compliance with EA Act decision terms and conditions;
 - water or sewage expansion projects should not be funded by the province unless municipalities have implemented and maximized water conservation; documentation filing and grant overpayment need to be better monitored as well.
- Nov 27/97 The Minister of the Environment releases "Better, Stronger, Clearer Environmental Regulation in Ontario" - a package of 38 amendments to the province's environmental regulations. These amendments evolved from the initial proposals contained in the August 1996 "Responsive Environmental Protection" initiative and will be implemented by summer 1998. The amendments will take place in the regulatory areas of: air quality, approval of technologies, energy, environmental assessment, the Environmental Bill of Rights, pesticides, spills, waste management and water quality. Some of the regulations amended include:

- air quality (Vehicles and Fuels, Acid Rain, Air Regulation);
- approval of technologies (Technology Demonstration);
- energy (Energy Efficiency Standards Regulations);
- environmental assessment (EA Rules of Practice);
- the Environmental Bill of Rights (Classification of Proposals of Instruments, Application of the EBR Act);
- waste management (Deep Well Disposal, General Waste, Mobile PCB Destruction, PCB Waste Management, Recycling and Composting, Disposable Milk Containers, Waste Audits & Reduction Work Plans and Packaging & Packaging Reduction Work Plan) Refillable Containers at least at this date undergo no revision;
- water quality (Water Wells, Regulations under MISA)

Final amendments are to be posted on the Environmental Bill of Rights of Registry by June 1998.

- Jan 98 Final Agreement between Dofasco and the Ministry of the Environment posted on EBR Registry. Agreement commits Dofasco to "all reasonable efforts to meet several targets for reducing air and water emissions and solid waste production. In exchange, the Ministry of the Environment will use "all reasonable efforts" to exempt Dofasco from the requirement under Regulation 347 to manifest its shipments of hazardous and liquid industrial wastes on public roads.
- Feb 11/98 The Red Tape Commission and the Ministry of Municipal Affairs and Housing announce that they will initiate an industry consultation to explore the feasibility of a 'one-window' approach to building regulations and approvals. Such an approach will continue to limit the amount of review that the Ministry of the Environment has of land development projects and speed the approval of urban sprawl.
- Mar 31/98 Proposals for revisions of standards for 10 hazardous air pollutants and 4 drinking water contaminants posted on EBR registry. Some of the proposed air standards have been weakened significantly from the proposals presented by the Ministry in January 1997.
- Apr 27/98 Environmental Commissioner for Ontario tables Third Annual Report: "Open Doors - Ontario's Environmental Bill of Rights." The Commissioner states "I regret to report that in the past year there has been little substantive improvement in the actions taken by provincial ministries toward protecting the environment." Major areas of concern included Air Quality, Forest Management, Environmental Monitoring, Voluntary Agreements, Conservation Authorities and Watershed Management, the Plastimet Fire.
- May 11/98 Information and Privacy Commissioner of Ontario orders the Ontario Ministry of the Environment to provide the Sierra Legal Defence Fund with a list of companies with violations of their operating permits as well as companies who have been convicted of an environmental offence. The MoE originally offered the information at a cost of \$19,868 but was ordered to provide at the cost of photocopying the information (about \$3000). The MoE has:
 - 4,650 pages on water quality violations;
 - 9,735 pages on air quality violations.
Formerly, the MoEE published this information in a format that made it easily publicly accessible. The last time was 1993/94.
- Jun 17/98 Ontario Environmental Protection Working Group releases *Our Future, Our Health: The Consequences of Inaction*. The report synthesizes details actions, inaction and regulatory changes likely to make province's problems related to smog, acid rain and waste management worse.

- Jun 26/98 Amendments to the *Election Finance Act* (Bill 36) receive Royal Assent. The Bill raises the expenditure limits for Party election campaigns and removed limits on certain types of spending.
- Jul 23/98 1998-99 Business Plans for Ontario government ministries released to the public.
- Jul 27/98 Public release of 1996 National Pollutant Release Inventory Data. Data shows decline in releases of pollutants to the environment, but a dramatic increase in transfers of pollutants in waste. The Ontario Minister of the Environment asserts that there are "serious flaws, inconsistencies and misinterpretations" in the National Pollutant Release Inventory system.
- Aug 1/98 Three Party agreement between Environment Canada, MoEE and Dofasco Inc. adopted. Establishes voluntary targets for abatement in areas of air, water and waste management in exchange for commitments to reduce regulatory requirements.
- Nov 3/98 Ministry of the Environment proposes initiative: "Recognizing and Encouraging Voluntary Actions (REVA)." Policy proposes reduced oversight for facilities on the basis of promises of good environmental performance, and that no new standards will be imposed without "quid pro quo" concessions to industry.
- Nov 3/98 Provincial Auditor tables 1998 Annual Report:
- *Ministry of the Environment*
Report is critical of Ministry of the Environment's failure to act on the Auditor's 1996 recommendations regarding the revision of the province's standards for hazardous air pollutants.
 - *Ministry of Natural Resources*
 - the Ministry had not developed proper effectiveness measures to assess the program's success in achieving the sustained development of the province's fish and wildlife resources;
 - did not have adequate policies in place for the management of big game species (moose, deer and bear); and
 - information from the assessment of fish populations and other data were often not available to assist management in managing regeneration, stocking and harvesting.
- Nov 7/98 It is reported that the head of the 'Red Tape Commission' urged the Ministry of the Environment to drop its prosecution of a company that violated a provincial regulation prohibiting the dumping of waste from outside of the approved service area of a landfill.
- Nov 23/98 Environment Minister Norm Sterling introduces the *Environmental Statute Law Amendment Act*. The Act, if passed, would allow the MoE to:
- seize licence plates and permits from vehicles used to commit environmental offences;
 - streamline the process by which environmental officers issue compliance orders in the field;
 - apply new monetary penalties for minor environmental infractions;
 - secure areas and facilities to ensure evidence is protected;
 - extend provisions for control of illegal dumping and cleanup to people who broker illegal waste disposal; and
 - use more modern investigative aids and techniques.
- No new resources were announced to ensure that this legislation could be put to its full utility.

- Dec 14/98 *The Balanced Budget and Taxpayer Protection Act, 1998* introduced. The Bill requires a balanced provincial budget for each year, except in cases of emergencies, and requires a referendum or provision in a party election platform to increase certain taxes.
- Dec 16/98 Bill 101 *Red Tape Reduction Act #2*) Introduced. Schedule M amends a number of natural resources acts including the following:
- Aggregate Resources Act*
- permit site plans and licenses to take precedence over municipal rules and by-laws;
 - permit regulations under the Act to adopt technical standards by reference.
- Fish Inspection Act*
- permit arrest of persons involved in illegal sale of contaminated fish products.
 - increase maximum penalties, and extend period of time over which prosecutions can be undertaken.
- Forest Fires Prevention Act*
- provide authority to require that people who cause fires pay for fire suppression; various minor amendments.
- Fish and Wildlife Act*
- remove requirement that pelts of fur bearing animals be marked "sealed."
- Niagara Escarpment Planning and Development Act*
- "streamline" plan amendment process, reduce timelines, eliminate hearings in certain circumstances.
 - allow the Minister or hearing officers to dismiss notices of appeal of development permits where these are "frivolous, not made in good faith, made for purpose of delay or without merit on land-use planning grounds;
 - allow Commission decisions to be confirmed without approval by the Minister if they are the same as hearing officers reports;
 - extend the review period for the plan from five to ten years and "clarify" the ministers authority to prescribe the terms of reference for a plan review.
- Oil, Gas and Salt Resources Act*
- minor amendments;
 - permit adoption of technical standards by reference.
- Public Lands Act*
- permit unregistered letters patent to be cancelled, allowing for the faster execution of land sales.

Bill 101 died on the order Paper when the Legislative session ended on December 18, 1998.

- Dec 18/98 Bill 82, *An Act to Strengthen Environmental Protection and Enforcement* receives Royal Assent.
- introduces administrative monetary penalties for offences under the *Environmental Protection Act* and *Ontario Water Resources Act*
 - strengthens penalty and enforcement provisions.

- Dec 18/98 Bill 25, *Red Tape Reduction Act, 1998*. Receives Royal Assent. Schedule I of the Bill amends a number of MNR statues including:
- Conservation Authorities Act*
- Removes requirement for Conservation Authority permission for changing, diverting or interfering with watercourses, wetlands, Great-Lakes St. Lawrence shorelines, inland lakes; river and stream valleys, hazardous lands, for activities approved under the *Aggregate Resources Act*; and
 - removal of the requirement for provincial approval of Conservation Authority Regulations
- Lakes and Rivers Improvements Act*

- permit delegation by cabinet and minister of approvals under the Act to conservation authorities, or other agencies or bodies;
- permit the minister to approve plans for a dam, after the dam has been constructed; and
- weaken the current prohibition in the Act against pollution.

Public Lands Act

- provides for the delegation of the Minister's duties under the Act to "any person."
- removes limits on size or dollar value of public lands that can be leased or sold.
- provides statutory authority for the implementation of the 'Lands for Life' land-use planning process. Land-use plans outlining uses in specific zones will be subject to approval by the Minister following a 30 day public comment period.

The Bill also consolidated the *Trees Act*, *Woodlands Improvement Act*, *Forest Trees Pest Control Act*, and amended the *Crown Forest Sustainability Act*, *Forest Fires Prevention Act*, *Mining Act*, *Provincial Parks Act*, and the *Surveys Act and the Surveyors Act*.

Schedule 'C' of the Act, *Statute and Regulation Revision Act, 1998*, makes provision for the adoption of revisions to statutes by the Chief Legislative Council, without approval by the Legislature.

- Dec 18/98 *Greater Toronto Services Board Act, 1998* receives Royal Assent. The Act goes into being on January 1, 1999 and creates a board review integration issues, most notably transportation, for municipalities in the Greater Toronto Area.
- Dec 98 *Lobbyist Registration Act* receives Royal Assent.
- Feb 24/99 Revealed that the Ministry of the Environment had developed a delivery strategy for its operational staff, directing them not to respond to public complaints about a wide range of environmental problems, or to direct such complaints to other agencies and municipalities. Specific examples included problems arising from: activities related to agriculture; construction and demolition; diesel generators; gravel pits and quarries; mobile sources; oil from vehicles; septic systems; boating; sewers; drinking water quality; road salt; inert fill; pop bottles; industrial, institutional and commercial waste source separation; recycling and composting regulatory requirements; tire disposal sites with less than 5,000 tires; litter; abandoned vehicles; inquires about pesticide use; and residential pesticide use.
- Mar 1/99 It is revealed the Ministry of the Environment laid only three charges and issued just one warning in 1996 despite having evidence of 1024 violations of provincial water quality regulations and guidelines. The revelation (*Ontario's Water Polluters: The Ontario Waste Water Discharge Violations Report*) was made by the Sierra Legal Defence Fund and is based on a Freedom of Information Request.
- Mar 2/99 Ministry of Natural Resources announces plans to train 500 volunteer nature 'guardians,' to assist with the enforcement of the laws administered by the Ministry. The decision follows the 1998 report of the Provincial Auditor, which raised questions over the ability of the Ministry to adequately enforce its laws.
- Mar 22/99 Former Attorney General Ian Scott criticizes the Ontario government for allowing the successor corporations to Ontario Hydro to escape the requirements of the *Freedom of Information and Protection of Privacy Act* through provisions of Bill 35, *The Energy Competition Act*.

- Apr 21/99 Ontario environmental organizations release "An Environmental Agenda for Ontario." The document outlines recommendations for environmental improvement in six areas:
- Protecting Human Health;
 - Food, Water, Materials and Energy;
 - Building Sustainable Communities;
 - Protecting and Restoring Nature; and
 - Strengthening Democracy.
- May 14/99 Revealed by the Canadian Institute for Environmental Law and Policy that fines levied against polluters convicted of violating Ontario's environmental laws have dropped to their lowest level in more than a decade. The 1998 total for fines levied was \$863,840 compared to \$3,065,504 in 1995.
- May 18/99 Environmental Commissioner of Ontario recommends an independent review of the province's air quality protections. The recommendation was made in response to an application for investigation by the Sierra Legal Defense Fund.

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LAND USE PLANNING

CHRONOLOGY

General and Southern Ontario Issues

- Jul 13/95 Agriculture Minister announces the province will be withdrawing \$15 million in funding for the purchase of agricultural covenants to protect the Niagara Fruit Belt from urban development.
- Oct 6/95 Government-wide operating budget reductions released by the Office of the Premier. The reductions were detailed for each of the years 1995-96 and 1996-97 but do not represent all the reductions that will take place. Effects to land use policy and protection due to cuts to the Ministry of Environment and Energy:
- reduce conservation and planning spending by \$0.68 M for both years;
 - cuts to Ministry of Natural Resources;
 - conservation authorities' operating transfer payments cut by \$1.2 M in both years.
- Nov 15/95 Interim report of the Golden Task Force on the Greater Toronto Area. If recommendations proceed sweeping changes could be introduced to the area's land use, service delivery, tax structure and administration.
- Nov 16/95 Government introduces Bill 20, the *Land Use Planning and Protection Act*. The Bill will repeal many recommendations of the Commission on Planning and Development Reform in Ontario implemented through Bill 163.
- Dec 13/95 Province announces it will market surplus government land throughout Ontario for productive development.
- Jan 2/96 A revised draft Provincial Policy Statement to accompany Bill 20 is released by Minister of Municipal Affairs.
- Jan 26/96 Ministry of Housing releases a consultation paper entitled "Back to Basics" which focuses on streamlining and simplifying the Building Code. Among other things, the paper proposes the removal of energy efficiency requirements from the Code.
- Jan 29/96 The Ontario Legislature enacts Bill 26, the *Government Savings and Restructuring Act* and in so doing amends many acts governing land use including:
- the *Public Lands Act*: amends work permit provisions; reduces capacity of courts to order restoration;
 - the *Municipal Act*: easier municipal restructuring, land annexation, and service cost or user fee implementation;
 - the *Conservation Authorities Act*: new provisions allow the dissolution of CAs and easier sale of CA lands. Limitations placed on scope of CA activities and funding.
- Jan 29/96 Ministry of Environment and Energy releases its review of its land use planning process. If recommendations are adopted, it would create an approach consistent with Bill 20: the MoEE would shift its emphasis away from the review of site-specific applications to involvement in official plan policy formulation.
- Mar 26/96 Bill 20, the *Land Use Planning and Protection Act* enacted. Reverses reforms adopted in 1995 to implement recommendations of Commission on Planning and Development

reform in Ontario.

- Apr 11/96 Ontario government releases "Interim Report on Business Planning and Cost Savings Measures" which outlines the re-shaping of government through "new business directions" for ministries and "cost-savings measures" that the province is implementing. Each ministry is responsible for carrying out its own business plan within the financial constraints that it is assigned. Effects of this initiative on land use:
- the Ministry of Municipal Affairs and Housing will become the principal or only body to deal with land use proposals;
 - Conservation Authorities transfer payments will be cut \$5.4 M in 1996-97 and \$7.4 M in 1997-98.
- May 7/96 Ontario Budget unveiled which includes the suspension of the Land Transfer Tax on the purchase of new houses and the restoration of previously-eliminated funding for road construction.
- May 22/96 Ministry of Municipal Affairs and Housing announces proclamation of Bill 20, *The Land Use Planning and Protection Act*. Major changes under this legislation include:
- streamlining the process by cutting approval times in half; and
 - eliminating the requirement that planning decisions "be consistent with" provincial policies, and replacing it with the old requirement that decisions "have regard to" provincial policies.
- Jun 20/96 Ministry of Environment and Energy releases a revised soil cleanup guideline, *Guideline for Use at Contaminated Sites in Ontario*, which is intended to provide more specific and workable directions on managing and re-using contaminated sites.
- Oct 23/96 The Ministry of Municipal Affairs and Housing approves Peel Region's first official plan. Under the plan, the region has agreed to incorporate provincial policies on several issues including:
- the extraction of mineral aggregate resources for long-term use;
 - support for the region's desire to protect the environment;
 - support for the Caledon Community Resources Study which assesses future mineral aggregates in the region. This may result in the refinement of mineral aggregate policies; and
 - there will be no moratorium on new aggregate operations in "high potential" areas.
- Oct 96 Municipal Affairs and Housing Minister Al Leach removes a freeze on aggregate extraction covering 8,000 hectares in the Caledon Region. Seventy appeals of the decision are filed with the Ontario Municipal Board.
- Nov 4/96 The Who Does What Panel recommends to the Ministry of Municipal Affairs and Housing that municipalities should deliver and pay for sewer and water systems. The panel recommends that the province:
- transfer ownership of its sewer and water treatment facilities to appropriate municipalities;
 - discontinue sewer and water grant and loan programs; and
 - continue to set and enforce performance-based environmental standards and promote conservation.
- The panel also recommends that while municipalities should decide on the method of charging for sewer and water services, users should be charged the full cost of providing them. The panel also recommends that the province:
- continue to transfer to municipalities ownership of provincial highways that serve primarily local needs, provided municipalities are granted a revenue

- source to help with highway upkeep; and
 - discontinue transit financial support but play a role in setting safety standards, coordinating broader transportation planning and helping with inter-municipal coordination and integration.
- Jan 16/97 Bill 106, Fair Municipal Finance Act, is introduced to the legislature. The legislation should improve tax treatment of conservation lands, managed woodlots and farmland.
- Jan 28/97 Ontario Ministry of Agriculture, Food and Rural Affairs Posting on *Farm Practices Protection Act*. Ministry proposes to expand exemption for agricultural activities from environmental laws.
- Feb 3/97 Ministry of Municipal Affairs and Housing implements a new policy (effective Feb. 1, 1997) geared to protect the economic interests of Ontario's major airports. The policy will prevent new residential development and other sensitive land uses near airport lands above 30 NEF/NEP (airport noise contour mapping - Noise Exposure Forecast/Noise Exposure Projection). The policy is in response to previous situations where noise problems in an area resulted in federal restrictions on airport operations.
- Apr 1/97 The Ontario government announces that it will extend the land transfer tax refund (up to \$1725) offered to first-time home buyers upon the purchase of a newly built home. While the refund may encourage new home purchases it also may encourage urban sprawl as it applies only to newly built homes.
- May 27/97 Bill 106 *Fair Municipal Finance Act* receives Royal Assent. This legislation will revise the property tax assessment of conservation, managed forest and farm lands. Some of its provisions offer certain landowners an incentive to undertake conservation initiatives.
- May 28/97 Passage of Bill 107. The Bill provides for the transfer of the ownership and operation of provincially owned sewer and water infrastructure to municipalities and regulation of septic systems to municipalities and the Ministry of Municipal Affairs.
- Dec 8/97 Bill 98, the *Development Charges Act* receives royal assent. The Bill which was introduced on November 15, 1996 will:
 - provide new means to limit the contributions of land developers to community benefits such as parks;
 - place limits on the use of development charges by municipalities to recoup the costs imposed by new developments;
 - require that existing municipal infrastructure be available for servicing new developments (in effect promoting urban expansion at the expense of compact urban form and infilling);
 These provisions seem likely to facilitate and promote low density urban sprawl-type developments.
- Dec 10/97 The Ministry of Natural Resources issues a request for proposals from parties knowledgeable about real estate to assist in the development of a disposition strategy for lands controlled by the MNR. The subject lands are located throughout the province.
- Dec 12/97 Finance Minister Ernie Eves informs municipalities that they will need to make a further \$565 million in spending reductions. At the same time, municipalities are undertaking more responsibilities from the province. Areas relating to environmental protection that could be impacted by financial restructuring include transit, water and sewage works operation and conservation areas.

- Dec 17/97 Bill 146, the *Farming and Food Production Protection Act* is referred to the Standing Committee on Resources Development.
- Jan 1/98 The cities and borough of the Municipality of Metropolitan Toronto are officially amalgamated into the City of Toronto.
- Jan 27/98 An attempt at financing \$400 million in sewage treatment facilities in Hamilton-Wentworth fails as the Ministry of Finance refuses to let the arrangement proceed on the basis that the deal's tax deferral structure was too generous for investors. Such deals involving private financing of public works infrastructure have been made possible by amendments to the *Municipal Act*.
- Feb 4/98 Ministry of Municipal Affairs and Housing announces new Ontario Building Code Regulations for septic system management "Regulation to Amend Ontario Regulation 403/97 made under the *Building Code Act*, 1992." The new regulation will take effect April 6, 1998 and:
- o transfer authority for regulating smaller on-lot sewage systems to the *Building Code Act* for "one-window" permitting purposes;
 - o introduce new certification requirements for installers/inspectors.
- These changes have been brought as a consequence of Bill 107 amendments to the *Environmental Protection Act* regarding the regulation of septic systems.
- Feb 11/98 The Red Tape Commission and the Ministry of Municipal Affairs and Housing announce that they will initiate an industry consultation to explore the feasibility of a 'one-window' approach to building regulations and approvals. Such an approach will continue to exclude the Ministries of the Environment, Natural Resources and Agriculture, Food and Rural Development from the planning process, and limit the role of Conservation Authorities, weakening the protection of environmentally significant areas and important agricultural lands.
- Feb 11/98 The province announces its intent to seek input by May 8, 1998 on a new *Municipal Act*. The Act if adopted will have wide ranging ramifications on the urban environment, natural environment and service impacting on the natural environment. The Act would give municipalities certain general powers and areas of responsibility called Spheres of Jurisdiction. These include the following:
- o health, safety, protection and well-being of people and the protection of property;
 - o public utilities;
 - o waste management;
 - o highways, including parking and traffic on highways;
 - o transportation systems such as transit, ferries and airports;
 - o the natural environment;
 - o culture, parks, recreation and heritage;
 - o economic development;
 - o nuisance, noise, odour, vibration, illumination and dust;
 - o drainage and flood control;
 - o structures including fences and signs;
 - o parking (other than on highways); and
 - o animals.
- Although municipalities already have authority in many of these areas, the amendments would permit its broader exercise in these areas. However, eight general limitations would be imposed on the exercise of these powers::
- o municipalities would not be able to regulate in a more restrictive way than a provincial regulation;
 - o municipalities would not be able regulate in certain defined areas of exclusive

- o provincial jurisdiction such as workplace health and safety;
- o municipal by-laws would be subject to any procedural requirements and limits contained in specific provisions of the new Municipal Act or any other Act;
- o municipalities would not be able to regulate or prohibit privately-owned systems under the "public utilities", "waste management", and "transportation systems other than highways" spheres of jurisdictions;
- o municipalities would not be able to grant any person a monopoly on carrying on any business, trade or occupation, unless specifically authorized to do so;
- o municipalities would not be able to set up corporations or purchase shares in a company;
- o municipalities would only be able to exercise their authority within their geographic boundaries with some exceptions;
- and, of course,
- o municipal bylaws would not be able to conflict with federal or provincial bylaws.

Such a reworking of municipal roles and responsibilities calls into question the innovative role that some municipalities have played in past, in particular setting standards that are more stringent than the province or acting when the province would not act. Anti-smoking municipal by-laws would unlikely be permissible. Information concerning municipal solid waste and diversion could become difficult to obtain if taken out of municipal hands. Private 'transit' operators could put pressure on the most lucrative routes driving municipal systems to the brink of infeasibility. Parks and conservation authority management could become very non-uniform. Traffic control systems will become unique to every municipality thereby reducing the uniformity of driving conditions across the province, potentially leading to unpredictable situations, diminished public safety and increased threat of spills to the environment.

Mar 13/98 The proposal for a Greater Toronto Services Board is released by Minister of Municipal Affairs and Housing Al Leach. The proposed structure would make the body primarily a service coordinating agency with no executive powers other than the oversight of GO Transit. On GO Transit issues a 2/3 majority would decide municipal contributions to the transit system's operating and capital budgets. The 30 member board would have:

- o 14 elected councillors from the City of Toronto;
- o 5 from Peel Region;
- o 4 from York Region;
- o 3 from Durham Region;
- o 2 from Halton Region; and
- o 2 from Hamilton-Wentworth;

The Board will not have any direct decision making authority over matters such as waste disposal, sewer and water infrastructure or any other such common, region-wide issues. The Board can however offer advice on such matters. The combined region wide population is 4.5 million.

May 5/98 Provincial Budget. Land Transfer Tax Rebate program extended.

May 11/98 Bill 146, *The Farming and Food Production Protection Act*, receives Royal Assent.

June 26/98 Municipal Affairs Minister, Al Leach, discusses a proposed law that would create a coordinating agency for planning in the GTA. The proposed law would coordinate strategic planning, economic development and tourism, and social assistance programs in the city. The law is to be introduced in the Ontario legislature in late September.

Niagara Escarpment Commission

- Dec 1/95 Niagara Escarpment Commission budget is reduced \$0.7 M as part of MoEE projected operating budget cutbacks for the 1996/97 fiscal year.
- Aug 13/96 Ministry of Environment and Energy posts a proposed exemption on the Environmental Bill of Rights Registry that would eliminate the need for pits and quarries on the Niagara Escarpment, that were in existence before June 1975, to obtain development permits for expansion. The proposal affects more than 40 quarries on the Escarpment.
- Aug 96 The terms of five Niagara Escarpment Commissioners expire without renewal.
- Oct 17/96 Exemption from future permit requirements for expansions granted for pre-1975 pits and quarries on the Niagara Escarpment as per August 1996 proposals.
- Mar 5/97 The Ministry of Natural Resources announces that Regulation 136/96 was approved without revision. The regulation exempted lands from Development Control on the Niagara Escarpment near the Town of Hamilton.
- Mar 97 Responsibility for the administration of the *Niagara Escarpment Planning and Development Act* and the Niagara Escarpment Commission transferred from the Ministry of the Environment to the Ministry of Natural Resources. Transfer is compared to putting "Dracula in charge of the blood bank," given the strong ties between MNR and the aggregates industry.
- May 15/97 The Niagara Escarpment Commission is unable to deal with a development permit request as the number of eligible and available board members was insufficient to form a quorum. Under the current government, the board has been reduced from 17 to 10 members.
- Jun 12/97 Appointment of seven Niagara Escarpment Commissioners, some of whom have called for the dissolution of the Niagara Escarpment Plan and the abolition of the designation of the escarpment as a World Biosphere Preserve by the United Nations.
- Aug 27/97 Norman Seabrook is appointed to the Niagara Escarpment Commission. The appointee has stated publicly that the Niagara Escarpment Commission should be abolished and that the United Nations Biosphere Reserve status is illegitimate.
- Apr 16/98 Government appoints David Arnill to the Niagara Escarpment Commission. Mr Arnill is the former campaign manager for Energy Minister Jim Wilson and the past president of the Aggregate Producers of Ontario.
- Dec 16/98 Bill 101 *Red Tape Reduction Act #2* Introduced. Schedule M amends a number of natural resources acts including:
Niagara Escarpment Planning and Development Act
- o "streamline" plan amendment process, reduce timelines, eliminate hearings in certain circumstances.
 - o allow the Minister or hearing officers to dismiss notices of appeal of development permits where these are "frivolous, not made in good faith, made for purpose of delay or without merit on land-use planning grounds;
 - o allow Commission decisions to be confirmed without approval by the Minister if they are the same as hearing officers reports;
 - o extend the review period for the plan from five to ten years and "clarify" the ministers authority to prescribe the terms of reference for a plan review.
- Bill 101 died on the order Paper when the Legislative session ended on Dec 18, 1998.

Ministry of Natural Resources and Public Lands

- Jan 29/96 The Ontario Legislature enacts Bill 26, the *Government Savings and Restructuring Act* and in so doing amends many acts governing land use including:
- the *Public Lands Act*: amends work permit provisions; reduces capacity of courts to order restoration;
 - the *Municipal Act*: easier municipal restructuring, land annexation, and service cost or user fee implementation;
 - the *Conservation Authorities Act*: new provisions allow the dissolution of CAs and easier sale of CA lands. Limitations placed on scope of CA activities and funding.
- Nov 5/96 Ministry of Natural Resources adopts regulations to guide activities on Crown land. The new regulations reduce the need for work permits by 80% in an effort to save over \$1 million. The regulations frequently except activities related to mineral exploration and logging but attempt to capture whatever activities remain. The regulations reflect many of the relaxations brought about by Omnibus Bill 26 (enacted on January 29, 1996), in particular they include:
- the repeal of most fire, travel and work permit provisions;
 - the elimination of many permitting requirements when constructing, altering or using a dam, dock or other water works (some larger buildings still require a permit);
 - the permitting of many types of bridges, culverts, agricultural drains, trenching and dams on private or municipal lands without a work permit; on Crown lands, bridges, culverts and dams do require a permit but agricultural drains and trenching for private residences are exempt;
 - the use of regulations in place of statutory obligations which severely reduces the capacity of courts to order restoration in the case of damage to the natural environment;
 - the majority of activities on public lands and waters being made immediately permissible (fewer activities remain captured by the permitting process);
 - new trails through Crown land will mostly not require a permit; permit exemptions are clearly granted for trails for mineral exploration, timber or other resource extraction;
 - dredging, controlling aquatic plants, building docks and boathouses and laying submarine cable are free from permitting requirements if they are private (as opposed to commercial) and if they are intended for a log salvage operation;
 - 100 square metres of vegetation annually can be removed in waters in southern Ontario without a permit;
 - only exceptional burning will be captured by permit requirements (industrial slash pile burning and ecologically prescribed burns). All other small-scale incinerations are automatically permitted.
- Jan 97 Ministry of Natural Resources announces the elimination of the Managed Forest Tax Rebate Program. The Ministry states that in light of current tax reform proposals, this program is no longer necessary for environmental protection. The program will be replaced by a system which reduces the tax rate on eligible lands through the regular property tax process. The tax rate for eligible forests lands will be set at 25 per cent of local residential tax rates.
- Feb 3/97 The *Red Tape Reduction Act (Ministry of Natural Resources), 1997* goes to 1st Reading. If passed, the following amendments will be made to the *Public Lands Act*:
- a land use planning process will be set up that allows for participation by stakeholders and controls activities that may be inconsistent with approved land use plans;
 - the need for order in council approvals will be removed and authority will be

- delegated to the Minister;
- the Minister may order the transfer of administration and control of public lands to other government bodies; and
- administrative fees will be set by the Minister, rather than established by regulation.

Conservation Authorities Act:

- authorities will be allowed to enter into agreements to permit exploration and extraction of oil and gas reserves on land adjacent to authority land;
- authorities would be permitted to lease land for terms of up to five years without approval;
- maximum fines for violations of the regulations will be increased from \$1,000 to \$10,000, and from \$100 to \$1,000;
- anyone convicted of constructing a building or dumping fill may be ordered by the court to restore the site to its previous state (or to pay for the authority to do the work if the order is not complied with); and
- the Lieutenant Governor in Council would no longer be required to approve appointments of members to a Conservation Authority.

Apr 97 The Ministry of Natural Resources prepares to launch a year-long consultation and planning process for Crown lands called *Lands for Life* (process and committees officially launched on June 17/97). The program has three elements:

- *Nature's Best* - a plan to create a network of protected wilderness areas in Ontario;
- Resource-Based Tourism Policy - a plan to identify resources for use by the tourism industry;
- Forest Management - a plan to attempt to ensure that forests are managed sustainably.

Three roundtables have been proposed to undertake the consultation:

- Great Lakes - St Lawrence;
- Boreal East; and
- Boreal West.

Their composition will be determined and appointed by the Minister and are expected to include 8-12 people. The consultation is scheduled to complete by the spring of 1998. The critical issue of forest industry tenure on Crown lands is being held outside of this process and is subject to discussions between the province and the industry only. It is expected to be determined after, not before this planning process.

Dec 10/97 The Ministry of Natural Resources issues a request for proposals from parties knowledgeable about real estate to assist in the development of a disposition strategy for public lands controlled by the MNR. The subject lands are located throughout the province.

Oct 30/98 MNR releases the consolidated *Lands for Life* Recommendations. *Lands for Life* was established in the Spring of 1997 to determine the fate of 47% of the province's landbase, mostly in the central to north of the province. Three Round Tables conducted consultations over approximately a year. Criticisms were levied that the process was heavily weighted in favour of industrial forestry, mining and hunting interests. The recommendations included:

- 79% of the Crown land be open to forestry, mining and all other resource extraction industries;
- completion of a park system that has "minimal impact on forestry or mining sectors";
- 703,000 ha of new parks/protected areas (total area covered under the recommendations is 46 million hectares);
- five new land use designations: stewardship areas, enhanced management

- areas, heritage waterways, Great Lakes heritage coastlines and general use areas;
 - o support for resource based tourism;
 - o angling allowed everywhere;
 - o hunting in most new provincial parks and everywhere else;
 - o snowmobile / all terrain vehicle use virtually everywhere.

- Nov 11/98 Ministry of Natural Resources announced a "Strategic Lands Initiatives" to streamline, refocus and expand its Crown land disposition program. The Ministry states that it has disposed of 99 properties which accounted for 1,899 hectares of land with a value of just over \$8 million in 1997/98.

- Dec 16/98 Bill 101 *Red Tape Reduction Act #2*) introduced. Schedule M amends a number of natural resources acts including:
 - Public Lands Act*
 - o permit unregistered letters patent to be cancelled, allowing for the faster execution of land sales.
 Bill 101 died on the order Paper when the Legislative session ended on December 18, 1998.

- Dec 18/98 Bill 25, *Red Tape Reduction Act, 1998*. Receives Royal Assent. Schedule I of the Bill amends a number of MNR statues including:
 - Public Lands Act*
 - o provides for the delegation of the Minister's duties under the Act to "any person."
 - o removes limits on size or dollar value of public lands that can be leased or sold.
 - o provides statutory authority for the implementation of the 'Lands for Life' land-use planning process. Land-use plans outlining uses in specific zones will be subject to approval by the Minister following a 30 day public comment period.

The Bill also consolidated the *Trees Act, Woodlands Improvement Act, Forest Trees Pest Control Act*, and amended the *Crown Forest Sustainability Act, Forest Fires Prevention Act, Mining Act, Provincial Parks Act*, and the *Surveys Act and the Surveyors Act*.

- March 29/99 Government Responds to Lands for Life Round Table Recommendations. Increases protected areas in planning area to 12%, but makes major concessions to the forestry and mining industries.

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ENVIRONMENTAL SCIENCE & MONITORING

CHRONOLOGY

- Oct 6/95 Government-wide operating budget reductions released by the Office of the Premier. Effect on the Ministry of Environment and Energy:
- reduce environmental research grants \$1.0 M in 1995-96 and 1996-97;
- Reductions to Ministry of Natural Resources:
- science, management, Great Lakes, aboriginal and field programs \$10.2 M in each of 1995-96 and 1996-97.
- Dec 1/95 The Ministry of Environment and Energy announces some projected operating budget cutbacks for the 1996/97 fiscal year. Programs terminated:
- environmental research and public education \$2.3 M
- April 11/96 MNR Business Plan released. Cuts by 1997/98 include:
- Streamlined Data Acquisition and Management \$6.5 M;
 - Reduced Resource Management Staffing \$18.1 M; and
 - Streamlined Forest Management Activity \$45.9 M.
- Jun 96 The release of the International Joint Commission 8th Biennial Report.
- Sep 96 The Ministry of Environment and Energy and the Ministry of Health terminate the provision of drinking water testing services to municipalities.
- Mar 14/97 The Ministry of Environment and Energy acknowledges that a state of the environment report for the province was discontinued after partial completion in 1995. The partially completed report cites problems with high levels of ground level ozone, fecal coliform in water and unchecked land development as needing attention.
- Apr 22/97 The release of the Environmental Commissioner of Ontario Second Annual Report. See detailed listing in section *Environmental Bill of Rights & Public Participation in Decision-Making*.
- May 6/97 Finance Minister Ernie Eves delivers the Progressive Conservative government's second budget. In the budget, an R&D Challenge Fund is established. The Fund will provide tax credits and some direct support to industries conducting research and development primarily in advanced technology. Environmental Sciences is listed as one of four target areas after Natural Sciences and Engineering, Mathematics and Health Sciences. All disciplines, however, are eligible to apply to the Fund.
- May 14/97 Environment Minister Norm Sterling announces an environmental technology advisory project sponsored by the MoEE. Under the project, Ministry experts will be made available to provide written evaluations of new technologies. It is intended that this will give investors or buyers of the technology the confidence to proceed with its development or implementation. The project will initially focus on:
- evaluating methods for treating water and wastewater;
 - air pollution control;
 - site remediation and handling and treatment of hazardous waste;
- Ontario-based companies with technologies that are generally unproven, or unproven in Ontario, are eligible to apply for this service.
- May 97 Ministry of Environment and Energy announces a number of programs to speed the approval of, and promote new environmental technologies:

- the New Environmental Technologies Evaluation (NETE) program will review the potential for a particular technology's application in Ontario. The review, if positive, will speed up the placement of the technology in site-specific applications;
 - Environmental technology development may also be supported through the R&D Challenge fund which provides tax breaks for companies undertaking research development in several areas of science and engineering.

- Jul 29/97 Release of report by the Commission for Environmental Cooperation "Taking Stock/North American Pollutant Releases and Transfers - 1994." The province of Ontario is ranked third in North America behind Texas and Tennessee as a source of release and transfer of matched NPRI and TRI substances. Ontario is also the leading recipient of waste exports from the United States. Canadian facilities are found on average, to generate twice the amount of pollutants than their American counterparts.

- Jul 97 Environment Canada and U.S. EPA Release "State of the Great Lakes 1997." Report summarizes state of the Great Lakes Basin Ecosystem. Key conclusions:
 - aquatic community health: mixed/improving;
 - aquatic habitat and wetlands: poor;
 - state of human health in the Great Lakes basin, as reflected by human exposure to persistent toxic substances: mixed/improving;
 - and toxic contaminants: mixed/improving.

- Jul 97 The "1996 Report on Federal Provincial Agreements for the Eastern Canada Acid Rain Program" by Environment Canada concluded that "even with full implementation of the U.S. Acid Rain Program, 791,000 km² is still expected to receive acid deposition in excess of critical loads or threshold levels."

- Oct 97 The International Joint Commission publishes "The IJC and the 21st Century." The Commission states that transboundary air pollution problems will continue to worsen in the next century, threatening the health of wildlife and human populations in the area. Government down-sizing in Canada and the U.S. has decreased the level and extent of environmental monitoring along the border. Down-sizing has also undermined the capacity of governments to cooperate and coordinate to address environmental problems in the areas that are of common interest.

- Nov 97 Environment Canada produced an executive summary for "The Canada Study: Climate Impacts and Adaptation." Global Circulation Models simulations predict an average annual warming of 2-5°C by the end of the 21st century. Increased air pollution will negatively affect human health and concurrent climate change will lead to an increase in the frequency of extreme weather events and high pollution episodes.

- Mar 27/98 Board members appointed to province's Ontario Research and Development Challenge Fund. The Ontario government will contribute \$500 million over 10 years. Board members' backgrounds include: medicine, banking, electronics research, systems design engineering, pathology, agri-food biotechnology, biotechnology, materials research and environmental science. As well, six members of the board will come from the Ontario government departments of: Ontario Jobs and Investment Board; Energy Science and Technology; Finance; Economic Development, Trade and Tourism; Education and Training and Agriculture, Food and Rural Affairs.

- Apr 1/98 New elementary school curriculum adopted. Environmental content significantly reduced.

- Apr 8/98 Ontario government announces intention to review the possibility of privatizing ORTECH which has, in past, conducted research on environmental modelling, clean-up

technology and waste materials.

Apr 29/98 Environmental Commissioner for Ontario tables Third Annual Report: "Open Doors - Ontario's Environmental Bill of Rights." The Commissioner states "I regret to report that in the past year there has been little substantive improvement in the actions taken by provincial ministries toward protecting the environment." Comments on environmental monitoring issues include that crucial environmental data is not being collected in such areas as:

Ministry of the Environment:

- loading of toxic substances into Ontario's lakes and rivers;
- presence of persistent toxic substances in sewage treatment plant effluent;
- total loadings of raw sewage spills into waterways;
- the condition of the 1 million plus septic systems in the province; and
- emissions of inhalable particulates.

Ministry of Natural Resources:

- no analysis of figures for harvested forest areas since 1991;
- does few population surveys of small game species or non-game wildlife;
- has no population estimates for most wildlife species that are vulnerable, threaten or endangered;
- is not analyzing data on big game mortality, and its not producing provincial or regional reports; and
- has weak information on rare species in Northern Ontario.

Apr 30/98 Three former Premiers of Ontario (Davis, Peterson and Rae) join a campaign to complete the funding for a Great Lakes environmental research centre at the University of Windsor. \$3.6 million is needed to complete the project when the provincial government withdrew a prior funding commitment in 1995.

May 8/98 In Ottawa, a forum called "Understanding and Coping with Weather Disasters" draws the conclusion that extreme weather events are becoming more frequent. Storm damage magnitude is increasing as well. Recent flooding and ice storms in eastern Ontario were cited as examples.

May 98 At the 41st conference of the International Association of Great Lakes Research, delegates were told that more and better early-warning environmental monitoring systems are urgently needed. Issues covered:

- Biological systems respond to the hazards associated with the complex mixtures of toxic pollutants that exist in the environment today. These systems need monitoring;
- How political restructuring and reduced funding could harm the ecological health of the Great Lakes shoreline in Ontario;
- The devastating impact of lampreys on the lake trout.

Jun 26/98 The Ontario MoE and Environment Canada co-fund the establishment of an air quality monitoring station in Windsor, Ontario, in large part, to monitor the effects of transboundary air pollution, particularly the emissions of the Detroit Edison coal-fired power generating station at Conners Creek in Detroit, Michigan. The station will continually monitor sulphur dioxides, nitrogen oxides, inhalable particulate matter and mercury.

Jul 27/98 Public release of 1996 National Pollutant Release Inventory Data. Data shows decline in releases of pollutants to the environment, but a dramatic increase in transfers of pollutants in waste. The Ontario Minister of the Environment asserts that there are "serious flaws, inconsistencies and misinterpretations" in the National Pollutant Release Inventory system.

- Jul 98 International Joint Commission releases 9th Biennial Report on Great Lakes Water Quality. Report notes that despite significant progress, society has not gone far enough in its efforts to restore the Lakes. The report stresses the need to achieve 'virtual elimination' of persistent toxic substances, along with concerns over land use patterns, shoreline development, habitat modification, biological contamination and nutrient input.
- Oct 6/98 North American Commission for Environmental Cooperation releases second "Taking Stock" report based on 1995 NPRI and TRI data. Ontario again ranked third largest source of releases and transfers of pollutants in Canada and U.S., after Texas and Louisiana.
- Dec 7/98 Reported that government of Ontario considering amalgamation of scientific and technical staff from the Ministries of the Environment, Natural Resources, Northern Development and Mines and Agriculture into a central research agency.

AIR QUALITY

CHRONOLOGY

- Sep 8/95 Minister of Municipal Affairs disallows City of Toronto anti-idling by-law. The by-law was intended to curb smog by reducing emissions from vehicles at rest.
- Oct 24/95 Ontario Minister of Environment and Energy endorses national clean air standards proposed by the Task Force on Cleaner Vehicles and Fuels. Proposal includes the promotion of: fuel efficient/alternate fuel vehicles; inspection and maintenance programs; low emission vehicles by 2001; and new fuel standards.
- Nov 20/95 Minister of Environment and Energy endorses National Action Plan and Voluntary Challenge Registry (the federal government's approach to greenhouse gas reduction) at a meeting of Canada's environment and energy ministers.
- Jun 3/96 Introduction of Bill 57, the *Environmental Approvals Improvement Act*.
- Jun 96 The Ministry of Environment and Energy releases *Towards a Smog Plan for Ontario: A Discussion Paper*. The plan is a "call to action" outlining ways in which the Ontario government intends to tackle the goal of a 45% reduction in nitrogen oxides and volatile organic compounds.
- Jul 31/96 Ontario government releases a discussion paper entitled *Responsive Environmental Protection* which makes over 80 recommended changes to environmental regulation. The recommendations include revising the Environmental Bill of Rights Classification of Proposals for Instruments Regulation to eliminate notice requirements for proposals with minimal environmental impact. Recommendations impacting air quality regulations include:
- a general air regulation which would consolidate 20 air quality regulations into four;
 - the consolidation of five ozone-depleting substances regulation into one regulation; and
 - harmonization of federal and provincial regulations on production of ozone-depleting substances.
 - many proposals to regulate or amend regulations governing incinerators.
- Sep 10/96 Energy and Environment Minister Norm Sterling calls on the federal government to release a report detailing threats to air quality in Ontario from U.S. sources.
- Oct 1/96 Ministry of Environment and Energy announces that a pilot study testing vehicle emissions for air pollutants will conclude at the end of October. The study, which began in April 1995, gave drivers free inspections at the CleanAir Centre in Mississauga. Data from the study will be reviewed but the ministry has not committed itself to setting up a permanent program.
- Dec 12/96 Ministry of Environment and Energy releases its report *Meeting the Challenge of Climate Change: 1996 Update on Initiatives in Ontario to Reduce Greenhouse Gas Emissions*. In it, initiatives undertaken by Ontario to reduce GHG emissions and to respond to the threat of climate change are outlined. New initiatives include:
- the development of options for a vehicle emissions inspection and maintenance program for Southern Ontario;
 - development of guidelines for the control of methane gas from landfills;
 - completion of an action plan to reduce greenhouse gas emissions from government buildings and vehicles by 40 per cent by the year 2000.

Despite these initiatives, Ontario and Canada will not meet the year 2000 GHG stabilization target.

- Jan 16/97 The first successful appeal under the Ontario Environmental Bill of Rights is announced. Five applications were received in June 1996 to appeal the air and sewage approvals issued to Petro-Canada by the MoEE. Sulphur dioxide emission levels were subsequently reduced by 20%.
- Feb 25/97 The Ministry of Environment and Energy announces that it has revised the Gasoline Volatility Regulation (Reg. 271/91) to reduce emissions by lowering summertime gasoline volatility requirements in Southern Ontario from 72 kiloPascals (kPa) to 62 kPa. This amendment was previously agreed to at the CCME meeting of October 23, 1995.
- Apr 21/97 Minister of Environment and Energy Norm Sterling travels to 11 US states to seek cooperation on the issues of smog and toxic cleanup. The Minister cites his intent as being: "to enlist state support so that we can keep the pressure on our two national governments for stricter standards for pollution control." In March, the Minister had written to US Environmental Protection Agency Administrator Carol Browner about smog issues.
- May 21/97 The Minister of Environment and Energy Norm Sterling announces a proposal to improve the standards governing airborne particulate matter which contributes to smog. The particles subject to review and regulation are those up to 10 microns in diameter which can cause lung damage when inhaled. The proposed interim ambient air criterion would be:
- o no more than 50 micrograms of PM10 per cubic metre of air over a 24-hour period.
- The proposal was posted on the Environmental Bill of Rights Registry; citizens and organizations will have 30 days to comment.
- Jun 3/97 Minister of Environment and Energy announces *Partners in Air*, a "student-led air quality initiative." Under the program students will monitor air quality, use their findings in the classroom and exchange findings with other students in the program over the Internet.
- Jun 10/97 The Premier of Ontario acknowledges in the legislature that more efforts have to be taken to tackle the problems of smog in Ontario.
- Jul 11/97 At a meeting with the Governors of U.S. states bordering Great Lakes, Premiers of Ontario and Quebec solicit U.S. support to combat transboundary air pollution. The Premier of Ontario urges the U.S. Great Lakes states to reduce their air emissions to help Ontario in its efforts.
- Jul 23/97 Ontario Premier Mike Harris publicly criticizes Minister of Environment and Energy Norm Sterling, for failing to move quickly enough to develop a vehicle-emissions testing program for the province.
- Jul 97 The Ministry of Environment and Energy releases "Draft Guideline for Preparing a Source Inventory and Dispersion Modelling Report" a guide for demonstrating compliance with section 5 of Regulations 346 General - Air Pollution.
- Jul 97 The "1996 Report on Federal Provincial Agreements for the Eastern Canada Acid Rain Program" by Environment Canada concluded that "even with full implementation of the U.S. Acid Rain Program, 791,000 km² is still expected to receive acid deposition in excess of critical loads or threshold levels. "

- Aug 22/97 The Minister of Environment and Energy announces a vehicle emissions testing program called "Drive Clean" (see also retraction on Apr 17/98). Under the program, heavy duty trucks and buses would be the first to have their emissions tested. The next phase would see cars and light trucks in the Greater Toronto Area and in Hamilton have their emissions tested. Within a period of five years, the program would extend to various centres from Windsor to Peterborough. Under the program:
- vehicles would be tested every time they change ownership or at every other years' licensing renewal for cars and light trucks that are 4-19 years old;
 - if the vehicle's exhaust does not conform to the model year standards, the vehicle could be subject to repairs up to \$200.
- The program is aimed at reducing volatile organic compounds, nitrogen oxides and particulates.
- Aug 97 The International Cooperative Programme on Assessment and Monitoring of Acidification of Lakes and Rivers released " The Nine Year Report: Acidification of Surface Water in Europe and North America - Long term Developments (1980s and 1990s)." The report concluded that Quebec and Midwest North America had shown either no signs of water quality recovery or had experienced an increase in acidification despite declining sulphur concentrations.
- Aug 97 The Office of the Ontario Fire Marshall releases "Protecting the Public and Environment by Improving Fire Safety at Ontario's Recycling and Waste Handling Facilities." The report found that there was strong potential for fires at sites where waste, recyclable materials and hazardous materials are stored. These combustibles pose unique fire, explosion and environmental risks making more stringent government regulatory controls necessary.
- Sep 97 The Commission for Environmental Cooperation prepared "Continental Pollutant Pathways: An Agenda for Cooperation to Address Long-Range Transport of Air Pollution in North America." The report makes it clear that long-range persistent air pollutants pose significant threats to human health and the environment. Pollution prevention, achieved through trilateral cooperation between Canada, the U.S., and Mexico, is the best strategy for significantly reducing emissions from present levels.
- Oct 97 The Acidifying Emissions Task Group reported in "Towards a National Acid Rain Strategy" that by 2010, 95,000 lakes in southeastern Canada will remain damaged by acid rain. The health of forests in the area will be compromised and the level of biodiversity in the acidified lakes will be reduced. In addition, particle pollution was found to have detrimental effects on human health by increasing the incidence of respiratory problems and diseases. The Task Force concludes that a 75% reduction in permitted emissions from sources in Eastern Canada and the United States is required to halt the environmental and health damage being caused by acid rain.
- Oct 97 The Commission for Environmental Co-operation prepared "Long-Range Transport of Ground level Ozone and its Precursors: Assessment of Methods and Quantify Transboundary Transport Within the Northeastern United States and Eastern Canada." The report expresses concern that any further closing of monitoring stations will jeopardize the ability to track emission reductions and their affects on ozone levels. Ozone and its precursors enter Canada from the U.S. mainly from the Ohio Valley into southern Ontario and up the northeast corridor of the U.S. into the Atlantic Provinces.
- Nov 18/97 PM10 standard is implemented on an interim basis. It is classified as interim as a 'national' standard is to be developed through the CCME.
- Nov 27/97 Release of "Better, Stronger Clearer: Environmental Regulations for Ontario". Specific

elements dealing with air issues intend to:

- consolidate the Gasoline Volatility Regulation, Motor Vehicles Regulation and Recovery of Gasoline Vapour in Bulk Transfers Regulation into one regulation.
- consolidate the four Countdown Acid Rain regulations into one and reduce reporting requirements from quarterly to annual reports. The regulations apply to the four largest sources of acidifying emissions in Ontario: Ontario Hydro, Inco, Falconbridge and Algoma Steel.
- consolidate Ambient Air Quality and General - Air Pollution Regulations;
- revoke obsolete Air Contaminants from Ferris Foundries Regulation;
- retain Hot Mix Asphalt Facilities regulation and supplement with an industry code of practice. The Ministry had proposed to replace this regulation with a SAR;
- retain the Lambton Industry Meteorological Alert Regulation, and supplement with a contractual agreement with the Lambton Industrial Society. The Ministry had proposed to repeal this regulation.
- retain the Sulphur Content of Fuels Regulation and the Boilers Regulation. The Ministry had proposed to repeal these regulations and replace them with a SAR.

- Nov 97 Environment Canada produced an executive summary for "The Canada Study: Climate Impacts and Adaptation." Global Circulation Models simulations predict an average annual warming of 2-5°C by the end of the 21st century. Increased air pollution will negatively affect human health and concurrent climate change will lead to an increase in the frequency of extreme weather events and high pollution episodes.
- Dec 6/97 The MoE wins the right to prosecute Inco Limited over a massive sulphur dioxide leak to the atmosphere in Sudbury in November 1995. The charges were temporarily in doubt after a hearing on April 4/97 in which the MoE did not appear as it had requested the relocation of the trial to Provincial Court.
- Dec 10/97 Ontario Hydro becomes the first company in Canada to purchase credits for carbon dioxide emission reductions made outside of the country. The utility purchased 10,000 tons of carbon dioxide reduction credits from the Southern California Edison electric utility. The purchase was viewed as lending support to the concept of an international emissions trading program, one of the options under discussion at the Kyoto Conference on Climate Change.
- Dec 18/97 Ministry of the Environment releases the study "Air Quality in Ontario 1995." The report indicates that:
- between 1970 and 1995 carbon monoxide decreased by 87%;
 - between 1970 and 1995 sulphur dioxide decreased by 86%
 - between 1970 and 1995 total suspended particulates decreased by 54%; and
 - between 1974 and 1995 nitrogen oxides were reduced by 46% and nitrogen dioxide by 22%.
- Dec 30/97 EBR posting proposing to consolidate four Countdown Acid Rain regulations into one and reduce reporting requirements from quarterly to annual reports. The regulations apply to the four largest sources of Acidifying emissions in Ontario, Ontario Hydro, Inco, Falconbridge and Algoma Steel.
- Dec 30/97 EBR posting of decision not to proceed with proposed SAR for Hot Mix Asphalt Facilities and to retain existing regulation 349 and supplement with an industry code of practice.
- Jan 20/98 Ministry of Environment launches Ontario's Smog Plan. The goal of the plan is to

- reduce smog causing emissions by 45% by 2015. The plan attempts to rely upon:
- a vehicle inspection and maintenance program called "Drive Clean" (which was announced but never implemented);
 - public involvement in smog reduction efforts;
 - efforts in the U.S. to reduce transboundary pollution; and
 - developing strategies for particulate emission reduction.

Environmental and public health organizations criticize the plan as being grossly inadequate with reference to its slow time line, reliance on voluntary action by industry, lack of source/sector targets, and lack of monitoring and reporting mechanisms.

Jan 98 The Institute for Environmental Studies (University of Toronto) and Pollution Probe release "Emissions for Coal-Fired Electric Stations: Environmental Health Effects and Reduction Options." The report concludes:

- emissions of several key pollutants from coal-fired electric stations are at levels which represent a threat to human health and the environment. This threat remains despite emission reductions which have already been achieved.
- over 90% of each of the five pollutants investigated are generated in the region defined as the Ohio Valley/Great Lakes States. Emissions from this region have a direct impact on air and water quality in Ontario. Government action in Canada and the U.S. is required to achieve the coal station emission reductions necessary to obtain acceptable air quality standards to protect human and ecosystem health.

Jan 98 The Northeast States for Coordinated Air Use Management (NESCAUM) prepared "Air Pollution Impacts of Increased Deregulation in the Electric Power Industry: An Initial Analysis." NESCAUM is concerned that deregulation will result in "significantly increased power production at low-cost, highly polluting coal-fired plants." Deregulation will also cause a boost in smog levels unless NO_x and CO₂ emission caps are established.

Feb 27/98 Ontario Hydro decides against installing the modern air pollution control equipment at its Lennox Power Generating Station near Kingston. The equipment would reduce levels of nitrous oxides. Recently, Ontario Hydro has elected to install emission control devices at its Lambton and Nanticoke stations.

Mar 3/98 It is revealed that gasoline sulphur levels are higher in Ontario than anywhere else in North America and even other parts of the world. As a consequence, automakers say they will not agree to the provincial plan for smog reduction until gasoline refining improves. Average sulphur levels for various jurisdictions were:

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|---------------------------|--------------------------|
| ◦ Canada (1995) 343 ppm | ◦ Ontario (1996) 533 ppm |
| ◦ Atlantic (1995) 276 ppm | ◦ Quebec (1995) 364 ppm |
| ◦ Prairies (1995) 228 ppm | ◦ B.C. (1995) 273 ppm |

The US average is 260 ppm while the average in California is 30 ppm. The MoE estimates that 1800 premature deaths are caused by air pollution each year. Sulphur dioxide is a significant lung irritant.

Mar 13/98 Environment Canada and Ontario Ministry of Environment fail to file full submissions with the U.S. Environmental Protection Agency before the 120 day consultation period for a proposed tougher limit on smog expired. Environment Canada filed a letter while, the MoE suggested that it might comment at a later date. Ontario is one of the regions of Canada most impacted by transboundary sources of smog.

Mar 19/98 Minister of Environment places a hold on the approval of any new small space heaters that burn waste oil pending "public input on the environmental impact of the heaters." The MoE estimates that about 10 million litres of oil per year are disposed of this way

each year in the province.

- Mar 31/98 Proposals for revisions of standards for 10 hazardous air pollutants posted on EBR registry. Some of the proposed air standards have been weakened significantly from the Ministry's January 1997 proposals. See "Standards Setting and Regulatory Processes" for more detail.
- Apr 17/98 Premier indicates that a possible delay of up to one year to initiate "Drive Clean" the province's vehicle emission testing program is unacceptable. The MoE had indicated that it would be operating by Spring 1999.
- heavy trucks and buses were to be tested this summer across southern Ontario followed by cars and light trucks in Hamilton and the Greater Toronto Area in autumn;
 - by the year 2000 vehicles in 13 cities were to be subject to mandatory testing.
- April 23/98 Speech from the Throne makes vague references environmental protection : "Understanding the role that a clean environment plays in attracting jobs and investment, your government is determined to improve our air and water quality through initiatives such as Drive Clean." The Drive Clean program has still not yet been implemented.
- Apr 29/98 The International Joint Commission calls upon the Canadian and U.S. governments to make a major reduction in the sulphur content of gasoline. Ontario gasoline has the highest sulphur content (550 ppm) in the western world. The IJC calls for the current California standard of an annual average of 30 ppm and a maximum of 80 ppm by the year 2001, and not later than 2005.
- Apr 29/98 The Environmental Commissioner of Ontario releases her annual audit of Ontario government environmental policies and programs. Air quality programs were identified as being particularly deficient: "even if all of the ministry's proposed pollution-control activities are carried out, 20 years from now Ontario's air quality will be worse than it is today. Notable points include:
- even where the government has adequate regulation, they tend to go under-enforced as a result of substantial budget cuts;
 - Ontario's Smog Plan has almost no details as to how it will achieve one-half of the required reduction in smog agents;
 - the MoE is relying heavily on voluntary actions by industry to meet air quality targets;
 - new technology exists to cut air emissions but the government has no plan to phase out the older equipment in use under certificates issued in past;
 - the vacating from the municipal transit sphere by the provincial government;
 - Ontario Hydro's new heavier reliance on coal.
- May 8/98 Ontario Hydro announces that it has sold emission credits worth \$500,000 to a Connecticut company (Hartford Co-generation Ltd) in order for that company to achieve its state-directed emission targets. 500 tonnes of nitrogen oxides were sold under the Pilot Emission Reduction Trading Project. The credits were reviewed in Canada by the PERT Project. and approved in the US by the Connecticut Department of Environmental Protection. Ontario Hydro created the credits by reducing nitrogen oxide emissions through the use of new burners and other modification to its Nanticoke and Lambton generating stations in 1995 and 1996.
- May 12/98 The Ontario Medical Association (OMA) states publicly that it is dangerous to breath the air during smog episodes when air pollution exceeds provincial guidelines. In summer, emissions from automobiles, equipment and plants combine with sunlight to

- produce smog conditions which reduce lung function, worsen asthma symptoms and even cause premature death. The OMA called for:
- equivalent of California standards for sulphur in gas (no more than 30 ppm). Ontario is currently at about 550 ppm;
 - reduced acid emissions from coal-fired electricity stations; and
 - a complaint under the US Clean Air Act to reduce emissions emanating from US sources.
- May 13/98 Toronto City Council unanimously endorses a plan to reduce smog. The plan could involve the following measures on smog prone days:
- suspension of road paving and pesticide spraying activities;
 - shutting off lawnmowers and other gasoline-powered equipment;
 - asking Ontario Hydro to reduce its atmospheric emissions; and
 - reducing the amount of sewage sludge incineration at the city's main waste treatment plant.
- May 15/98 Province issues first smog alert of the season. The episode is the earliest smog incident since 1988. A rating of 50 is considered poor, the day's rating is 59 (scale is 0 to 100 with 100 the worst). The year's above average temperature trend suggests that more smog days may lay ahead if the trend continues.
- July 7/98 In 1995, the Canadian Council of Ministers of the Environment (CCME) concluded that a sulphur level of 200 parts per million (ppm) should be a target for gasoline. In July of 1998, a survey of gas stations across the country determined that Ontario was the province with the highest level of sulphur content in gasoline and that Imperial Oil was the gasoline company with the highest levels of sulphur, both substantially higher than 200 ppm. The major concern that arises from high levels of sulphur is their contribution to smog--a problem that the Ontario Medical Association (OMA) claims to be responsible for approximately 1,800 premature deaths in the province. The OMA would like to see the gasoline sulphur content at 30 ppm.
- July 7/98 Minister of the Environment announces the Ontario Smog Patrol program. First, drivers of vehicles that visibly emit smoke will be given a warning that they need to have their vehicle emissions tested and get the vehicles repaired. Later, offending drivers will be fined approximately \$300 for a light-duty vehicle and \$500 for a heavy-duty vehicle. Critics argue that this program is masking the delay of the Drive Clean program.
- July 10/98 Ontario's Environment Minister, indicates that Ontario's Drive Clean program, which will apply to Ontario vehicles as well as visiting U.S. vehicles, and that Ontario will refuse to import electricity from companies that do not meet the province's air quality standards.
- July 13/98 Environmental Practices Guide adopted to supplement Regulation 349 (Hot Mix Asphalt Facilities). Guide is intended to reduce air pollution associated with hot mix asphalt facilities.
- July 15/98 Twenty-three Ontario truckers are issued warnings as part of the Ontario Smog Patrol. The primary objective of the program is to 'clean up' approximately 2.5 million vehicles throughout the province that are over 10 years old and/or have inadequate pollution control equipment. Fines of \$300 for personal vehicles and \$500 for commercial vehicles are to be issued in August when equipment to test emissions levels is acquired.
- July 16/98 Major increases in emissions of sulphur dioxide reported from the U.S. electric utility sector for 1996.

- July 17/98 Ontario Premier is criticized for not attending the Annual State Governors and Canadian Premiers meeting on the Great Lakes. The meeting was viewed as an opportunity for Ontario to state position regarding the control of smog entering Ontario from the United States.
- July 25/98 Council of Great Lakes Governors rejects requests from Canada's Ambassador to the United States, and the Premier of Quebec to support tougher air pollution regulations in the United States.
- Aug 21/98 MoE announces that 7,000 automotive repair shops have been contacted about operating as an emissions testing centre under the province's Drive Clean Program. The program's implementation has been significantly delayed but is slated to commence in April 1999. Details can be found in the August 1997 brief entitled "Ontario's Drive Clean Program", released by the Ministry of the Environment.
- Aug 22/98 Environment Minister, Norm Sterling, announces that Ontario's Drive Clean program will no longer be managed by a private sector company (SHL Systemhouse Inc.). Critics argue that this announcement illustrates that the Minister has not taken any substantial action to ensure the implementation of this program or improve the province's air quality.
- Sep 8/98 MoE signs letter of understanding with 15 projects under the Pilot Emission Reduction Trading (PERT) Program.
- Sep 9/98 The MoE announces that Ontario Hydro has been continuing to meet its emission caps for acid gases (215 kilotonnes) under Regulation 355/90. Concern has been expressed that as a result of the Nuclear Asset Optimization Plan, Hydro's emissions would exceed its cap (See Feb 10/99).
- Sep 28/98 US EPA announces new plan requiring major reductions in Nitrogen Oxide emissions in 22 eastern states.
- Sept 30/98 First air AERs (Approval Exemption Regulation) come into effect. See entry under approvals for details.
- Oct 5/98 Ministry of the Environment posts proposal to transfer responsibility for the administration and operation of the Lambton Industry Meteorological Alert program to the Lambton Industrial Society. LIS will monitor ambient SO₂ concentrations and weather conditions; notify the Ministry spills action centre when concentrations are such that a LIMA needs to be initiated or terminated; and will notify the affected industries. The air monitoring station at Port Huron Ontario will be removed as part of the proposal.
- Oct 7/98 David Suzuki Foundation releases a report concluding that air pollution causes the premature deaths of 16,000 Canadians per year.
- Oct 18/98 Bill 35, *The Energy Competition Act, 1998*, receives Royal Assent. Bill is intended to introduce competition into the electricity market in Ontario. The Bill divides Ontario Hydro into three entities:
 - o Ontario Electricity Generation Corporation with generating assets;
 - o Ontario Services Corporation to operate transmission and distribution infrastructure; and
 - o Ontario Hydro Financial Corporation to hold Ontario Hydro's debt.

Service Corporation and Generation Corporation are to be incorporated under the

Business Corporations Act held in right of her majesty in Right of Ontario. Among other things, they will escape application of *Freedom of Information and Protection of Privacy Act* and other accountability mechanisms that apply to public entities.

Financial corporation continued as corporation without share capital made up of its board of directors.

Bill also creates an Independent Market Operator (IMO) another corporation without share capital made up of its board of directors, to operate the market.

The Bill creates an Electrical Safety Authority, to assume electrical safety regulation functions of Ontario Hydro. It is a delegated regulatory organization similar to the Technical Standards and Safety Authority.

The Ontario Energy Board is provided with a regulatory function through requirements for licensing as a condition of market access.

The Act makes provision for the requirement of electricity suppliers to be in compliance with environmental performance standards as a condition of market access, but makes no provision regarding the nature of those standards.

- Oct 19/98 Energy and Environment Ministers announce *Canada-Wide Acid Rain Strategy for Post-2000*. The Strategy contains no specific reduction goals or timetables. In October 1997, the Acidifying Emissions Task Group of the National Air Issues Coordinating Committee concluded that a 75% reduction in current regulatory limits for sulphur dioxide emissions was necessary to halt damage to lakes and human health.
- Oct 19/98 Ontario Ministers of the Environment, Transportation and Economic Development write to the federal environment Minister opposing lowering permitted sulphur content of fuel to 30 ppm by 2005.
- Oct 20/98 Ministry of the Environment expands regulatory exemptions from approval processes to include air conditioning units of any size; and equipment for the transfer of outdoor air into a building.
- Nov 3/98 Provincial Auditor tables 1998 Annual Report:
◦ *Ministry of the Environment*
Report is critical of Ministry of the Environment's failure to act on the Auditor's 1996 recommendations regarding the revision of the province's standards for hazardous air pollutants.
- Nov 7/98 Revealed Ontario Ministers of the Environment, Transportation and Economic Development wrote to federal Minister of the Environment, opposing proposals to lower allowable sulphur content of gasoline to 30ppm. Gasoline in Ontario has one of highest sulphur contents in the world. Sulphur in gasoline is a major contributor to smog.
- Nov 20/98 Proposal to exempt certain modifications to boilers from requirements of Regulation 338 (Boilers). Minister states this is to facilitate combustion efficiency improvements.
- Dec 2/98 Ministry of the Environment proposes following regulatory exemptions from air Approval requirements:
◦ contaminants from the grounds of a race track, if the emission of contaminants is attributable to the racing of horses, dogs, or motorized or non-motorized vehicles;
◦ emissions of contaminants from the grounds or premises upon or in which a

special amusement, entertainment, charitable, political, education, artistic, musical or sporting event is held, if the emission of contaminants is attributable to the special event;

- o natural gas or propane gas dispensing units;
- o emission of contaminants from a shooting range, if the contaminants are attributable to the firing of a gun or guns;
- o any equipment, apparatus, mechanism or thing that is used for the ventilation of emissions resulting from vehicles, trains, forklifts, etc used in warehouses and enclosed storage areas; and
- o any equipment, apparatus, mechanism or thing that is used solely to mitigate the effects of an emergency declared to exist under the *Emergency Plans Act*.

- Dec 23/98 Ministry of the Environment adopts revised air standards for 9 substances (1,4 Dichlorobenzene, Acetaldehyde, Carbon Tetrachloride, Ethylene Dichloride, Formaldehyde, Methylene Chloride, Tetrachloroethylene, Styrene, Trichloroethylene). In some cases, new standards are unchanged from existing standards (1,4, Dichlorobenzene, formaldehyde, Tetrachlorethylene (Pol), Styrene, Methylene Chloride).
- Jan 22/99 Ministry of the Environment invites input on revision of air standards for 18 substances (Acrylonitrile, Ammonia, Chlorine, Chloroform, Ethylbenzene, Ethyl Ether, Hydrogen Chloride, Isopropylbenzene, methanol, Methyl Ethyl Ketone, Methyl Isobutyl Ketone, Mineral Spirits, n-Heptane, n-Hexane, Propylene Oxide, Toluene, Vinylidene Chloride, and Xylenes).
- Feb 10/99 Premier and Minister of the Environment announce intention to join US EPA court action to force 22 states to comply with nitrogen oxide standards announced in September 1998.
- Feb 17/99 Reported Ontario Hydro approaching Countdown Acid Rain program regulatory caps for emissions of SO_x and NO_x as a result of implementation of August 1997 Nuclear Asset Optimization Plan. SO_x emissions have risen 15% and NO_x emissions by 30% between 1997 and 1998.
- Apr 1/99 The first day of implementation of Ontario's Drive vehicle inspection and maintenance program.
- Apr 22/99 Ministry of Environment posting (EBR # RA9E0003) indicates its intent to adjust the emission standards under its Drive Clean program in a manner that would harmonize them with those of the US EPA. The standard revision will be made by amendment 86/99 to Ontario Regulation 361/98 under the Environmental Protection Act.
- May 18/99 Environmental Commissioner of Ontario recommends an independent review of the province's air quality protections. The recommendation was made in response to an application for investigation by the Sierra Legal Defense Fund.

WASTE MANAGEMENT

CHRONOLOGY

- Jul 5/95 Ontario government announces the dismantling of the Interim Waste Authority.
- Jul 31/95 Ontario government formally posts its proposal to repeal the ban on new municipal solid waste incinerators on the *Environmental Bill of Rights* environmental registry. Proposal includes new emission standards for incinerators. Ontario Government proposes exemption order under the *Environmental Assessment Act* which would effectively require many municipalities to consider incineration as an alternative.
- Aug 19/95 Ontario Northland Transportation Commission given approval to actively plan for use of Kirkland Lake abandoned mine for waste disposal.
- Aug 31/95 The wrap-up of the Ontario Waste Management Corporation.
- Oct 6/95 Government-wide operating budget reductions released by the Office of the Premier. Cutbacks affecting waste management include:
- redesign municipal recycling support program (\$3.22 M);
 - elimination of OWMC and three advisory committees: ACES, EAAC, MISA total \$0.8 M.
- Oct 20/95 Minister of Environment and Energy announces that the Ontario government will review the Environmental Assessment process for waste disposal sites. A possible outcome of the review could be the exemption of new landfills from the EA process.
- Dec 1/95 The Ministry of Environment and Energy announces some projected operating budget cutbacks for the 1996/97 fiscal year. Terminated programs include:
- recycling, reduction, reuse support (\$5.6 M);
 - household hazardous waste funding (\$0.2 M);
 - home green-ups (\$8.4 M);
- Dec 13/95 Ministry of Environment and Energy lifts ban on new municipal solid waste (MSW) incinerators.
- Dec 18/95 Minister of Environment and Energy announces a new policy governing the liability of lenders when they assume a site with environmental damage. An exemption from environmental liability has been granted to lenders for the clean-up of sites of which they take possession.
- Jan 2/96 A new guideline for emissions from new municipal solid waste incinerators issued by the Minister of Environment and Energy. Limits are performance-based and require continuous stack monitoring.
- Jan 11/96 The MoEE announces new guidelines on the EBR Registry: "Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land." These will amalgamate former guidelines for sewage sludge with draft interim guidelines on the agricultural application of waste other than sewage sludge.
- Jun 3/96 The Minister of Environment and Energy tables the *Environmental Approvals Improvement Act* in the legislature. The Act is intended to alter the environmental approvals process and a variety of acts and bodies:

- the repeal of the Ontario Waste Management Corporation Act and the shut-down of the Environmental Compensation Corporation;
- the repeal of the Ontario Waste Management Corporation Act;
- the creation of authority for the MoEE to recover administrative cost from activities such as waste generator registration and manifests, water well records and permits to take water.

(for a fuller description of Bill 57 see Jun 3/96 listing under *Environmental Standards & Regulatory Processes*).

- Jun 17/96 Ministry of Environment and Energy announces new landfill standards to guide ministry approvals. The proposed standards emphasize community input and include requirements for siting, design, operation, monitoring, protecting ground and surface waters, controlling landfill gas, contingency planning and financial assurance. Changes to the environmental assessment process however could mean that community input provisions are ineffective.
- Jul 19/96 Taro Aggregates Ltd. receives approval under the *Environmental Assessment Act* to establish a landfill site in Stoney Creek.
- Jul 96 Ministry of Environment and Energy releases a revised soil cleanup guideline (*Guideline for Use at Contaminated Sites in Ontario*).
- Jul 31/96 Ontario government releases a discussion paper entitled *Responsive Environmental Protection* which makes over 80 recommended changes to environmental regulation. The recommendations include revising the Environmental Bill of Rights Classification of Proposals for Instruments Regulation to eliminate notice requirements for proposals with minimal environmental impact. Recommendations impacting waste management regulation include:
- designating standards and approval requirements according to four classes of facility, based on potential environmental risk;
 - establishing comprehensive and specific standards for the design and operation of landfills;
 - revising the definition of "recyclable material" and harmonizing the federal and provincial definitions of "hazardous waste";
 - consolidating all waste management requirements into a single regulation; and
 - setting of approval requirements for mobile PCB destruction facilities.
- Oct 31/96 Ministry of Environment and Energy confirms that the Ontario Cabinet will not intervene in last year's decision to reject Redland Quarries landfill site proposal. The proposal called for quarry lands in the town of Flamborough to be converted into a 26-million-tonne industrial waste landfill site. Residents had been fighting the proposal for 10 years.
- May 21/97 Ministry of the Environment and Energy issues an exemption order which allows municipalities to not consider municipal waste incinerators as an alternative in current municipal waste management plans for the purposes of the *Environmental Assessment Act*.
- Jun 10/97 Ontario Court decision that only "unusable leftovers" from processing or recycling operations should be considered 'waste.' The Court also concluded that 'chop line residue' (PVC wire coating) did not meet this definition and was therefore exempt from the waste management requirements of the *Environmental Protection Act*. The Ministry of the Environment had argued before the court that the material was a hazardous waste and should be regulated as such. The Court decision greatly expands the scope of the exemptions for 'recycling' from Ontario waste management regulations.

- Jun 12/97 Ministry of Transportation posts decision on EBR registry stating that it will no longer test, prior to approval, materials used to minimize dust during road construction and on unpaved rural roads. Instead, the Ministry will depend on the list of dust suppressants issued by the Ministry of Environment. However, the MoE's list comes with the disclaimer: "The MoE does not endorse any of the following products nor does it guarantee that the products are environmentally benign."
- Jul 6/97 Ontario Environment Minister Norm Sterling announces that the MoEE will spend \$18 million to clean up the hazardous materials, including low level radioactive wastes, left behind at the Deloro Mine north of Belleville. Mine wastes have been leaching into the Moira River that flows south into the Bay of Quinte at Lake Ontario.
- Jul 11/97 A fire begins at a plastics recycling operation in Hamilton known as Plastimet. The fire burns for nearly 72 hours before it is brought under control. The MoEE is criticized for the length of time it took (12 hours) to respond with on-site testing and monitoring. Details of the incident:
- 650 persons were evacuated due to smoke hazard (benzene);
 - water entering Hamilton Harbour from the fire site has 2000 times the normal level for zinc;
 - chromium, lead and cadmium are also of concern;
 - during and after the blaze, concerns are raised about levels dioxins and furans in the immediate vicinity;
 - for the most part, the province has resisted getting involved, preferring instead to regard the incident as a municipal matter.
- Jul 29/97 Release of report by the Commission for Environmental Cooperation "Taking Stock/North American Pollutant Releases and Transfers - 1994." The province of Ontario is ranked third in North America behind Texas and Tennessee as a source of release and transfer of matched NPRI and TRI substances. Ontario is also the leading recipient of waste exports from the United States. Canadian facilities are found on average, to generate twice the amount of pollutants than their American counterparts.
- Aug 20/97 The Office of the Fire Marshall submits its report to the Minister of the Solicitor General and Correctional Services on fire safety at recycling and waste handling facilities. The report is a follow-up to the July 1997 Plastimet fire. Some of the twelve recommendations in the report include:
- new recycling facilities should be monitored much more closely for compliance with local zoning by-laws and fire safety requirements;
 - facilities without a Regulation 347 Certificate of Approval should require similar identification and control measures;
 - examining the establishment of a provincial contingency fund;
 - update the fire code provisions for storage and handling of flammable liquids;
 - increase fines and allow municipalities to retain fine revenue;
 - develop a coordinated training plan for and with fire experts and recycling facility operators;
 - the recycling industry should set up an industry-wide council and code of conduct;
 - more resources are needed for local fire departments to handle such situations.
- Aug 26/97 Aquatech Blue Ltd., an oil recycling firm is charged with dumping waste oil containing toxic materials in Toronto Harbour. Previously it had been convicted of discharging metal-based releases into sanitary sewers. The Ontario government seeks extradition of three US citizens charged with the Lake Ontario dumping.
- Aug 29/97 A spill at a manufacturing unit in Guelph dumps 3000 litres of an industrial lubricant

into the water supply system prompting health officials to warn northern half of the city i.e. about 50,000 people, not to use the water.

- Sep 97 Ministry of the Environment grants approval for 1.9 million cubic metre expansion of the Laidlaw hazardous waste landfill at Sarnia, Ontario. This is expected to provide landfill capacity for approximately 20 years. Although the undertaking was designated under the *Environmental Assessment Act*, a public hearing was not required by the Minister before the Environmental Assessment Board prior to the approval of the facility.
- Oct 6/97 Amendments to Fire Code announced. The province will adopt an Ontario version of Part 4 of the National Fire Code which attempts to ensure that flammable and combustible liquids are properly stored. No changes are announced which relate to the recommendations of the Ontario Fire Marshal (See Aug 20/97) in the wake of the Plastimet Fire.
- Oct 21/97 Ministry of the Environment posts proposed amendments to Regulation 347 on EBR environmental registry. Proposed amendments include:
- redefine 'waste' to include residues from recycling operations;
 - exempt 'chop line' residue (wire recycling residue) recycling from the requirements of the regulation;
 - exempt photochemical recycling activities from the requirements of the regulation;
 - exempt the use of spent 'pickle' liquor in sewage treatment plants from the requirements of the regulation; and
 - exempt wood waste recycling sites from the requirements of the regulation.
- Oct 29/97 The *Fire Protection and Prevention Act* is proclaimed into law. The Act moves in the opposite direction of the recommendations made by the Ontario Fire Marshal in the wake of the Plastimet Fire in Hamilton in July 1997. The Act sets out to reinforce the voluntary fire-fighting system and private sector participation in prevention and education as well as more local autonomy. The August 20th Fire Marshal's report called for more provincial supervision, more resources for training and information exchange among fire departments and the establishment of a provincial contingency fund. Under the new act, municipalities and residents will be left to "determine the level of fire service they need."
- Oct 97 In the "1997 Annual Report of the Provincial Auditor of Ontario to the Legislative Assembly" it was revealed that the MoEE has not assessed the waste reduction programs it established in 1989, since 1994. The province currently diverts 32% of its waste, leaving only two years for it to reach its goal of 50% diversion by 2000. Assessment is necessary to adjust strategies or develop appropriate action plans so that goals can be achieved on a timely basis.
- Nov 18/97 MoE issues a Certificate of Approval to burn waste derived fuel at a maximum rate of 23,000 litres per year with a maximum storage capacity of 13,650 litres. The proponent is Frank Kelly & Sons Garage Ltd. and the site is the Town of Mitchell.
- Nov 25/97 The Provincial Auditor Erik Peters submits his annual report to the Ontario Legislature. Several environmental programs are targeted:
- the measuring of, and reporting on the Province's waste reduction targets needs to be strengthened;
 - the province needs to work with municipalities on reducing the cost of collecting and processing recycled materials as well as implementing a full costing approach for waste disposal;

- o the provincial 50% reduction goal should be incorporated into the Waste Reduction Branch business plan;
- o the Ministry should expedite the resolution of issues surrounding refillable softdrink containers and address municipal concerns.
- o the environmental assessment process demands better monitoring of the process and compliance with EA terms and conditions;
- o water or sewage expansion projects should not be funded by the province unless municipalities have implemented and maximized water conservation; documentation filing and grant overpayment need to be better monitored as well;

Nov 27/97

Ministry releases document "Better, Stronger, Clearer: Environmental Regulations for Ontario." Specific proposals related to waste management include:

- o revoke a regulation permitting eight waste disposal sites to receive Liquid Industrial Wastes. None of the sites currently receive such wastes;
- o amend the regulation governing deep well disposal to bring oil field brine disposal under the *Environmental Protection Act*, eliminate the oil field brine exemption, and consolidate the requirements into a revised general waste regulation;
- o amend definition for agricultural wastes, waste-derived fuel, and clarify the management requirements for biomedical waste and asbestos waste;
- o simplify approval and administrative requirements for "manufacturer controlled networks," to promote "product stewardship";
- o introduce four classes of approvals: Class I: mandatory hearings under EPA and as required under EAA; Class II: Discretionary hearing under EPA; Class III: Standardized Approvals; and Class IV: exemptions from waste approval requirements.
- o numerous changes related to hazardous waste management including:
 - o reducing reporting requirements for small movements of hazardous wastes;
 - o amending the definition of a "site" (presumably to include all facilities within a given municipality as proposed in July 1996);
 - o remove generator registration requirements for registerable solid waste;
 - o exempt battery and precious metal bearing waste recycling activities from regulatory requirements;
 - o modify (weaken) the definition of PCB wastes and establish standardized approvals for PCB storage and transfer sites;
- o numerous changes related to municipal solid waste management:
 - o amend Recycling and Composting Municipal Waste Regulations to allow two stream collection systems, amend the 50 metre buffer requirement, and allow food composting at leaf and yard composting facilities;
 - o revoke regulations related to the types of disposable containers than may be used to package milk;
 - o retain refillable and non-refillable soft drink container regulations;
 - o amendment of the Waste Audits and Waste Reduction Workplan Regulations and Packaging Audits and Packaging Reduction Workplan Regulations to "streamline" the regulations, "increase their flexibility" and "reduce the paper burden on the regulated community;"

Proposed changes related to spills include:

- o proposal to eliminate reporting requirements for notification of "insignificant" spills under the *Environmental Protection Act*.

Dec 2/97

Minister of the Environment and Energy approves 3 environmental assessments for the following three waste related undertakings:

- Green Lane Landfill in the Township of Southwold.
 - Adams Mine Landfill in the township of Boston.
 - Ridge Landfill site in the Township of Harwich.
- Dec 2/97 A fire in Brantford at tire yard consumes 7000 tires. MoE orders to have the tire number reduced both before and after the fire were not obeyed. As of Dec 16/97 12,700 were still on site.
- Dec 4/97 Environmental Assessment Board approves use of scrap metal smelting furnace in Northumberland County to destroy low level PCB's. The facility is the first permanent PCB destruction facility to be approved in Ontario. In its decision the Board expressed concern over the province's failure to designate the undertaking under the *Environmental Assessment Act*, its implications for non-incineration PCB destruction technologies, the inability of public interest intervenors to participate effectively in the hearing due to the lack of intervenor funding, and the operator's lack of previous experience in the handling of hazardous wastes.
- Dec 5/97 Ministry of the Environment centralizes approvals functions by transferring the issuing of all waste-related provision certificates of approval from MoE regional offices to the MoE Approvals Branch.
- Dec 97 The Ministry of Environment announces the scope and timeline for the Environmental Assessment Board hearing the Adams Mine waste disposal proposal. The Board will hear evidence on two issues about the site: its hydrogeology and surface water characteristics and leakage containment.
- Feb 10/98 Proposal for SARs posted on EBR registry for:
 - municipally operated waste transfer or processing facilities handling up to 300 tonnes/day;
 - use of municipal sewage sludge (biosolids) as a soil conditioner.
Under the SAR proposal neither type of activity would be required to obtain a Certificate of Approval under the *Environmental Protection Act* if they complied with conditions set out in the SAR.
- Feb 18/98 Canadian Institute for Environmental Law and Policy releases report "Hazardous Waste Management In Ontario: A Report and Recommendations." The report highlights major gaps in the available information and regulatory framework for hazardous waste management in Ontario. A request for review of the province's hazardous waste regulations and policies is filed under the *Environmental Bill of Rights* on the basis of the report's findings.
- Feb 19/98 The Ministry of the Environment releases figures for the provincial waste diversion rate. The province is currently diverting 32% of its waste from landfill, however, the goal is to achieve a rate of 50% by the year 2000. The Minister indicated that the province is still committed to the goal but that the province is unlikely to meet the target by that year.
- Feb 26/98 The Minister of Environment announces that the province will act soon to clean up a landfill site in Egremont Township. The site contains 33,000 buried tires. Citizens in the area have launched a lawsuit against the province. The Minister recognizes that the problems with the site demonstrate the shortcomings of environmental law in trying to stop illegal actions. He indicates that his ministry is "looking at ways of amending the law to give our environmental officers a much stronger hand in dealing with bad actors."
- Mar 16/98 Minister of Environment announces agreement between the County of Grey and the

- MoE to recycle 20,000 tires from a waste tire site in Egremont Township. The site is a fire and groundwater safety hazard.
- Mar 19/98 Minister of Environment places a hold on the approval of any new small space heaters that burn waste oil pending "public input on the environmental impact of the heaters." The MoE estimates that about 10 million litres of oil per year are disposed of this way each year in the province.
- Mar 30/98 A landfill site (Greenlane Environmental) may be considered eligible to expand in southwestern Ontario despite its manager having been convicted of issuing death threats against MoE inspectors and the owner's history of fines for environmental violations (\$45,000.00) including accepting waste from outside his licensed jurisdiction and filling the site beyond its approved capacity. In addition, the owner's Elgin County waste transfer station is being investigated for receiving liquid wastes beyond its license. The owner is proposing to double its current 500 tonne per day limit. The owner has close ties to the Provincial Progressive Conservative Party.
- Mar 30/98 The Ministry of Environment orders further clean-up at the site of the Plastimet plastics recycling site in Hamilton as a consequence of continued high levels of dioxins, furans, and heavy metals after the July 1997 fire. Previous clean-up orders have not been complied with.
- Mar/98 Amendments adopted to Regulation 347 to declare residues from recycling operations to be waste, and to exempt recycling of four waste types from waste approvals and regulatory requirements: chop line residue; pickel liquor used in sewage treatment plants; photochemical wastes; and wood chips.
- Apr 10/98 Metropolitan Toronto's Keele Valley landfill site may face a class action lawsuit from 30,000 nearby landowners. The suit would seek \$600 million in damages from nuisance odours, dust and gases. The facility handles waste from York, Durham and Toronto.
- Apr 20/98 Ministry of the Environment rejects CIELAP's Request for Review of the province's laws and policies related to hazardous wastes under the *Environmental Bill of Rights*, stating that a review would "not be in the public interest."
- Apr 28/98 Thomasburg tire fire. Fire involving more than 1,000 tires requires six fire departments more than two hours to bring under control. Some homes are evacuated as a result of the fire.
- Apr 30/98 Report submitted by the Recycling Council of Ontario to the Minister of the Environment concerning Blue Box financing and LCBO deposit return systems. The report lists a number of options one of which is to employ user fees on municipal solid waste (for disposal) as means of encouraging consumers to divert recyclable materials to the Blue Box).
- May 2/98 City of Toronto Council bans wine and spirit containers from its Blue Box collection program. The Council also approves a recommendation that residents be advised to return their empty bottles to the LCBO store where they bought them.
- May 20/98 The owner of Plastimet Inc. and the owner of its site drop their legal challenge of the MoE's clean-up order and agree to undertake legal and financial responsibility for the clean-up of the site. The owners also plan to apologize to the community.
- May 21/98 Domtar Limited's dust suppressing product Dombind is causing elevated dioxin levels

in the environments near the roads on which it is sprayed according to a Ministry of the Environment investigation. Levels varied widely with one test above the acceptable provincial limit for dioxin. 100 million litres per year of the product, which is a pulp and paper waste liquor, are sprayed on Ontario gravel-top roads.

- May 1998 Ministry of the Solicitor General and Correctional Services, Office of the Fire Marshal, release implementation strategy for the Fire Marshal's recommendations contained in the report "Protecting the Public and the Environment by Improving Fire Safety at Ontario's Recycling and Waste Handling Facilities" made in the aftermath of the July 1997 Plastimet Inc. fire. The implementation strategy fails to implement key recommendations contained in the original report.
- Jun 6/98 Environmental groups such as Pollution Probe as well as the oil industry, urge the Ontario government to decrease the use of oil heaters that are operated by car dealerships and service stations. The groups contend that the heaters release high levels of toxins and that the used oil should be funnelled to recycling plants that can clean the liquid so that it may be reused in cars. Auto dealers say that the heaters are economic for them and that they are not a significant source of pollution.
- Jun 16/98 Ministry of the Environment posts proposed revisions to the Model Sewer Use By-Law on the EBR Registry. The new Model By-Law includes new standards for certain persistent toxic pollutants, but removes standards for some metals, and removes prohibitions on the disposal of certain types of hazardous waste in sanitary and storm sewers.
- Jun 16/98 MoE will remove 20,000 illegally dumped tires after citizen complaints/civil suit launched against the province. The Ministry states that tests will be performed at the site and if problems develop, contaminated water will be taken to a toxic waste disposal site.
- Jun 2/98 Ministry of the Environment posts proposals for major changes to Regulation 347 on the EBR Registry. The proposals include 'standardized' approvals for on-site storage of hazardous wastes, including PCBs, expanding exemptions from approval requirements for hazardous waste 'recycling' activities, and eliminating requirements for public hearings prior to the approval of expansions of hazardous or municipal solid waste disposal facilities.
- Jun 20/98 The Adams Mine garbage proposal is the first major environmental assessment under the new *Environmental Assessment Act*. Under this new regime, the assessment process was streamlined so that proponents of a project no longer have to study alternatives to their proposal (in this case waste reduction/recycling). In addition, the act eliminates intervenor funding which was previously provided by the government, to residents opposed to a project. According to the Canadian Environmental Law Association (CELA) and other groups, this has compromised the public's ability to participate in decisions that will likely have significant impacts on their lives.
- Jun 22/98 Community members in and near Kirkland Lake hope that an appeal to the provincial cabinet regarding the conversion of Adams mine to municipal waste landfill, will allow time for Notre Developments (the project proponent) to seek alternative waste disposal methods.
- Jun 26/98 The Ontario Ministry of the Environment proposes changes to model sewer-use by-law. The new by-law includes new standards for persistent organic pollutants, but drops standards for some metals and removes general prohibitions on the disposal of hazardous wastes and waste blood from the model by-law.

- Jul 2/98 Community residents and local councillors in Northeastern Ontario raise concerns regarding the recent approval of the Adams Mine Waste Proposal by the Environmental Assessment Board. David Ramsay, Liberal MPP for Timiskaming (a community near the site) contends that the project is very high-risk and that it is being driven by short-term economic imperatives, which are not properly accounting for environmental/social concerns.
- Jul 9/98 Controversy emerges in Ontario communities over the use of a recycling byproduct--sludge. Land application is preferred method of generators. Some farmers have allowed the spreading of sludge on their farms. Questions arise about the effectiveness of the material, its odour and appearance of land where sludge has been spread.
- Jul 13/98 Great Lakes United commences public hearings on the restructuring of the Great Lakes Water Quality Agreement amidst the contention that government cutbacks and industry pressures have led Canadian and American governments to shift to 'risk management' instead of virtual elimination of persistent toxic substances.
- Jul 17/98 Regulation 348 revoked. Permitted disposal of hauled liquid industrial wastes at eight municipal landfills:
- Jul 27/98 Public release of 1996 National Pollutant Release Inventory Data. Data shows decline in releases of pollutants to the environment, but a dramatic increase in transfers of pollutants in waste. The Ontario Minister of the Environment asserts that there are "serious flaws, inconsistencies and misinterpretations" in the National Pollutant Release Inventory system.
- Aug 8/98 MoE proposes criteria for management of excess soil: Among other things provisions would permit deposit of contaminated soil on clean sites zoned industrial, and in ecologically significant areas.
- Aug 14/98 MoE proposes to revoke Regulation 344 - Disposable Containers for Milk and amend Regulation 345 - Disposable Paper Containers for Milk under the *Environmental Protection Act* (remove restrictions on milk packaging that are 2 litre and under in size).
- Aug 26/98 The Ontario cabinet approves the conversion of the Adams mine pit in Kirkland Lake to a privately operated landfill. The site is expected to serve mainly Toronto residents as well as York Region. Environmental groups fear the decision will undermine waste diversion initiatives.
- Oct 7/98 Environment Minister announces plan to alter the funding and guidance of, and expand the Blue Box waste diversion system. The plan includes the formation of a waste diversion organization that will attempt to guide municipalities on cost control as well as sponsor new waste diversion initiatives. The province intends to seek contributions from the food, beverage and consumer products industries to assist financing Blue Box operations and has begun by securing \$4 million from the Liquor Control Board of Ontario.
- Oct 13/98 Reported that the Ministry of the Environment instructed Philip Services Corporation to stop disposing of a chemical sludge from Detroit in its Taro landfill, while the Ministry of the Environment investigates the practice. The landfill is not approved for hazardous waste disposal.
- Nov 4/98 Regulation made exempting establishment of hazardous waste disposal site (i.e. landfill) at the Deloro Abandoned Mine site from a requirement for a public hearing under Part V of the *Environmental Protection Act*.

- Dec 8/98 Ministry of the Environment states that it has given Normapac Inc. (Formerly Domtar) 30 days to develop a plan to end the use of "Dombind," phasing out its use over two years.
- Jan 20/99 Philip Services Corp. disbands Taro Landfill Community Liaison Committee. The establishment and operation of the Committee is one of the Terms and Conditions of the facility's Certificate of Approval.
- Jan 22/99 Report by Ontario Ministry of Agriculture, Food and Rural Development, concludes that spreading of paper mill sludge (a mixture of waste fibres, ink, clay and water) on farmlands is "of no benefit to agriculture."
- Feb 3/99 Ministry of the Environment states it can find no evidence that the Taro landfill in Stoney Creek Ontario violated its Certificate of Approval by accepting hazardous wastes.
- Mar 1/99 Draft Certificate of Approval granted for Adams mine landfill in Kirkland Lake.
- Mar 5/99 Ministry of the Environment extends Certificate of Approval for use of paper mill sludge as a soil conditioner for an additional two years.
- Mar 18/98 Revealed that hazardous waste imports into Ontario have risen by a factor of four between 1993 and 1997. Manifested waste quantities have risen by 50% between 1994 and 1997.
- Mar 18/99 Coalition seeks judicial review of the government's approval of the Adams mine landfill.
- Mar 20/99 Normapac Inc. agrees to phase out the production of Dombind, a pulp and paper waste liquid used as a dust suppressant. Dombind had been found to contain levels of dioxin 15-20 times provincial standards.
- Apr 24/99 Notre Development receives its certificate of approval for the Adams Mine Landfill. A judicial review of the environmental assessment process leading to the approval was unsuccessful at nullifying the EA.
- May 3/99 Trial of Aquatech Blue delayed. The company was charged, in August 1997, with illegally discharging chemical industrial waste into Lake Ontario. The case had previously been delayed by the departure of the original Ministry of Environment prosecutor.

WATER

C H R O N O L O G Y

- Sep 26/95 Amendments proposed on the EBR to revise MISA Regulations. Provisions include exemption from MISA effluent requirements for mine tailings.
- Sep 29/95 Environment and Energy Minister Brenda Elliott announces the termination of MAC (the Municipal Industrial Strategy for Abatement Advisory Committee) and two other committees. MAC provided independent advice on pollutant limits in industrial waste water developed under the MISA program.
- Oct 6/95 Government-wide operating budget reductions released by the Office of the Premier. Cutbacks to MoEE capital budget include:
- \$31.8 M from the Ontario Clean Water Agency in the 1995-96 year. More reductions are detailed on April 11, 1996.
 - Reductions to Ministry of Natural Resources:
 - Conservation Authorities' operating transfer payments \$1.2 M in both 1995-96 and 1996-97; this reduction is increased on April 11, 1996.
- Oct 9/95 Exemption from the Environmental Assessment Process granted to the City of Toronto Western Beaches stormwater storage tunnel by the Minister of Environment and Energy.
- Dec 1/95 The Ministry of Environment and Energy announces some projected operating budget cutbacks for the 1996/97 fiscal year. The following programs terminated include:
- urban and rural beach cleanup/restoration (\$8.2 M);
 - home green-ups including water conservation (\$8.4 M).
- Jan 29/96 Bill 26, the *Government Savings and Restructuring Act* enacted by the Ontario legislature. Summarized briefly are the changes to:
- the *Lakes and Rivers Improvement Act*: reduce or eliminate permitting requirements when constructing, altering or using a dam or other water works; permits for virtually any activity on public lands and waters unless the minister responsible has prescribed regulations to the contrary;
 - the *Conservation Authorities Act*: new provisions permit the dissolution and facilitate the sale of CA lands. Limitations placed on scope of CA activities and funding sources.
- Apr 11/96 Ontario government releases "Interim Report on Business Planning and Cost Savings Measures" which outlines the re-shaping of government through "new business directions" for ministries and "cost-savings measures" that the province is implementing. Each ministry is responsible for carrying out its own business plan within the financial constraints that it is assigned. Effects of this initiative on water-related policies, institutions and regulations:
- The Ontario Clean Water Agency which manages municipal assistance for sewers and water treatment will have its budget reduced \$111.4 M in 1996-97 and \$142.5 M in 1997-98;
 - Conservation Authorities transfer payments will be cut \$5.4 M in 1996-97 and \$7.4 M in 1997-98.
- Jun 3/96 Minister of Environment introduces Bill 57, *The Environmental Approvals Improvement*

Act. The Bill provides for:

- the exemption by the Lieutenant-Governor in Council of any person from any provision of the *Environmental Protection Act* or *Ontario Water Resources Act* or any regulation made under those Acts;
- the prohibition of any action against the Crown arising out of any exemption from an approval requirement under the *Environmental Protection Act* or *Ontario Water Resources Act*.

(for a fuller description of Bill 57 see section on *Environmental Standards & Regulatory Processes*).

- Jun 96 The release of the International Joint Commission 8th Biennial Report. The report highlights the impact of budgetary reductions and weakening of environmental laws on Great Lakes restoration programs. Ontario is specifically cited in the report for its actions over the preceding year.
- Jul 31/96 Ontario government releases a discussion paper entitled *Responsive Environmental Protection* which makes over 80 recommended changes to environmental regulation. The recommendations include revising the Environmental Bill of Rights Classification of Proposals for Instruments Regulation to eliminate notice requirements for proposals with minimal environmental impact. Recommendations impacting water quality regulations include:
- controlling municipal discharges through a performance-based regulation for sewage treatment plants;
 - updating the Ground Source Heat Pumps Regulation to restrict the use of methanol;
 - removing the requirement in the *Municipal-Industrial Strategy for Abatement's* Pulp and Paper Regulation for the pulp and paper sector to submit reports on how to reach zero AO_x by 2002 and removal of the reference to a goal of zero AO_x; and
 - reducing monitoring frequency for facilities surpassing effluent limits.
- Sep 96 The Ministry of Environment and Energy and the Ministry of Health announce that will be terminating the drinking water quality analysis service that they previously offered to municipalities.
- Nov 4/96 The Who Does What Panel recommends to the Ministry of Municipal Affairs and Housing that municipalities should deliver and pay for sewer and water systems. The panel recommends that the province:
- transfer ownership of its sewer and water treatment facilities to appropriate municipalities;
 - discontinue sewer and water grant and loan programs; and
 - continue to set and enforce performance-based environmental standards and promote conservation.
- The panel also recommends that while municipalities should decide on the method of charging for sewer and water services, users should be charged the full cost of providing them.
- Nov 5/96 Ministry of Natural Resources adopts regulations to guide activities on Crown land. The new regulations reduce the need for work permits by 80% in an effort to save over \$1 million. The regulations:
- eliminate of many permitting requirements when constructing, altering or using a dam, dock or other water works; some larger buildings still require a permit;
 - most bridges, culverts agricultural drains, trenching and dams do not require work permits on private or municipal lands; on Crown lands, bridges, culverts and dams do require a permit but agricultural drains and trenching for private

- residences are exempt;
- dredging, controlling aquatic plants, building docks and boathouses and laying submarine cable are free from permitting requirements if they are private (as opposed to commercial) and if they are intended for a log salvage operation;
- 100 square metres of vegetation annually can be removed in waters in southern Ontario without a permit.
- remove permit requirements for mineral exploration on Crown lands.

Jan 17/97 Ministry of Environment and Energy announces transfer of provincially operated water and sewer works to municipalities. The Minister states that the province will continue to set and enforce performance standards and ensure that water quality continues to be safeguarded despite the acknowledgement that the Ministry's investigation and enforcement resources have been severely diminished after several budgetary reductions.

Jan 20/97 Bill 107, *The Water and Sewage Services Improvement Act* introduced to the legislature. The Bill provides for the transfer of provincially operated sewer and water works to municipalities and the downloading of the regulation and approval of most septic systems to municipal governments.

Feb 3/97 *The Red Tape Reduction Act (Ministry of Natural Resources), 1997* goes to 1st Reading. If passed, the following amendments will be made to the *Conservation Authorities Act*:

- authorities will be allowed to enter into agreements to permit exploration and extraction of oil and gas reserves on land adjacent to authority land;
- authorities would be permitted to lease land for terms of up to five years without approval;
- maximum fines for violations of the regulations will be increased from \$1,000 to \$10,000, and from \$100 to \$1,000;

Conservation Authorities are important guardians of natural drainage systems. The impact of development on CA lands could be quite negative for water quality and flood management.

If passed, the RTRA would also amend the *Lakes and Rivers Improvement Act* so that:

- debt collection will be consolidated through municipal taxes (to allow Minister to recover money spent by province on public health and safety issues caused by unsafe dam structures);
- the Minister will be given explicit power to enter into cost-sharing agreements;
- the Minister's orders and approvals will be explicitly made binding on the original recipient and any successor or assignee;
- the Minister will be authorized to issue stop work orders on unauthorized dams while compliance issues are resolved; and
- maximum fines for violations of the Act will be increased.

Regrettably, the Ministry may be unaware of a large number of dam and waterway alterations or constructions as a result of the scaling back of the permitting process. These developments also continue the trend of placing a large measure of decision-making authority with the minister.

Feb 26/97 The Ministry of Environment and Energy announces the finalization of: Determination of Treatment Requirements for Municipal and Private Combined and Partially Separated Sewer Systems (Procedure F-5-5). The procedure specifies:

- that each municipality or operating authority develop a pollution prevention or control plan;
- that sewer designs meet minimum combined sewer outflow controls;
- additional controls be provided where beaches are impaired;

- the level of treatment, disinfection of effluent and monitoring criteria.

- Feb 97 Ministry of Environment cancels funding for Great Lakes cleanup programs. Since the mid-1980s the ministry has spent \$280 million on rehabilitating the most polluted parts of the Great Lakes. The government now wants the private sector (industries, municipalities, concerned citizens) to finance cleanup programs. This signals a retreat by the Ontario government from a 1994 agreement with the federal government in which they pledged to cooperate to eliminate 60 per cent of the pollution at the 16 "hot spots" by the year 2000 and to try to completely rehabilitate eight of them.
- Mar 8/97 Ministry of Environment and Energy announces that Ontario's fish appear to be getting safer to eat in terms of their contaminant levels. Some fish from some lakes have shown a consistent decline in contaminant accumulation.
- May 6/97 In the 1997 budget, \$200 million is allocated for municipal sewer and water services.
- May 17/97 Revelation that Ontario Hydro's Pickering Nuclear Generating Station has released more than 1,000 tonnes of copper and zinc into Lake Ontario over the past 25 years. The emissions are toxic and bioaccumulative and arise from the scouring of brass (copper-zinc) condenser tubes in the plant's heat exchanger systems. The discharges were never reported, but should have been, under the Municipal Industrial Strategy for Abatement regulations. It is also thought to violate the MISA Power Generation Sector Regulation (Regulation 215/95). The problem had been known to exist since at least 1981.
- May 21/97 Ministry of the Environment and Energy makes a decision on the "Draft Effluent Limits regulation for the MISA Iron and Steel Manufacturing Sector" to control industrial wastewater discharges. The proposed major features are:
- Maximum daily and monthly average loading limits for up to 12 parameters.
 - All process and cooling water must not kill fish or water fleas.
 - All process effluents must be within pH range of 6.0 to 9.5 at all times.
- May 27/97 Bill 107, *The Water and Sewage Services Improvement Act* receives Royal Assent.
- Jun 5/97 Bill 57, *The Environmental Approvals Improvement Act*, receives Royal Assent.
- Jun 10/97 A Request for Investigation under the Environmental Bill of Rights is filed concerning Ontario Hydro's metal emissions from corroding condensers.
- Jun 21/97 It is reported that levels of radioactivity in fish near Ontario Hydro's Bruce Nuclear Generating Station on Lake Huron are 9 times higher, and rising, than the levels of radioactivity in fish in Lake Ontario.
- Jul 6/97 Ontario Environment Minister Norm Sterling announces that the MoEE will spend \$18 million to clean up the hazardous materials, including low level radioactive wastes, left behind at the Deloro Mine north of Belleville. Mine wastes have been leaching into the Moira River that flows south into the Bay of Quinte at Lake Ontario.
- Jul 8/97 Release of the "Report on the Evaluation of Emissions from Ontario Hydro's Admiralty Brass Condensers to the Great Lakes." The report indicates that over the past 25 years, 1,813 tonnes of metals predominately copper and zinc, have been discharged to the Great Lakes by Ontario Hydro electricity generating stations. The releases exceed the Provincial Water Quality Objective for copper and would likely have a toxic impact on aquatic life.

- Jul 97 Environment Canada and U.S. EPA Release "State of the Great Lakes 1997." Report summarizes state of the Great Lakes Basin Ecosystem. Key conclusions:
- aquatic community health: mixed/improving;
 - aquatic habitat and wetlands: poor;
 - state of human health in the Great Lakes basin, as reflected by human exposure to persistent toxic substances: mixed/improving; and
 - toxic contaminants: mixed/improving.
- Aug 18/97 York Region and Metro Works Department step up testing and monitoring the Don River system in the wake of a sewage spill from 200,000 homes (22 million litres) into German Creek, a tributary of the Don River. An application is filed in January 1998 under the Environmental Bill of Rights for a provincial review. The spill is being linked to rapid urban development in York Region.
- Aug 26/97 MoE approves a mine water treatment system for River Gold Mines Ltd. located in Jacobson Township. The treatment system will treat a maximum flow of 12.6 L/sec of excess mine water containing suspended solids, ammonia, and some heavy metals.
- Aug 26/97 Aquatech Blue Ltd., an oil recycling firm is charged with dumping waste oil containing toxic materials in Toronto Harbour. Previously it had been convicted of discharging metal-based releases into sanitary sewers. The Ontario government seeks extradition of three US citizens charged with the Lake Ontario dumping.
- Aug 28/97 Ministry of Environment and Energy establishes a \$200 million fund to assist municipalities to upgrade water and sewage systems. The Fund was established in response to a recommendation from the Who Does What Panel and will make funding available to municipalities over the next 3 years. The funds are intended to be used by municipalities to upgrade their water and sewage systems in response to specific health and environmental problems. The Fund appears to be intended to replace the \$140 million/yr Municipal Assistance Program, whose termination was announced in the April 1996 budget.
- Sep 15/97 MoE approves the drainage water the underground working to be discharged in the existing water settling pond in the Township of Beatty. The water treatment will be the sedimentation of suspended solids. The volume of water that will be pumped per day is estimated at 82,000 litres/day meaning a retention time of 12 days. If the water does not meet the standard, McWatters Mines Inc. will take measures such as building another pond.
- Sep 30/97 MoE approves a permit allowing Hamilton Sod/Greenhorizons to take 1,135,000 litres per day or 250,000 Imperial gallons per day, 30 days per year from a dugout pond located in Glanbrook. The water will be used for irrigation of a sod farm.
- Oct 9/97 Unimin Canada Ltd. submits proposal to the Ministry of Environment requesting a permit to take water from Midland Bay. Water will be used to suppress dust on active rock stockpiles and will be removed from the bay at a daily maximum rate of 720,000 L.
- Oct 31/97 Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem Second Progress Report is released jointly by Environment Canada and the Ontario Ministry of the Environment. The report indicates that zero discharge has been achieved for five toxic substances: aldrin/dieldrin, chlordane, DDT, toxaphene and mirex at least in terms of these products not being imported to, sold or used in the province (residual of these compounds could still be active in the environment). Other highlights of the report include:
- reduced discharge levels for some Tier 1 compounds;

- 50% of required remedial actions completed;
- 5000 hectares of wetlands protected and rehabilitated;
- almost 30% of stored high level PCBs destroyed.

The report also acknowledges that certain commitments under the Agreement have not been met due to budget cuts at both levels of government.

Oct 97

The International Joint Commission publishes "The IJC and the 21st Century." The Commission states that transboundary air pollution problems will continue to worsen in the next century, threatening the health of wildlife and human populations in the area. Government down-sizing in Canada and the U.S. has decreased the level and extent of environmental monitoring along the border. Down-sizing has also undermined the capacity of governments to cooperate and coordinate to address environmental problems in the areas that are of common interest.

Nov 5/97

Madsen Gold Corp. applied for a permit allowing it to augment water taken from Beaverdam Lake for industrial purposes in Madsen with water from Russett Lake at a rate of 360,000 Imperial gallons per day (1,634,400 lpd) for 244 days seasonally for five years. The Ministry of the Environment and Energy approves this with the following conditions:

- Should the quantity of water change, an amendment is required.
- Copy of permit must be posted.
- Company must ensure all staff are knowledgeable about the permit.
- No more than 10% of the natural flow of Russett Lake at outlet.
- Water for augmentation of water levels in Beaver Dam Lake.

Nov 20/97

The Ontario Ministry of Environment has asked an environmental group for financial assistance to help stop hazardous chemical leaking from an abandoned mine at Deloro mine site in Eastern Ontario.

Nov 25/97

The Provincial Auditor Erik Peters submits his annual report to the Ontario Legislature. Several environmental programs undergo criticism:

- water or sewage expansion projects should not be funded by the province unless municipalities have implemented and maximized water conservation;
- documentation filing and grant overpayment need to be better monitored as well.

Nov 27/97

Ministry releases document "Better, Stronger, Clearer: Environmental Regulations for Ontario." Proposed changes related to water include:

- ban the use of methanol as a heat transfer fluid in heat pumps;
- amend the Water Wells regulation to improve the transmission of water well data: increase licensing fees for well drillers and contractors/technicians; and provide new standards for well construction;
- Amend the MISA Regulations to:
 - reduce the frequency of chronic toxicity testing semi-annually to annually;
 - remove effluent limits for substances that are not used, produced or stored on site;
 - reduce daily monitoring requirements for some parameters if a sites performance surpasses permitted limits for 12 consecutive months;
 - permit the transmittal of data in alternative formats;
 - amend the Pulp and Paper Sector Regulation to remove the requirement that facilities submit plans on the elimination of AOX, and advance the date for the AOX limit of 0.8kg/tonne to December 1997 from December 1999.
- retain the Marinas Regulation, which the Ministry had proposed to repeal in

July 1996, and supplement it with a voluntary Code of Practice Developed by the Marina Industry.

- Nov 27/97 The Ministry of Environment and Energy has received a proposal from Agrium Products Inc. for the establishment of an open-pit mine in Cochrane Ontario. Approval is sought for dewatering activity which will occur in two stages:
- open pit dewatering for bulk sampling of ore body at 4,900,000 L/day for 60 days;
 - mining ore body, dewatering working area of the pit at 5,800,000 L/day for 13 years.
- Dec 9/97 Ministry of the Environment approves an Interim Provincial Water Quality Objective for hexachlorocyclopentadiene. The Interim PWQO is 0.06 ug/L.
- Dec 23/97 MoE renews the existing permit allowing Aquafarms 93 in Osprey Township to take water from 3 boreholes and from Beaver River for fish farm operations and for bulk water sales.
- Dec 24/97 Ministry posts on the Ontario Environmental Bill of Rights Registry a number of planned revisions to permitted discharge limits for organic and inorganic manufacturing sector firms under the MISA. The proposals raise the permissible discharge limits for a number of facilities.
- Dec 30/97 Ministry posts proposed amendments to MISA discharge regulations for 8 industrial sectors (Electric Power; Iron and Steel; Industrial Minerals; Inorganic Manufacturing; Metal Casting; Metal Mining; and Organic Chemicals) The amendments would:
- reduce the monitoring frequency for chronic toxicity from semi-annually to annually (provided three years of monitoring have been completed an enough data collected to ascertain safety of effluent);
 - reduce monitoring requirements from daily to three days week if sites surpass monthly average loading limits for 12 consecutive months; and
 - remove of effluent limits for substances that are not used, produced or stored on the site. Requires monitoring of effluent for parameter once per year.
- The proposal for the pulp and paper sector would remove the requirement that kraft pulp mills submit reports on how to achieve goal of zero discharge of AOX. The proposal also indicates that the Ministry may advance date that mills are required to reach a loading limit of 0.8kg AOX per tonne of pulp by December 31, 1999.
- Jan 31/98 The Ontario Ministry of Environment announces that it is raising discharge limits for two companies (GE Plastics and Geon Canada) to allow for a change in production. The amendments involve, in one case, a 63% increase in dissolved organic carbon, a 241% increase in oil and grease discharges and a 38% increase in phenolics. These amendments were originally posted on the Environmental Bill of Rights Registry on Dec 24/97.
- Feb 4/98 Ministry of Municipal Affairs and Housing announces new Ontario Building Code Regulations for septic system management "Regulation to Amend Ontario Regulation 403/97 made under the *Building Code Act*, 1992." The new regulation will take effect April 6, 1998 and:
- transfer authority for regulating smaller on-lot sewage systems to the *Building Code Act* for "one-window" permitting purposes;
 - introduce new certification requirements for installers/inspectors.
- Feb 98 The International Joint Commission releases "Unsafe Dams? A Report by the IJC" The Report concludes:

- that some regulated facilities are not subject to comprehensive government safety inspections and oversight by governments is unsatisfactory;
- in Canada, "there does not appear to be any way of obtaining regular government safety inspections for Regulated Facilities."
- without government oversight there is "no effective means of ensuring accountability for activities that can put the lives and property of Canadian and United States citizens in jeopardy."

The report recommends regular, periodic, complete and independent on-site inspections by qualified experts; timetables for the implementation of all inspection report recommendations; establishment and testing of emergency action plans; and public access to all reports and documentation relating to safety issues.

- Mar 9/98 The Minister with Responsibility for Privatization and the Minister of Environment announce the referral of the Ontario Clean Water Agency (OCWA) to the Office of Privatization to review the provincial government's role in operating municipally owned water and sewage treatment systems. OCWA operates and maintains 123 municipal water treatment facilities and 234 municipal waste treatment facilities.
- Mar 23/98 44 water treatment plant operators in 23 communities in southwestern Ontario are warned by the MoE that their drinking water testing programs are inadequate. The minimum standards for drinking water have been violated. In 1996, the MoEE and MoH terminated their municipal water testing programs. Locations included:
- Towns of Wingham, Exeter, Petrolia, Seaforth, Durham, Hanover, North Perth and East Perth;
 - Villages of Bayfield, Blyth and Zurich;
 - Townships of Goderich, Ashfield, Colborne, East Wawanosh, Morris, Tuckersmith, Teaswater-Culross, Sarawak, Derby, Brant, Kincardine and Bruce.
- Mar 29/98 Ontario Hydro receives its second assessment of its program to repair its brass condenser cooling equipment. The program flows from recommendations from the July 1997 report "Evaluation of Emissions from Ontario Hydro Admiralty Brass Condensers to the Great Lakes." Some dates have slipped but overall the program is said to be on track.
- Mar 31/98 Ministry posts proposed revisions to Provincial Water Standards on EBR Registry, including:
- proposed Provincial Water Quality Objectives for Cadmium (based on Canadian Water Quality Guideline);
 - proposed Provincial Water Quality Objectives for Carbaryl (based on Canadian Water Quality Guideline);
 - proposed Provincial Water Quality Objectives for Trivalent and Hexavalent Chromium (based on Canadian Water Quality Guidelines);
 - proposed Provincial Water Quality Objectives for Arsenic (based on Canadian Water Quality Guidelines);
 - scientific criteria documents for development of Interim Provincial Water Quality Objectives for Molybdenum, Vanadium, and NDMA.
- Apr 3/98 A Ministry of Environment investigation concludes that the release of 1800 tonnes of copper and zinc from Ontario Hydro's Pickering Nuclear Generating Stations has had no measurable effect on drinking water quality or fish life near the plant. The investigation was carried out in response to an EBR request.
- Apr 30/98 Three former Premiers of Ontario (Davis, Peterson and Rae) join a campaign to complete the funding for a Great Lakes environmental research centre at the University of Windsor. \$3.6 million is needed to complete the project when the provincial

government withdrew a prior funding commitment in 1995.

- May 1/98 Permit granted to Nova Group by the Ontario Ministry of the Environment to take water from Lake Superior takes effect. The permit allows for a maximum taking of 600 million litres per year for the next five years and is intended for export to Asia. This permit possibly violates the International Boundary Waters Treaty with the U.S. government as well as a long-standing policy against water exports from the Great Lakes Basin. Environment Minister Norm Sterling issued the permit without consultation with either federal environment or provincial natural resources departments and defended the permit as an action that will not cause significant environmental damage.
- May 6/98 Nova Group, the company that was awarded a permit to take 600 million litres of water from Lake Superior for Export to Asia, decides to relinquish the permit because of the controversy that it generated.
- May 8/98 Michigan Congressman Bart Stupak introduces a non-binding House resolution that would have the US Congress block the sale of Great Lakes water for export to Asia. The transaction that the resolution refers to is the proposal by Nova Group (see May 1/98) to export 590 million litres of water per year from the lake to Asia. Canada has asked that the issue be referred to the International Joint Commission rather than quashing the proposal with a ban on exports.
- May 15/98 Province moves toward arriving at a policy that would ban transfers of water from one drainage basin to another. This in effect should quell any possibility of an export of water from the Great Lakes basin as was proposed by the Nova Group (See May 1/98). The Minister implies that the Ontario government would be more comfortable having the federal government implement a bulk water export ban.
- May 20/98 Ontario Hydro Nuclear has submitted three separate proposals to the Ministry of the Environment to re-test its treatment equipment allowing them to meet the effluent requirements of the Clean Water Regulation. The company has informed the Ministry that this re-testing is necessary to consistently meet all the effluent limits imposed by the regulation at its: Pickering Generating Station; Bruce Nuclear Generating Stations A & B; and Darlington Generating Station.
- May 98 At the 41st conference of the International Association of Great Lakes Research, delegates were told that more and better early-warning environmental monitoring systems are urgently needed. Issues covered:
- Biological systems respond to the hazards associated with the complex mixtures of toxic pollutants that exist in the environment. These systems need monitoring;
 - How political restructuring and reduced funding could harm the ecological health of the Great Lakes shoreline in Ontario;
 - The devastating impact of lampreys on the lake trout.
- June 16/98 Ministry of the Environment posts proposed revisions to the Model Sewer Use By-Law on the EBR Registry. The new Model By-Law includes new standards for certain persistent toxic pollutants, but removes standards for some metals, and removes prohibitions on the disposal of certain types of hazardous waste in sanitary and storm sewers.
- July 8/98 The reappearance of a deep-water sculpin fish in Lake Ontario, leads scientists to believe that the quality of the lake has been improving. This species of fish has not been seen in the lake in approximately 50 years.

- July 13/98 Great Lakes United commences public hearings on the restructuring of the Great Lakes Water Quality Agreement amidst the contention that government cutbacks and industry pressures have led Canadian and American governments to shift to 'risk management' instead of virtual elimination of persistent toxic substances.
- Jul 13/98 Great Lakes United commences public hearings on the restructuring of the Great Lakes Water Quality Agreement amidst the contention that government cutbacks and industry pressures have led Canadian and American governments to shift to 'risk management' instead of virtual elimination of persistent toxic substances.
- Jul 98 International Joint Commission releases 9th Biennial Report on Great Lakes Water Quality. Report notes that despite significant progress, society has not gone far enough in its efforts to restore the Lakes. The report stresses the need to achieve 'virtual elimination' of persistent toxic substances, along with concerns over land use patterns, shoreline development, habitat modification, biological contamination and nutrient input.
- Sep 1/98 During the upcoming second phase of public information meetings, residents in York and Durham regions will have the opportunity to voice their opinions regarding the long-term water supply project for York Region. In order to meet the region's demand for water, the project would require the pumping of water from Lake Ontario through stations in the Durham region. Key concerns to be addressed during the assessment process include the protection of threatened or endangered wildlife, and the potential displacement of people, businesses or significant historical sites in the areas.
- Sep 8/98 Data obtained by Canadian Institute for Environmental Law and Policy through Freedom of Information request shows that 25% of Ontario metal mines failed (between August and December 1997) requirement of MISA regulations that their discharges not be acutely toxic (i.e. lethal) to fish.
- Sep 30/98 First water AERs (Approval Exemption Regulation) come into effect.
- Dec 2/98 Ministry of the Environment proposes following regulatory exemptions from water Approval requirements:
- the establishment, alteration, extension or replacement of, or a change in a water or sewage works that is used solely to mitigate the effects of an emergency declared to exist under the *Emergency Plans Act*;
 - the taking of more than 50,000 litres a day to mitigate the effects of an emergency under the *Emergency Plans Act*; and
 - the taking of water and establishment, alteration, or replacement of drains, pump devices and appurtenances for the collection and disposal or drainage from building foundations.
- Dec 18/98 Bill 25, *Red Tape Reduction Act, 1998*. Receives Royal Assent. Schedule I of the Bill amends a number of MNR statues including:
- Conservation Authorities Act*
- Removes requirement for Conservation Authority permission for changing, diverting or interfering with watercourses, wetlands, Great-Lakes St. Lawrence shorelines, inland lakes; river and stream valleys, hazardous lands, for activities approved under the *Aggregate Resources Act*; and
 - removal of the requirement for provincial approval of Conservation Authority Regulations
- Lakes and Rivers Improvements Act*
- permit delegation by cabinet and minister of approvals under the Act to conservation authorities, or other agencies or bodies;

- permit the minister to approve plans for a dam, after the dam has been constructed; and
 - weaken the current prohibition in the Act against pollution.
- Dec 18/98 Ministry of the Environment proposes Regulation under *Ontario Water Resources Act* to prohibit transfers of surface water out of defined (Great Lakes St. Lawrence, Nelson River and Hudson Bay/James Bay) Ontario water basins. Exemptions are provided for water which is used to manufacture a product which is then transferred out of the basin, and for potable water contained in consumer sized containers, not more than 20 litres in volume.
- March 1/99 Sierra Legal Defence Fund Reports that only three of 134 companies and sewage treatment plants that had violated water pollution control requirements had been successfully prosecuted by the Ministry.
- Mar 8/99 Canadian Institute for Environmental Law and Policy releases report on progress of Canada and Ontario governments under the July 1994 *Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem*. Report concludes that most of the commitments made in COA will not be met by the time of the Agreement's expiry in March 2000.
- May 1/99 Revealed by the Sierra Legal Defense Fund that water pollution occurrences in Ontario are rising while enforcement remains weak. In 1997, there were 2000 water pollution violations in Ontario, twice as many as the previous year. The number of facilities violating standards increased 17% over 1996 (154 up from 132). Seventy of the facilities that were on the list in 1996 were on again in 1997.
- May 3/99 Great Lakes water levels reach their lowest point in a decade. Record dry and warm temperatures in 1998 are cited as the cause. Concern is expressed for fish habitat and navigability as well as hydro-electricity and some industrial activities.
- May 3/99 Trial of Aquatech Blue delayed. The company was charged, in August 1997, with illegally discharging chemical industrial waste into Lake Ontario. The case had previously been delayed by the departure of the original Ministry of Environment prosecutor.
- May 15/99 Ontario Regulation 285/99, The Water Taking and Transfers Regulation, made under the Ontario Water Resources Act, is gazetted. The regulation was made in response to the proposal for a large scale water taking and export from Lake Superior in May 1998 and severely restricts inter-basin transfers of water.

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ENERGY

CHRONOLOGY

- Jul 26/95 Minister of Environment and Energy opens the hourly electricity market to spot market electricity sales on an experimental basis.
- Oct 3/95 Minister of Environment and Energy announces that a 5-year rate freeze is being instituted at Ontario Hydro.
- Oct 6/95 MoEE energy conservation grants are reduced \$0.7 M as part of government-wide operating budget reductions announced by the Office of the Premier. The Ministry of Environment and Energy will have its operating budget reduced by \$14.9 M in each of the years 1995-96 and 1996-97.
- Oct 24/95 Minister of Environment and Energy endorses national clean air standards proposed by the Task Force on Cleaner Vehicles and Fuels. Proposal includes the promotion of: fuel efficient and alternate fuel vehicles; inspection and maintenance programs; low emission vehicles by 2001; and new fuel standards.
- Nov 2/95 Minister of Environment and Energy announces the establishment of the Advisory Committee on Competition in Ontario's Electricity System.
- Nov 28/95 Advisory Committee on Competition in Ontario's Electricity System appointed.
- Dec 1/95 The Ministry of Environment and Energy announces some projected operating budget cutbacks for the 1996/97 fiscal year:
- o Green Communities (\$1.7 M);
 - o home green-ups (\$8.4 M);
 - o energy education, training, standards development & conservation (\$1.2 M);
 - o Ontario Energy Board (\$0.5 M).
- Dec 22/95 Minister of Environment and Energy requests Ontario Energy Board to seek stakeholder input on exempting utilities from their prior OEB approval requirements.
- Jan 10/96 Positions of five board members of Ontario Hydro revoked by the Minister of Environment and Energy. The members were considered to be the strongest advocates of environmental protection on the board.
- Jan 19/96 Ontario Divisional Court Judge overturns the Environment Minister's decision of Jan 10, 1996 to relieve five Ontario Hydro Board members of their positions.
- Jan 26/96 Ministry of Housing releases a consultation paper entitled "Back to Basics" which focuses on streamlining and simplifying the Building Code and removing energy efficiency provisions.
- May 96 The Advisory Committee on Competition in Ontario's Electrical System submits report to the Ontario Government.
- May 96 The Ontario Energy Board issues a response to the Minister of Environment and Energy's request regarding its views and the views of stakeholders on exemptions for certain OEB approvals.

- Jun 5/96 Minister of Environment and Energy introduces Bill 66, *Government Process Simplification Act* which proposes to amend the *Consolidated Hearings Act* and *Environmental Protection Act*. This could:
- permit Ontario Energy Boards to sit in panels of one member;
 - amend the *Ontario Energy Board Act* to allow the Minister (rather than the Lieutenant Governor) to refer a request for inquiry to the board and to require a hearing into the reasonableness of gas rates under section 13. (A more complete description of Bill 66 is listed in the section *Environmental Bill of Rights and Public Participation in Decision-Making*).
- Jun 7/96 Advisory Committee on Competition in Ontario's Electricity System advises that more competition in the electricity system will end Ontario Hydro's monopoly and increase competition among power generators. The Ministry of Environment and Energy promises consumers and industry representatives a chance to review and comment on the report, *A Framework for Competition*, before deciding whether to adopt its recommendations. The Committee's report proposes:
- the privatization of most of Ontario Hydro's thermal and hydro-electric generating stations; and
 - the consolidation of municipal electric utilities.
- Jul 31/96 Ontario government releases a discussion paper entitled *Responsive Environmental Protection* which makes over 80 recommended changes to environmental regulation. The recommendations include revising the Environmental Bill of Rights Classification of Proposals for Instruments Regulation to eliminate notice requirements for proposals with minimal environmental impact. Recommendations that would affect regulations governing energy in the province include:
- removing all exemptions under the Ontario Energy Board (OEB) General Regulation relating to transactions that have been completed;
 - revocation of the now obsolete Ontario Hydro Exemption Regulation;
 - amendments to the Efficiency Standards Regulation for various new products.
- Sep 20/96 Ministry of Municipal Affairs and Housing releases nearly 650 amendments to the Ontario Building Code for public consultation. The amendments, intended to cut 'red tape', include:
- the option for home builders to greatly reduce or eliminate insulation coverage in new homes; and
 - replacing various energy conservation provisions in the Code since 1985 with mandatory labelling systems (similar to EnerGuide labels on appliances) despite advice that the labelling systems would be largely ineffective in the home market.
- May 17/97 Revelation that Ontario Hydro's Pickering Nuclear Generating Station has released more than 1,000 tonnes of copper and zinc into Lake Ontario over the past 25 years.
- May 22/97 Ministry of Municipal Affairs and Housing Building Code Committees report back on changes proposed to the Ontario Building Code. The Committees recommend:
- maintaining the requirement to design buildings to incorporate energy efficiency;
 - withdrawing the proposal to use labels to indicate a home or building's energy efficiency level;
 - maintaining energy efficiency as one of the major objectives of the code;
 - including minimum standards for energy efficiency on the code;
 - maintaining insulation levels at current levels;
- The recommendations were filed with the Director of the Housing Development and Buildings Branch, however the final decisions on the proposed changes are expected

to be made by the Minister's Office.

- Jun 11/97 Filing of an EBR Request for Investigation regarding Ontario Hydro's discharge of more than 1800 tonnes of copper and zinc into Lake Ontario from Pickering Nuclear Generating Station.
- Jun 21/97 It is reported that levels of radioactivity in fish near Ontario Hydro's Bruce Nuclear Generating Station on Lake Huron are significantly higher than levels in fish in Lake Ontario. The difference is approximately 9 times and rising. The findings have implications for Ontario Hydro's plan to store more used radioactive fuel on site and for Ontario's electricity supply as the Bruce Station has provided, in past, almost one quarter of Ontario's electricity.
- Jul 8/97 Release of the "Report on the Evaluation of Emissions from Ontario Hydro's Admiralty Brass Condensers to the Great Lakes." The report indicates that over the past 25 years, 1,813 tonnes of metals predominately copper and zinc, have been discharged to the Great Lakes by Ontario Hydro electricity generating stations. The releases exceed the Provincial Water Quality Objective for copper and would likely have a toxic impact on aquatic life.
- Aug 1/97 It is revealed that a spill of radioactive tritium from Ontario Hydro's Pickering Nuclear Generating Station contaminated ground water in the vicinity 18 years ago (1979) and that the spill was never reported.
- Aug 2/97 Ministry of Environment and Energy presents Ontario Hydro with a draft order that would require it to eliminate the cause of increased tritium levels at its Pickering Nuclear Generating Station, clean up or contain previous tritium leaks and disclose any other potential contamination at this or any of its other facilities.
- Aug 13/97 Release of "Report to Management IIPA/SSFI Evaluation Findings and Recommendations." This report finds Ontario Hydro's nuclear operations at three plants (Pickering A&B, Bruce A&B and Darlington) to be operating at a "minimally acceptable level." Ontario Hydro announces that it is preparing to undertake a massive overhaul of its nuclear generating capacity in the province (the Nuclear Asset Optimization Plan). The plan will cost \$5 to \$8 billion over four years and temporarily shutdown 7 of 20 reactors.
- Aug 14/97 Ontario Hydro reveals that the coming increase in fossil fuel use (because of nuclear shut-down) will greatly increase emissions of carbon dioxide and acid gas emissions (nitrogen oxides and sulphur dioxide).
- Sep 15/97 The Ontario legislature forms the Select Committee on Ontario Hydro Nuclear Affairs to scrutinize Ontario Hydro's nuclear recovery plan and the serious assertions made about Hydro in the recent Independent Integrated Performance Assessment (IIPA) report on nuclear safety at the utility.
- Oct 10/97 The Provincial Cabinet is reorganized. The Ministry of Environment and Energy separates into two different entities. Norm Sterling remains the Minister of the Environment while Jim Wilson becomes the Minister of Energy, Science and Technology.
- Nov 6/97 Ministry releases White Paper on restructuring Ontario Hydro. The paper proposes to create a competitive market in the year 2000 for wholesale and retail customers.
- Nov 27/97 Ministry releases document "Better, Stronger, Clearer: Environmental Regulations for Ontario." Proposed changes related to energy include:

- repeal of regulations related to electric stationary water heaters under the *Energy Efficiency Act*, as this type of heater is no longer permitted for sale or lease in Ontario;
- establish energy efficiency standards for gas-fired room heaters; wall furnaces; and fluorescent lamps;
- establish uniform systems of accounting for utilities regulated by the Ontario Energy Board;
- Remove obsolete exemptions related to completed transactions regulated by the Ontario Energy Board; and
- permit the Ontario Energy Board to set its own rules of procedure.

- Nov 97 Environment Canada produced an executive summary for "The Canada Study: Climate Impacts and Adaptation." Global Circulation Models simulations predict an average annual warming of 2-5°C by the end of the 21st century. Increased air pollution will negatively affect human health and concurrent climate change will lead to an increase in the frequency of extreme weather events and high pollution episodes.
- Dec 1/97 Richard Dicerni, a former Deputy Minister of Environment and Energy, is appointed Vice-President, Corporate and Environmental Affairs, for Ontario Hydro.
- Dec 10/97 Ontario Hydro becomes the first company in Canada to purchase credits for carbon dioxide emission reductions made outside of the country. The utility purchased 10,000 tons of carbon dioxide reduction credits from the Southern California Edison electric utility. The purchase was viewed as lending support to the concept of an international emissions trading program, one of the options under discussion at the Kyoto Conference on Climate Change.
- Dec 31/97 Ontario Hydro fails to meet a deadline for filing information with the Atomic Energy Control Board on its plan to improve nuclear plant operating performance at its Bruce B nuclear facility.
- Dec 97 In the "Report of the Select Committee on Ontario Hydro Nuclear Affairs" it was concluded that the failure to properly manage the nuclear assets, through prudent preventative maintenance or other methods, is unacceptable, regardless of rationale. A more formal approach is necessary to ensure that safety standards are maintained at a high level. Any replacement power obtained from the Ohio Valley, while making repairs, would result in increased emissions of greenhouse gases and transport of other pollutants in Ontario.
- Jan 1/98 Ontario Hydro begins shutdown of three reactors at its Pickering A facility. Each reactor can produce 540 megawatts of power and will be laid up until at least the year 2000.
- Jan 16/98 The province and Ontario Hydro announce the establishment of an interim market for replacement electricity. The interim market will open up the supply side of Ontario Hydro to other generators. "Energy from competitively-priced renewable sources such as small hydroelectric, solar and wind power will be selected over non-renewable sources." Given the large economies of scale and purchasing power of coal fired facilities, this type of power is likely to be more "competitively-priced." Also to be factored into decisions would be transmission and operational factors. These factors would tend to favour large established producers including Ontario Hydro. As well, purchase contracts are short (2-4 years) which limits the ability to invest in renewable infrastructure.
- Jan 20/98 Minister of Energy, Science and Technology Jim Wilson establishes the Market Design Committee to restructure Ontario's electricity industry. The committee will advise the

government on market rules, powers and responsibilities of the regulatory agency. The committee will be guided by the Government's White Paper *Direction for Change: Charting a Course for Competitive Electricity in Ontario* which sets out principles to ensure that the market is fair and equitable to all operators and includes the consideration that environmental protection measures be incorporated into the market design.

- Jan 28/98 Floyd Laughren is appointed to the Chair of the Ontario Energy Board.
- Jan 98 The Institute for Environmental Studies (University of Toronto) and Pollution Probe release "Emissions for Coal-Fired Electric Stations: Environmental Health Effects and Reduction Options." The report concludes:
- emissions of several key pollutants from coal-fired electric stations are at levels which represent a threat to human health and the environment. This threat remains despite emission reductions which have already been achieved.
 - over 90% of each of the five pollutants investigated are generated in the region defined as the Ohio Valley/Great Lakes States. Emissions from this region have a direct impact on air and water quality in Ontario. Government action in Canada and the U.S. is required to achieve the coal station emission reductions necessary to obtain acceptable air quality standards to protect human and ecosystem health.
- Jan 98 The Northeast States for Coordinated Air Use Management (NESCAUM) prepared "Air Pollution Impacts of Increased Deregulation in the Electric Power Industry: An Initial Analysis." NESCAUM is concerned that deregulation will result in "significantly increased power production at low-cost, highly polluting coal-fired plants." Deregulation will also cause a boost in smog levels unless NO_x and CO₂ emission caps are established.
- Feb 3/98 Minister of Energy Science and Technology establishes Electricity Transition Committee to advise minister on proposed changes to Ontario's electricity system. Specifically, the Committee will solicit input from affected stakeholders. The Committee is chaired by David McFadden, a partner in the Toronto law firm Smith Lyons and Arthur Kroeger, Chancellor of Carleton University.
- Feb 19/98 The President of Ontario Hydro makes an unprecedented appearance before hearings of the Atomic Energy Control Board to offer reassurances that it will not again miss a deadline for filing information on its nuclear plant operating performance improvement commitments. The utility missed a filing deadline on December 31, 1997.
- Feb 98 The Ontario Ministry of Housing moves away from its original proposal to dramatically reduce the insulation requirements for new homes contained in the Ontario Building Code. The standard for new homes will be set at R17 above grade and R8 below grade.
- Feb 27/98 Ontario Hydro decides against installing the modern air pollution control equipment at its Lennox Power Generating Station near Kingston. The equipment would reduce levels of nitrous oxides. Recently, Ontario Hydro has elected to install emission control devices at its Lambton and Nanticoke stations.
- Mar 6/98 Ontario Hydro receives its second progress report of its program to repair its brass condenser cooling equipment. The program flows from a recommendation from the report "Evaluation of Emissions form Ontario Hydro Admiralty Brass Condensers to the Great Lakes" (see Jul 8/97) The progress report indicates that some dates have slipped but overall the program is on track.

- Mar 18/98 Ontario Hydro affirms its earlier decision to mothball the final two nuclear reactors at its Bruce A Nuclear Generating Station. Bruce A reactors may restart in 2003. The Bruce B plant is attempting to improve its performance.
- Mar 22/98 Minister of the Environment rejects a request by the Town of Pickering, Ajax, Whitby, Uxbridge, Durham Region, Durham Nuclear Awareness and concerned residents for an environmental assessment on the future of the Pickering nuclear power station. 18,000 Pickering residents had voted for an assessment in the November 1997 municipal election.
- Mar 27/98 Ontario Hydro's Pickering Nuclear Generating Station is granted a one year operating licence (a five year licence was requested). Many local interests requested a maximum 9 month licence given Ontario Hydro's nuclear operating performance. Ontario Hydro and is required to report back in six months.
- Mar 31/98 Union Gas Ltd. asks the Ontario Energy Board to financially penalize Pollution Probe for generating negative media reports about its water heater deregulation proposal. Union Gas is seeking permission from the board to shift its water-heater rental business to an unregulated affiliate. Pollution Probe estimates that reorganization could cost ratepayers \$27.1 million in additional charges each year and is worried that higher rates will encourage the use of electric water heaters, leading to higher emissions of pollutants from coal-fired electric power plants.
- Apr 3/98 A Ministry of Environment investigation concludes that the release of 1800 tonnes of copper and zinc from Ontario Hydro's Pickering Nuclear Generating Stations has had no measurable effect on drinking water quality or fish life near the plant. The investigation was carried out in response to an EBR request.
- Apr 22/98 The Ontario government receives a proposal for industry self-regulation from the Ontario Energy Marketers Association (the province's natural gas brokers). While the plan applies primarily to consumer relations, the concept is consistent with many other schemes in which governments turn over the management of concerns about environment, health, safety and the public interest to private sector bodies (usually the same bodies that caused the concern for environment, health, safety and the public interest in the first place).
- Apr 25/98 A 100 litre spill of radioactive heavy water causes a station emergency declared at Ontario Hydro' Darlington Nuclear Generating Station triggering standby of provincial nuclear emergency response. Concern is expressed for workers who may have been exposed to high levels of radiation.
- May 8/98 Ontario Hydro announces that it has sold emission credits worth \$500,000 to a Connecticut company (Hartford Co-generation Ltd) in order for that company to achieve its state-directed emission targets. 500 tonnes of nitrogen oxides were sold under the Pilot Emission Reduction Trading Project. The credits were reviewed in Canada by the PERT Project. and approved in the US by the Connecticut Department of Environmental Protection. Ontario Hydro created the credits by reducing nitrogen oxide emissions through the use of new burners and other modification to its Nanticoke and Lambton generating stations in 1995 and 1996.
- May 20/98 Ontario Hydro Nuclear has submitted three separate proposals to the Ministry of the Environment to re-test its treatment equipment allowing them to meet the effluent requirements of the Clean Water Regulation. The company has informed the Ministry that this re-testing is necessary to consistently meet all the effluent limits imposed by the regulation at its: Pickering Generating Station; Bruce Nuclear Generating Stations

A & B; and Darlington Generating Station.

- May 21/98 The Atomic Energy Control Board criticizes Ontario Hydro for a spill of 400 kilograms of radioactive heavy water in April 1998 (see above). The Board concluded that the spill could have been avoided had the utility expedited its nuclear operations improvement plan.
- May 29/97 Ontario Energy Board issues decision approving Union Gas Ltd.'s proposal to deregulate the water-heating rental activity. This could lead to shift to electric water heaters whose energy source (coal-fired electricity) is more emission intensive. The OEB declined to penalize Pollution Probe for releasing to the media Union Gas Ltd.'s proposal.
- June 6/98 Bill 35 *The Energy Competition Act* that would split Ontario Hydro into two companies, thereby creating a competitive provincial electricity market, is to be introduced into legislature. The bill is expected to rewrite the *Power Corporation Act* and the *Ontario Energy Board Act*. The proposed law will also give government regulatory power to direct the restructuring of Ontario Hydro and the creation of a competitive market.
- June 6/98 Calgary's TransAlta Corp. wins a contract to build a \$400-million co-generation power plant in Sarnia Ontario. Co-generation involves the production of electricity and steam, resulting in a process that has been described as energy efficient and cost effective. The project is scheduled to be completed by 2001.
- June 16/98 Pollution Probe states that the Ontario Energy Board's decision to allow Union Gas to increase water heater rental prices will have negative ramifications on energy conservation.
- July 9/98 A report produced by the provincial government indicates that electricity prices will not rise as a result of Ontario Hydro's restructuring. The report indicates that Hydro's current debt will be covered in two ways. First, money will be generated from a series of charges instead of municipal taxes to be imposed on Genco and Servco. If this does not fully cover the debt, then a special fee--Competition Transition Change fee, will be imposed on consumers and electricity producers.
- July 10/98 Ontario's Environment Minister, indicates that Ontario's Smog Plan, which will apply to Ontario vehicles as well as visiting U.S. vehicles, and that Ontario will refuse to import electricity from companies that do not meet the province's air quality standards.
- July 16/98 Major increases in emissions of sulphur dioxide reported from the U.S. electric utility sector for 1996.
- July 17/98 Efficiency Standards for fluorescent lamps, gas-fired wall furnaces and gas-fired room heaters adopted under the *Energy Efficiency Act*, and standards references for electric water heaters, dusk to dawn luminaires, and cobra-head type luminaires.
- July 17/98 Regulation 933 (water heaters) revoked under the *Power Corporation Act*. Water heaters now regulated under the *Energy Efficiency Act*.
- July 17/98 A working group made up of citizens, government representatives and special interest groups, is formed and asked to advise Ontario Hydro during an environmental review process of the Pickering nuclear power plant. The Atomic Energy Control Board ordered the review process.
- Aug 21/98 The Atomic Energy Control Board (AECB) finds that Ontario Hydro failed to follow

regulations regarding the operations of four nuclear power stations. AECB suggests that some of the problems are related to lack of employee compliance with procedures as well as outdated training manuals. Despite lax operating and maintenance practices, both the AECB and Ontario Hydro say that risk to the public is low.

Aug 29/98 Ontario's new Nuclear Emergency Plan, adopted on April 15 1998 as a working guide for responses during a nuclear emergency, makes headlines. The plan has two key features that set it apart from its 1986 predecessor. First, to the satisfaction of anti-nuclear energy groups, this document explicitly addresses the possibility of a severe nuclear accident. A second and more controversial feature, is the inclusion of a policy that would encourage the venting of radioactive materials gathered at a reactor, when meteorological conditions would likely carry the pollutants over the Great Lakes and into regions of the United states.

Date N/A A report by the Market Design Committee, an advisory group to the government on the issue of creating a competitive energy market, finds that in order to create such a market, Ontario Hydro must be broken into more pieces than currently planned. The report determined that the current plan still allows Ontario Hydro to exercise too much power over the market and limits government involvement. Consequently, the report concludes that under this plan, Ontario consumers would not receive the benefits of a truly efficient and competitive market.

Sep 9/98 The MoE announces that Ontario Hydro has been continuing to meet its emission caps for acid gases (215 kilotonnes) under Regulation 355/90. However, emissions of SO_x and NO_x have risen dramatically as a result of the implementation of the August 1997 Nuclear Asset Optimization Plan. Hydro's emissions were well below the cap prior the NAOP implementation.

Oct 18/98 Bill 35, *The Energy Competition Act, 1998*, receives Royal Assent. Bill is intended to introduce competition into the electricity market in Ontario. The Bill divides Ontario Hydro into three entities:

- o Ontario Electricity Generation Corporation with generating assets;
- o Ontario Services Corporation to operate transmission and distribution infrastructure; and
- o Ontario Hydro Financial Corporation to hold Ontario Hydro's debt.

Service Corporation and Generation Corporation are to be incorporated under the *Business Corporations Act* held in right of her majesty in Right of Ontario. Among other things, they will escape application of *Freedom of Information and Protection of Privacy Act* and other accountability mechanisms that apply to public entities.

Financial corporation continued as corporation without share capital made up of its board of directors.

Bill also creates an Independent Market Operator (IMO) another corporation without share capital made up of its board of directors, to operate the market.

The Bill creates an Electrical Safety Authority, to assume electrical safety regulation functions of Ontario Hydro. It is a delegated regulatory organization similar to the Technical Standards and Safety Authority.

The Ontario Energy Board is provided with a regulatory function through requirements for licensing as a condition of market access.

The Act makes provision for the requirement of electricity suppliers to be in compliance

with environmental performance standards as a condition of market access, but makes no provision regarding the nature of those standards.

- Feb 17/99 Reported Ontario Hydro approaching Countdown Acid Rain program regulatory caps for emissions of SOx and NOx as a result of implementation of August 1997 Nuclear Asset Optimization Plan. SOx emissions have risen 15% and NOx emissions by 30% between 1997 and 1998.
- Mar 22/99 Former Attorney General Ian Scott criticizes the Ontario government for allowing the successor corporations to Ontario Hydro to escape the requirements of the *Freedom of Information and Protection of Privacy Act* through provisions of Bill 35, *The Energy Competition Act*.
- April 1/99 Successor corporations to Ontario Hydro under Bill 35 come into being.

PESTICIDES & AGRICULTURE

CHRONOLOGY

- Feb 96 Consultation paper on *Farm Practices Protection Act* released by the Ministry of Agriculture, Food and Rural Affairs.
- Jun 5/96 Minister of Environment and Energy introduces Bill 66, *Government Process Simplification Act* which proposes to amend the *Consolidated Hearings Act* and *Environmental Protection Act*. This could:
- allow the Minister of Environment and Energy to amend the *Pesticides Act* to allow classification of pesticides by the Minister or a delegate.
- Jul 31/96 Ontario government releases a discussion paper entitled *Responsive Environmental Protection* which makes over 80 recommended changes to environmental regulation. The recommendations include revising the Environmental Bill of Rights Classification of Proposals for Instruments Regulation to eliminate notice requirements for proposals with minimal environmental impact. Recommendations impacting pesticide regulation include:
- replacing the provincial pesticides classification system with a national system;
 - decreasing the number of different pesticide licenses from 53 to 15;
 - requiring licensed exterminators to become recertified every five years;
 - requiring at least \$1 million in third party liability for pest control businesses; and
 - replacing underground disposal of pesticide containers with new recycling requirements.
- Aug 13/96 Amendments to Regulation 914 placed on the EBR Registry dealing with a host of pesticides, their use, containers and licensing.
- Jan 28/97 Ontario Ministry of Agriculture, Food and Rural Affairs Posting on *Farm Practices Protection Act*. Ministry proposes to expand exemption for agricultural activities from environmental laws.
- Jan 30/97 Ministry of Environment and Energy reveals that it does not have the financial resources to undertake the testing of pesticide samples due to budgetary reductions.
- Jun 26/97 Bill 146, the *Farming and Food Production Protection Act* receives first reading. The Bill, if enacted, would maintain current prohibition in the *Farm Practices Protection Act* barring neighbours of farms from undertaking actions in relation to nuisances which arise as a result of 'normal' farm practices, and adds a mechanism through which the Farm Practices Protection Board can overturn municipal by-laws that attempt to control such nuisances.
- Sept 19/97 Premier attends unveiling of one of 75 Ontario developed transgenic grape vines at Chateau des Charmes vineyard in Niagara. The grape has been given genes from arabidopsis, a Canadian wild plant related to broccoli and cauliflower.
- Sept 24/97 Bill 146, the *Farming and Food Production Protection Act* passes Second Reading.

- Nov 13/97 Ministry of Agriculture, Food and Rural Affairs (OMAFRA) posts a proposal on the EBR Registry to alter its Statement of Environmental Values (SEV). OMAFRA proposes to alter its SEV to reflect the priorities in its business plan which are: to foster competition, increase exports and encourage investment.
- Nov 27/97 Ministry releases document "Better, Stronger, Clearer: Environmental Regulations for Ontario." Proposed changes related to pesticides include:
- prohibition of the burial of empty pesticide containers and the required recycling of agricultural and commercial containers made of plastic or metal;
 - elimination of the sections of Regulation 914 dealing with obsolete pesticides that are no longer available; and
 - consolidation and clarification of the sections of Regulation 914 on fumigants.
 - simplify the licensing system and reduce the number of types of licences;
 - upgrade training requirements for exterminators; and
 - eliminate exterminator licences requirement for the use of some "low risk" pesticides.
 - introduce Standardized Approvals for applications of "low risk" pesticides.
- Dec 17/97 Bill 146, the *Farming and Food Production Protection Act* is referred to the Standing Committee on Resources Development.
- Dec 24/97 The Ministry of Environment proposes changes to grower certification requirements under regulation 914 of the Pesticides Act. If the proposals are accepted, all growers, including assistants, using Schedule 2 and 5 (commercial) pesticides would require certification. In addition, agriculturalists using Schedule 3 (low toxicity) pesticides would require certification beginning in April 1, 1998.
- May 11/98 Bill 146, *The Farming and Food Production Protection Act*, receives Royal Assent.
- Aug 1/98 Amendments to Regulation 914 under the *Pesticides Act* to:
- clarify requirements re: fumigants;
 - limit ability to bury empty pesticide containers; require, where appropriate and dependent on type of pesticide, containers be rinsed and recycled and reused; all pesticide wastes to be disposed of in compliance with Part V of the *Environmental Protection Act*.
 - clarifications on restrictions on use of structural pesticides;
 - limit applications by certified agriculturalists to lands other than their own;
 - permit granting of applicator's licenses on the basis of equivalent out-of-province training and certification;
 - remove licence requirements for specific low toxic, innocuous products including:
 - tree wound dressings;
 - pesticides to be injected into trees;
 - pole and stump wood preservatives;
 - dog and bear personal repellants;
 - sealed bait stations; and
 - products containing a single active ingredient soap, mineral oil or silicon dioxide.
- Sep 16/98 Amendments to Ontario Pesticide Licensing System adopted:
- number of licences reduced from 53 to 18;
 - exterminator's licenses required for pesticide extermination businesses;
 - proposal for exterminator re-certification every 5 years dropped;
 - proposal for licensing of assistants to exterminators dropped, except where not

- supervised by a licenced exterminator;
- no requirements for renewal of technician status; and
- requirement for comprehensive insurance set at \$1 million.



FORESTRY

CHRONOLOGY

- Oct 6/95 Government-wide operating budget reductions released by the Office of the Premier. Reductions to Ministry of Natural Resources:
- fire management \$0.5 M;
 - sustainable forestry/environmental assessment implementation program \$19.1 M;
 - nursery closures \$0.4 M.
- Jan 29/96 Bill 26, the *Government Savings and Restructuring Act* enacted by the Ontario legislature. The Bill contained amendments to the *Forest Fire Prevention Act* as summarized below:
- repeal fire, travel and work permit provisions which will allow people into and activities to take place in forest fire prevention zones in an unregulated manner.
- Feb 9/96 Managed Forest Tax Rebate Re-Instatement announced.
- April 3/96 Introduction of Bill 36, the *Ministry of Natural Resources Statute Law Amendment Act*.
- Apr 11/96 Ontario government releases "Interim Report on Business Planning and Cost Savings Measures" which outlines the re-shaping of government through "new business directions" for ministries and "cost-savings measures" that the province is implementing. Each ministry is responsible for carrying out its own business plan within the financial constraints that it is assigned. Effects of this initiative on forestry policy and practices:
- streamline forest management to reduce budget by \$34.6 M in 1996-97 and \$45.9 M in 1997-98;
 - wind down the Temagami Comprehensive Planning Council to save \$0.3 M in 1996-97 and again in 1997-98;
 - reduce fire fighting operations by \$4.0 M in 1996-97 and again in 1997-98;
- May 17/96 New Burning Guidelines announced under the *Forest Fires Prevention Act*. The new standards eliminate the requirement to obtain a fire permit for "small fires." This includes:
- burning piles of wood brush, or wood by-products, so long as the pile is less than two metres in height and the fire is two metres away from any flammable material;
 - burning grass or leaves if the total area to be burned is less than 1 hectare;
 - burning in incinerators so long as they are closed devices and at least five metres from any forest and two metres from any flammable material; and cooking fires.
- May 28/96 The Ministry for Natural Resources announces that it will restructure forest management in the province. Implementing the Forest Management Business Plan means that the MNR will:
- reduce its direct involvement in forest management operations;
 - shift new and/or additional responsibilities to forest industries along with the costs of meeting those responsibilities;
 - concentrate on managing information required for forest management;
 - no longer consider forest management a core ministry business;
 - rely on forest company reports as its primary source of information when verifying compliance;

Details include:

- all current management units to be covered by a Sustainable Forest Licence (or equivalent);
- SFLs will be longterm licensing arrangements (greater than 5 years) that will afford the licensee more direct control over a forest as well as greater responsibilities;
- forest companies with the existing Forest Resource Licence (short term, limited responsibility) will be bumped up to an SFL;
- independent audits will be used to determine sustainable practices if ever deemed required;

Forest industries will be involved :

- in the development of policies, standards and guidelines for forest management;
- in the development and implementation of ecological land use plans;

Forest industries will be responsible for:

- silviculture, pre and post harvest activities;
- surveys and assessments, road and bridge construction;
- monitoring, inventory and data collection;
- wood measurement, seed and seedling production;
- preparing forest compliance plans;
- conducting inspections of their operations;
- identifying areas where standards and guidelines have not been followed;
- undertaking and paying for remedial work;
- ensuring that staff are properly certified and re-certified.

- Jun 28/96 Ontario government releases its land-use strategy for Temagami. The strategy permits logging of 35 per cent of the old-growth forests in Temagami. The government contends the strategy will protect old growth sites and resolve land-use issues in Temagami. Highlights of the strategy include:
- a limited prohibition on clearcutting of some of Temagami's old growth red and white pine;
 - mineral exploration activity in the Temagami area with some limited prohibitions; and
 - the creation of Protected and Special Management Areas where resource extraction will be prohibited or carefully managed.
- Sept 11/96 Two organizations, the Sierra Legal Defense Fund and Algonquin Wildlands League file a suit against the MNR alleging non-compliance with the requirements of a Class Environmental Assessment of Timber Management on Crown Land and the *Crown Forest Sustainability Act*.
- Sep 25/96 Two environmental organizations (Algonquin Wildlands League and Friends of Temagami) seek a court order which would prevent further logging of old growth red and white pine in Temagami's Owain Lake Forest.
- Oct 2/96 Ontario Court General Division refused to grant a court order sought by two environmental organizations that would have temporarily stopped logging in Temagami's Owain Lake Forest.
- Nov 4/96 Forest Planning Manual published by the Ministry of Natural Resources.
- Nov 5/96 Ministry of Natural Resources adopts regulations to implement Bill 26 amendments to the *Forest Fires Prevention Act*, *Public Lands Act*, and *Lakes and Rivers Improvements Act*. The regulations

- the repeal of most fire, travel and work permit provisions.
 - the elimination of many permitting requirements when constructing, altering or using a dam, dock or other water works; some larger buildings still require a permit;
 - most bridges, culverts agricultural drains, trenching and dams do not require work permits on private or municipal lands; on Crown lands, bridges, culverts and dams do require a permit but agricultural drains and trenching for private residences are exempt;
 - using regulations in place of statutory obligations severely reduces the capacity of courts to order restoration in the case of damage to the natural environment;
 - the majority of activities on public lands and waters are permissible; fewer activities remain captured;
 - new trails through Crown land will mostly not require a permit; permit exemptions are clearly granted for trails for mineral exploration, timber or other resource extraction;
 - dredging, controlling aquatic plants, building docks and boathouses and laying submarine cable are free from permitting requirements if they are private (as opposed to commercial) and if they are intended for a log salvage operation;
 - 100 square metres of vegetation annually can be removed in waters in southern Ontario without a permit;
 - only exceptional burning will be captured by permit requirements (industrial slash pile burning and ecologically prescribed burns). All other small-scale incinerations are automatically permitted.
- Nov 19/96 Royal assent given to Bill 76, amending the *Environmental Assessment Act*. Bill includes provisions which may provide mechanism for cabinet to modify Terms and Conditions of the Class Environmental Assessment of Timber Management on Crown Lands.
- Dec 11/96 A Request for Investigation is filed under the Environmental Bill of Rights concerning the construction of a logging road near Cross Lake.
- Jan 97 Ministry of Natural Resources announces the elimination of the Managed Forest Tax Rebate Program. The Ministry states that in light of current tax reform proposals, this program is no longer necessary for environmental protection. The program will be replaced by a system which reduces the tax rate on eligible lands through the regular property tax process. The tax rate for eligible forests lands will be set at 25 per cent of local residential tax rates.
- Feb 3/97 Bill 199, the *Red Tape Reduction Act (Ministry of Natural Resources), 1997* goes to 1st Reading. If passed, *The Crown Forest Sustainability Act, 1994* will be amended to:
- clarify that assets of the Forest Renewal Trust Fund are Crown assets;
 - remove the requirement that Area Charges be determined by regulation and make Minister responsible for setting them;
 - allow the Minister to declare Restricted Fire Zones by amending the *Forest Fires Prevention Act*;
 - consolidate the *Forestry Act*, the *Forest Tree Pest Control Act*, and the *Woodlands Improvement Act* (all of which deal with forestry on private land) into one act (the *Forestry Act*). Under the new act, maximum fines for violation of county and regional municipality tree-cutting by-laws will be increased to \$20,000;
 - amend the *Public Lands Act* and *Lakes and Rivers Improvements Act* to permit delegation of decision-making to third parties.
- Apr 16/97 Draft MNR Policy on Wilderness released.

- Apr 17/97 The Ministry of Natural Resources is charged with contravening the Comprehensive Land Use Plan for the Temagami Region by allowing the construction of a road to Cross Lake. The Ministry of Environment and Energy which formally laid the charges, found the MNR had contravened the *Environmental Assessment Act*.
- Apr 97 The Ministry of Natural Resources prepares for a year-long consultation and planning process for Crown lands called *Lands for Life* (launch of process and committees on June 17, 1997). The program has three elements:
- *Nature's Best* - a plan to create a network of protected wilderness areas in Ontario;
 - Resource-Based Tourism Policy - a plan to identify resources for use by the tourism industry;
 - Forest Management - a plan to attempt to ensure that forest's are managed sustainably.
- Three roundtables have been proposed to undertake the consultation:
- Great Lakes - St Lawrence;
 - Boreal East; and
 - Boreal West.
- Their composition will be determined and appointed by the Minister and are expected to include 8-12 people. The consultation is scheduled to complete by the spring of 1998. The critical issue of forest industry tenure on Crown lands is being held outside of this process and is subject to discussions between the province and the industry only. It is expected to be determined after, not before this planning process.
- May 14/97 A hearing is held in Ontario Divisional Court to determine whether the Minister of Natural Resources, Chris Hodgson, violated the *Crown Forest Sustainability Act* and the *Environmental Assessment Act*. The dispute arises from the allegations made by two organizations, Algonquin Wildlands League and Friends of Temagami, that the Minister exceeded his jurisdiction by approving plans and work schedules without providing for the sustainability of Crown forests.
- May 27/97 The Ministry of Natural Resources proposes and adopts a Wilderness Area Policy. The policy fails to satisfy a longstanding obligation of the MNR to establish a policy for roadless wilderness areas under the Class Environmental Assessment on Timber Management. The implementation of a roadless area policy is very likely to conflict with the Lands for Life land tenure process.
- Jun 17/97 The minister announces nomination of 40 persons as members of the three regional round tables as part of the Lands for Life process devised for the management of Crown lands in Ontario. These committees are to make recommendations on the use of Crown lands in their respective areas. Concerns over the process include:
- land uses may be designated for large portions of Ontario on a perpetual basis (between 37 and 46 million hectares or about 47% of Crown lands in Ontario);
 - that the process includes no objectives for protected areas;
- As this process is continuing, the MNR is also in discussions to allocate up to 60% of non-protected public lands to "intensive forestry" and to strengthen the tenure of forest companies on public lands.
- Sep 13/97 The Ministry of Natural Resources submits a plea of guilty with respect to the charges laid against it, under the *Environmental Assessment Act*, for the construction of an access road to Cross Lake. Specifically, the MNR contravened the Comprehensive Land Use Plan for the Temagami Region by allowing the construction of an access road to Cross Lake (the lake was designated to be motor vehicle free).

- Oct 10/97 The Provincial Cabinet is reorganized. John Snobelen becomes the Minister of Natural Resources. Chris Hodgson vacates Natural Resources but retains Mines and Northern Development.
- Dec 15/97 The Ministry of Natural Resources accepts the Prescribed Burn Planning Manual as containing the guidelines for planning and conducting prescribed burns in Ontario. Each plan will include:
- a statement of objectives to be achieved;
 - a burn prescription that will meet the objectives;
 - a list of all areas of concern;
 - a description of the methods used to notify the public;
 - a description of ignition, suppression, safety and support measures;
 - an outline of the requirements for a post-burn analysis.
- Dec 19/97 The Ministry of Natural Resources approves the inception of the Forest Resource Assessment Policy as the successor to the Forest Production Policy (1972). The new policy provides an analytical framework within which forest resource use decisions are to be made and ensures that assessments of Ontario's Crown forest resources will be updated every five years.
- Dec 19/97 The Ministry of Natural Resources approves a policy directed towards classifying the Seed Zones of Ontario more accurately by using information from the Ontario Climate Model. The control of tree seed and stock transfer helps to maintain genetic diversity and the high effectiveness of artificial regeneration programs by ensuring the use of well adapted plant material.
- Jan 30/98 Minister of Natural Resources extends deadline for Lands for Life roundtable reports. Originally the recommendations were to be submitted to the minister by March 1998 but now are requested by June 30, 1998. The recommendations from these consultations could determine the fate of between 37 and 46 million hectares or about 47% of Crown lands in Ontario. Timber, tourism or parks are the three designated land use options.
- Feb 7/98 An Ontario Divisional Court declares three Northern Ontario timber management plans to be "of no force and effect." The panel who heard the case gave the province 12 months to bring the Elk Lake, Upper Spanish and Temagami plans into compliance with the *Crown Forest Sustainability Act*. The most contentious actions by the Ministry of Natural Resources included:
- approving work schedules without proof that the forest would be managed sustainably;
 - approving plans which lacked any sustainability indicators and frequently allowed for clear-cutting; and
 - timetables for phasing in new standards were arbitrarily extended.
- Apr 28/98 Publication of report by Wildlands League and Sierra Legal Defence Fund indicating pattern of serious failure to enforce environmental regulations applicable to forestry industry in Algoma Highlands. Publication of report is accompanied by the filing of a request for investigation under the *Environmental Bill of Rights*.
- Apr 29/98 Environmental Commissioner for Ontario tables Third Annual Report: "Open Doors - Ontario's Environmental Bill of Rights." The Commissioner states "I regret to report that in the past year there has been little substantive improvement in the actions taken by provincial ministries toward protecting the environment." Comments on specific issues include the following:
Forest Management

- despite its budget and staff being cut in half, the Ministry of Natural Resources is faced with increasing pressures from rising demand for wood, the need to complete the provincial parks system, and conflicts between forestry, tourism and natural heritage values.
- report is critical of the pace of the 'Lands for Life' process and lack of adequate public consultation in this program to determine the uses for 46% of the province's land area.
- The Commissioner also expresses concern over some of the approaches to forest management being adopted or considered by the Ministry of Natural Resources including: tenure in perpetuity for forestry companies; compensation if the land licences to companies is later re-allocated; industry self-monitoring of compliance with forestry regulations; and streamlining the sale of crown lands.

May 1/98 Minister of Natural Resources John Snobelen signs the Canada Forest Accord. The accord helps ensure that forest industries sustain a competitive position in a global market. Ontario's contributions to advance the accord include:

- the longterm tenure for forest companies on Crown land that is to be allocated through the Lands for Life process;
- efforts to understand and define forest management;
- attempting to complete a system of parks in the province;
- trying to understand climate change impacts on forests;
- improving public information.

May 10/98 Ontario Court rejects application to amend its February 1998 decision regarding the failure of the Ministry of Natural Resources to comply with the requirements of the *Crown Forest Sustainability Act* and the Environmental Assessment Board's decision regarding the Class Environmental Assessment of Timber Management on Crown Lands. The Court grants the original applicants in the case, the Wildlands League and the Friends of Temagami, a costs award of \$127,000 in relation to the Ministry's application.

July 31/98 Minister of Natural Resources receives Lands for Life Recommendations (see Oct 30/98 for further details).

Oct 30/98 MNR releases the consolidated Lands for Life Recommendations. Lands for Life was established in the Spring of 1997 to determine the fate of 47% of the province's landbase, mostly in the central to north of the province. Three Round Tables conducted consultations over approximately a year. Criticisms were levied that the process was heavily weighted in favour of industrial forestry, mining and hunting interests. The recommendations included:

- 79% of the Crown land be open to forestry, mining and all other resource extraction industries;
- completion of a park system that has "minimal impact on forestry or mining sectors";
- 703,000 ha of new parks/protected areas (total area covered under the recommendations is 46 million hectares);
- five new land use designations: stewardship areas, enhanced management areas, heritage waterways, Great Lakes heritage coastlines and general use areas;
- support for resource based tourism;
- angling allowed everywhere;
- hunting in most new provincial parks and everywhere else;
- snowmobile / all terrain vehicle use virtually everywhere.

- Dec 16/98 Bill 101 *Red Tape Reduction Act #2*) Introduced. Schedule M amends a number of natural resources acts including:
Forest Fires Prevention Act
- provide authority to require that people who cause fires pay for fire suppression; various minor amendments.
- Bill 101 died on the order Paper when the Legislative session ended on December 18, 1998.
- Mar 29/99 Government responds to 'Lands for Life' Round Table Recommendations. Announces protection of 12% of planning area. Major concessions to the forest industry include: no long-term reduction in wood supply; no net increase in cost of wood supply; application of intensive silviculture including potential exemptions from *Crown Forest Sustainability Act* biodiversity protection requirements; forest industry veto over creation of future protected areas; \$21 million in compensation and subsidies to the forest industry.
- Apr 6/99 MNR posts decision to proceed with amending the Forest Renewal Trust Agreement (FTRA) established under the *Crown Forest Sustainability Act*. The FTRA will be amended as follows:
- "5.02(c) Where the Minister determines that there is a surplus of funds in one or any individual management unit account licensed to a single sustainable forestry license holder, the Minister may instruct the Trustee to transfer such surpluses between or among the individual management units to that sustainable licence holder."
- Careful oversight of this mechanism (ie. public notification of fund transfers) will be required to ensure that all parties are in agreement, including the public, that renewal activities have been carried out properly and that the transfer of funds is deserved in light of drastic MNR inspection, compliance and enforcement resource cuts.
- Apr 22/99 Ministry of Natural Resources posts a decision (EBR # PB8E6006) to establish a new policy and procedure to govern the retrieval of sunken logs from Ontario's waterways. The policy update reflects the "growing interest in providing wood fibre to Ontario forest companies and in manufacturing specialty wood products from logs that have been submerged."



WILDLIFE AND PROTECTED AREAS

CHRONOLOGY

- Aug 95 The MNR releases a proposed land use plan for the Temagami Region which would open virtually all of the lands outside of provincial parks to mining, forestry, and other forms of development.
- Oct 6/95 Government-wide operating budget reductions released by the Office of the Premier. These reductions are in addition to those made in July. Reductions to the Ministry of Natural Resources:
- park staff reductions \$0.06 M in 1995-96 and 1996-97; more reductions announced on April 11, 1996
- Nov 17/95 Cautions placed on land titles in Temagami Area lifted.
- Nov 95 The Minister of Natural Resources dispatches correspondence to Federal Environment Minister opposing the time line for the phase-out of lead shot for water fowl hunting.
- Jan 5/96 "Temagami Area Draft Land Use Proposal" placed on EBR Registry. The Comprehensive Planning Council will submit its recommendations to the MNR on March 1, 1996.
- Jan 29/96 Bill 26, the *Government Savings and Restructuring Act* enacted by the Ontario legislature. Bill amends the *Game and Fish Act* to permit the creation of an account separate from the consolidated revenue fund to manage monies collected from fees and licenses; expenditures at Minister's discretion.
- Feb 23/96 Minister of Natural Resources makes a number of fish and game policy announcements:
- MNR is seeking delay in implementation of federal lead shot ban;
 - two fishing rods per angler now effective on Lake Erie; and
 - pursue changes to allow the hunting of migratory birds with raptors.
- April 3/96 Bill 36, the *Ministry of Natural Resources Statute Law Amendment Act* introduced. The Bill includes amendments to the *Game and Fish Act* and the *Provincial Parks Act*.
- Apr 11/96 Ontario government releases "Interim Report on Business Planning and Cost Savings Measures" which outlines the re-shaping of government through "new business directions" for ministries and "cost-savings measures" that the province is implementing. Each ministry is responsible for carrying out its own business plan within the financial constraints that it is assigned. Effects of this initiative on the protection of wilderness:
- streamline forest management to reduce budget by \$34.6 M in 1996-97 and \$45.9 M in 1997-98;
 - reduce park financing \$9.1 M in 1996-97 and again in 1997-98;
 - consolidate or close 60 of the Province's 251 parks to save \$5.1 M in 1996-97 and again in 1997-98;
 - wind down the Temagami Comprehensive Planning Council to save \$0.3 M in 1996-97 and again in 1997-98;
- Apr 17/96 Temagami Comprehensive Planning Council Report Released.
- Apr 28/96 Lease on Serpent Mounds Provincial Park expires. Province does not attempt to extend.
- Apr 31/96 World Wildlife Fund Canada issues the Province of Ontario an "F" in its Endangered

Spaces Campaign (an effort which seeks to protect ecologically significant areas in the province).

May 1/96 Ontario Parks announcement: the creation of an agency to: "improve the delivery of programs and services in key parks to increase revenues and, in turn, sustain other parks."

Jun 5/96 Regulation 257/96, exemption from s.51 of *Game and Fish Act* for sale of hides of black bear, deer, moose, or cast antlers of caribou, deer or moose promulgated.

Jun 28/96 Ontario government releases its land-use strategy for Temagami. The strategy permits logging of 35 per cent of the old-growth forests in Temagami and also lifts a 24 year-old mining ban in the area. Highlights of the strategy include:

- a limited prohibition on clearcutting of some of Temagami's old growth red and white pine;
- mineral exploration activity in the Temagami area with some limited prohibitions; and
- the creation of Protected and Special Management Areas where resource extraction will be prohibited or carefully managed.

Jun 96 Bill 36 enacted. Amends *Provincial Parks Act* to permit delegation of park operations to "any person."

Jun 96 The Ministry of Natural Resources releases a summary of the Ontario Parks Business Plan. The Plan will become part of the MNR's corporate business plan. The division of responsibilities will be:

- Ontario Parks will develop policies for the planning, management and development of the provincial parks system.
- Ontario Parks will participate in the identification and acquisition of candidate sites for inclusion into Natural Heritage Areas.
- The MNR will ultimately determine whether sites are added.
- The MNR will develop policies for ecological sustainability and a system of Natural Heritage Areas for the province.

The Ontario Parks Business Plan will:

- allow the Minister to establish a new board of directors chaired by the Deputy Minister of Natural Resources. It will have 5-8 members from outside the Ontario government;
- introduce revenue retention (to improve customer service and financial accountability, encourage entrepreneurialism and allow for greater merchandising opportunities within parks;
- will allow Ontario Parks to set or change park fees and charges subject to Minister approval;
- require that parks are more dependent on fees for their revenues;
- allow Ontario Parks to receive corporate sponsorship and private donations for land acquisition or facility upgrading and enter into corporate sponsorship agreements (the acceptance of donations is pending negotiations on tax receipting).

These changes are intended to promote natural and cultural protection, move the park system toward financial self-reliance, improve park business practices and product marketing and involve private sector contracting.

The current park system includes 265 provincial parks (of which 106 are operating parks), occupies 6.2 million hectares and attracts 8.5 million visitors per year.

Jun 96 The Ministry of Natural Resources unveils its Fish and Wildlife Management

Business Plan. The policy change is precipitated foremost by "expenditure reduction and Government downsizing" and incorporates the "dedication of revenues from fines, royalties and license fees prescribed by the Game and Fish Act." Plan includes:

- a significant shift in delivery of products and services to the non-government sector and increased participation by clients (anglers and hunters) in resource management;
- increased non-government role in delivery of services, embracing beneficiary pay and accountability and more local decision-making;
- new staffing and funding for delivery of hunting and fishing licensing services and the likelihood of contracting outside agencies (lodges, fur managers, hunting groups) to deliver and manage recreational licenses;
- field assessment programs to be severely curtailed (ie. science, fisheries and Great Lakes assessment units);
- oversight by The Fish and Wildlife Advisory Board (see below).

Jul 2/96 Ministry of Natural Resources lists appointees to The Fish and Wildlife Advisory Board (created under the *Natural Resources Act* in November 1995). The Board was created to provide advice on re-investing revenue from fish and wildlife license fees, royalties and fines. Board members, their residence and affiliation are:

- Phil Morlock, Whitney (Canadian National Sportfishing Foundation);
- Charles Alexander, Dryden (Ontario Fed. of Anglers and Hunters);
- Gary Ball, Peterborough (Hunting Heritage / Hunter Futures Board);
- Walt Crawford, Elora (Trout Unlimited Canada);
- Sandy Dickson, Atikokan (Canoe Canada Outfitters);
- Brian Dykstra, Marten River (Beaverland Camp);
- Sandi Johnson, London (Ontario Fed. of Anglers and Hunters);
- Pat Kennedy, Haliburton (Haliburton Highlands Outdoors Assoc.);
- Jack Newton, Huntsville (Ontario Hunt Clubs Association);
- George Purvis, Gore Bay (commercial fishing operator);
- Duncan Sinclair, Aylmer (Ducks Unlimited).

Jul 4/96 Ministry of Natural Resources offers reduced camping and day-use fees to encourage persons with disabilities to use provincial parks.

Aug 12/96 Natural Resources Minister Chris Hodgson officially opens the Hillardton Marsh Provincial Wildlife Area. The Marsh is a wetland habitat populated by wildlife and waterfowl.

Sep 25/96 Two environmental organizations (Algonquin Wildlands League and Friends of Temagami) seek a court order which would prevent further logging of old growth red and white pine in Temagami's Owain Lake Forest.

Oct 2/96 Ontario Court General Division refused to grant a court order sought by two environmental organizations that would have temporarily stopped logging in Temagami's Owain Lake Forest.

Oct 96 Ministry of Natural Resources releases fact sheet on red and white pine in Ontario. In it, the MNR announces it has adopted a Conservation Strategy For Old Growth Red and White Pine Ecosystems in Ontario.

Nov 5/96 Ministry of Natural Resources adopts regulations to implement Bill 16 amendments to *Public Lands Act*, *Lakes and Rivers Improvements Act*, and *Forest Fires Prevention Act*.
The regulations:

- the repeal of most fire, travel and work permit provisions;

- the elimination of many permitting requirements when constructing, altering or using a dam, dock or other water works; some larger buildings still require a permit;
- most bridges, culverts agricultural drains, trenching and dams do not require work permits on private or municipal lands; on Crown lands, bridges, culverts and dams do require a permit but agricultural drains and trenching for private residences are exempt;
- using regulations in place of statutory obligations severely reduces the capacity of courts to order restoration in the case of damage to the natural environment;
- the majority of activities on public lands and waters are permissible; fewer activities remain captured;
- new trails through Crown land will mostly not require a permit; permit exemptions are clearly granted for trails for mineral exploration, timber or other resource extraction;
- dredging, controlling aquatic plants, building docks and boathouses and laying submarine cable are free from permitting requirements if they are private (as opposed to commercial) and if they are intended for a log salvage operation;
- 100 square metres of vegetation annually can be removed in waters in southern Ontario without a permit;
- only exceptional burning will be captured by permit requirements (industrial slash pile burning and ecologically prescribed burns). All other small-scale incinerations are automatically permitted.

Dec 12/96 Ministry of Natural Resources announces final public review of proposed boundary for the expansion of Wabakimi Provincial Park. The MNR proposes to add over 700,000 hectares to the 155,000 hectare park, making it the largest provincial park in the forested region of Ontario. Ministry of Natural Resources releases summary of "key park values" for expansion of Wabakimi Provincial Park. The key values focus on woodland, caribou, landscape features, watershed integrity, Aboriginal values, canoeing and remote tourism.

Dec 27/96 Minister of Natural Resources Chris Hodgson announces efforts to expand recreational lake trout fishing in south-central Ontario. As of January 1, 1997 48 lakes will be open to trout fishing. Another 6 lakes that are stocked by the MNR (dubbed "put, grow and take" by the MNR) the length of the fishing season will be expanded. Additional provisions include permission to use two fishing lines per angler and to use live bait but the catch is limited to two fish per day.

Jan 9/97 Ministry of Natural Resources announces it provided \$515,000 in funding to its Community Fisheries Involvement Program (CFIP) in 1996. CFIP supports volunteers in 242 fishery improvement projects across Ontario. The 1996 contribution was the highest amount the MNR has ever invested in the program.

Jan 20/97 Ministry of Natural Resources announces that it provided \$191,000 to the Community Wildlife Involvement Program (CWIP) in 1996. The money was spent to fund volunteers working on 140 CWIP projects in Ontario. These projects included:

- the erection of osprey platforms by the Friends of Charleston Lake;
- wild turkey trapping and relocations performed by the South-Central Big Game Association.

Jan 21/97 Ministry of Natural Resources announces it will take measures to restore the elk population in Ontario. The MNR has formed elk restoration technical and advisory committees to undertake the task. Initial plans call for 50 elk to be obtained from Elk Island National Park in Alberta.

Jan 97 Ministry of Natural Resources announces the elimination of the *Managed Forest Tax*

Rebate Program. The Ministry states that in light of current tax reform proposals, this program is no longer necessary for environmental protection.

Feb 3/97

Bill 119, the *Red Tape Reduction Act (Ministry of Natural Resources), 1997* goes to 1st Reading. If passed, the following amendments will be made to the *Provincial Parks Act*:

- changes in fines and enforcement powers; and
- mining and prospecting activities which are prohibited in provincial parks will be clarified.

If passed, the *Parks Assistance Act* will be repealed.

The Act will make amendments to the *Public Lands Act*:

- a land use planning process will be set up that allows for participation by stakeholders and controls activities that may be inconsistent with approved land use plans;
- the need for order in council approvals will be removed and authority will be delegated to the Minister;
- the Minister may order the transfer of administration and control of public lands to other government bodies; and
- administrative fees will be set by the Minister, rather than established by regulation.

Conservation Authorities Act:

- authorities will be allowed to enter into agreements to permit exploration and extraction of oil and gas reserves on land adjacent to authority land;
- authorities would be permitted to lease land for terms of up to five years without approval;
- maximum fines for violations of the regulations will be increased from \$1,000 to \$10,000, and from \$100 to \$1,000;
- anyone convicted of constructing a building or dumping fill may be ordered by the court to restore the site to its previous state (or to pay for the authority to do the work if the order is not complied with); and
- the Lieutenant Governor in Council would no longer be required to approve appointments of members to a Conservation Authority.

Lakes and Rivers Improvement Act:

- debt collection will be consolidated through municipal taxes (to allow Minister to recover money spent by province on public health and safety issues caused by unsafe dam structures);
- the Minister will be given explicit power to enter into cost-sharing agreements;
- the Minister's orders and approvals will be explicitly made binding on the original recipient and any successor or assignee;
- the Minister will be authorized to issue stop work orders on unauthorized dams while compliance issues are resolved; and
- maximum fines for violations of the Act will be increased.

The Act will make the following amendments to the *Mining Act*:

- references to boring permits will be removed (these are covered under the *Petroleum Resources Act*); and
- the areas in which the issuing of oil and gas exploration licenses and production leases are restricted to will be redefined.

If passed, the *Mining Act* will undergo several amendments. The Crown Forest Sustainability Act, 1994 will be amended to:

- clarify that assets of the Forest Renewal Trust Fund are Crown assets;
- remove the requirement that Area Charges be determined by regulation and make Minister responsible for setting them.
- allow the Minister to declare Restricted Fire Zones by amending the *Forest Fires Prevention Act*;
- consolidate the *Forestry Act*, the *Forest Tree Pest Control Act*, and the

Woodlands Improvement Act (all of which deal with forestry on private land) into one act (the *Forestry Act*). Under the new act, maximum fines for violation of county and regional municipality tree-cutting by-laws will be increased to \$20,000.

- Feb 27/97 The Ontario government announces 4 new parks, 5 park expansions and 18 new conservation reserves.
- New parks include: Tide Lake and Maynard Lake near Kenora, White Lake Peatlands between Thunder Bay and Sault Ste Marie, Blue Jay Creek on Manitoulin Island.
 - Expansions include: Mississagi River, Obabika River, French River, Hardy Lake and Charleston Lake.
 - New conservation reserves: Painted Rock, Miles Bay, Greenwood Lake, Shook Lake, Jog Lake, Tikamaganda Lake, Ranger North, Mac's Bay, Indian Bay South, Matabitchuan River, Narrows Island, Ottertail Creek, Rabbit Lake West, Temagami Island north, White Bear Forest, Torrance Barrows, Clear Lake, Kaladar Jack Pine Barrens.
- The changes will add 77,500 hectares to the province's base of 6,300,000 hectares of protected areas (1.2% expansion). No target for adding to the province's protected areas was identified.
- Apr 3/97 Minister of Natural Resources Chris Hodgson announces the Nipissing-French River area as the location for the release of 50 new elk into Ontario next February. Elk disappeared from Ontario in the 1800s because of over-harvesting and habitat loss and were re-introduced in the 1930s in the Nipissing-French River area. Partners with the MNR in this effort are: the Ontario Federation of Anglers and Hunters, Ontario Fur Managers Federation, The Safari Club International, Parks Canada and 5 other organizations. Five other release areas may be pursued based on the success of this pilot project.
- Apr 16/97 Draft MNR Policy on Wilderness released. Policy is widely criticized as providing inadequate protection for wilderness areas.
- Apr 17/97 The Ministry of Natural Resources is charged with contravening the Comprehensive Land Use Plan for the Temagami Region by allowing the construction of a road to Cross Lake. The Ministry of Environment and Energy which formally laid the charges, found the MNR had contravened the *Environmental Assessment Act*.
- Apr 24/97 Minister of Natural Resources Chris Hodgson signs the first-ever perpetual agreement between a province and the conservation organization Ducks Unlimited Canada. The agreement specifies roles and responsibilities for each organization in the areas of wetland policy, wetland management, use of Crown lands, private land stewardship, communications, environmental review, science transfer, resource planning, information management and administration. This initiative effectively points toward the private management of a public resource on a scale unprecedented and attempts ensure that this arrangement will be perpetual.
- Apr 97 The Ministry of Natural Resources prepares for a year-long consultation and planning process for Crown lands called *Lands for Life*. The program has three elements:
- *Nature's Best* - a plan to create a network of protected wilderness areas in Ontario;
 - Resource-Based Tourism Policy - a plan to identify resources for use by the tourism industry;
 - Forest Management - a plan to attempt to ensure that forest's are managed sustainably.

Three roundtables have been proposed to undertake the consultation:

- Great Lakes - St Lawrence;
- Boreal East; and
- Boreal West.

Their composition will be determined and appointed by the Minister and are expected to include 8-12 people. The consultation is scheduled to complete by the spring of 1998. The critical issue of forest industry tenure on Crown lands is being held outside of this process and is subject to discussions between the province and the industry only. It is expected to be determined after, not before this planning process.

Apr 29/97

The World Wildlife Fund (Canada) releases its *1996-97 Endangered Spaces Progress Report* which charts progress on Canada's commitment to ensure the protection of representative sections of all of Canada's natural regions. The province of Ontario received a 'C-', up from an 'F' the previous year. The improvement in grade arises from policy developments by the Ontario government which:

- provided favourable tax treatment for sustainable land management including a reduced rate for eligible woodlands and an elimination of taxes on provincial wetlands, ANSIs and other lands (see January 1997, *Land Use Planning*);

Also cited in a reasonably favourable light is the Ontario government's application of ecological principles, strategy development (*Nature's Best*). Initiatives below grade included:

- although the government created new parks, park expansions and new natural area reserves totalling 29 new sites and 82,083 hectares, (announced on Feb 27, 1997) this rate is still considered behind schedule;
- the annual rate of progress in new protected site designation;
- the Madawaska Highlands Draft Land Use Plan which proposes to permit logging and mining in ANSIs on Crown Land;

May 8/97

Funding is increased for the Community Fisheries Involvement Program (CFIP) and the Community Wildlife Involvement Program (CWIP) according to the MNR. The funding arises from fish and wildlife license fees, royalties and fines which are now diverted to an account separate from general revenue under an amendment contained in Bill 26 the *Government Savings and Restructuring Act*. Mr Hodgson remarked "This is the first part of that money. I look forward to announcing more such projects as the year progresses." These programs (CFIP & CWIP) support the work of volunteer organizations which assess, evaluate, monitor and restore wildlife habitats, particularly those capable of supporting populations of game animals and sport fish.

May 27/97

The Ministry of Natural Resources proposes and adopts a Wilderness Area Policy. The policy fails to satisfy a longstanding obligation of the MNR to establish a policy for roadless wilderness areas under the Class Environmental Assessment on Timber Management. The implementation of a roadless area policy is very likely to conflict with the Lands for Life land tenure process.

Jun 9/97

Bill 139, the *Fish and Wildlife Conservation Act* is introduced to the legislature for first reading. If passed, the new Act would:

- raise the maximum penalty for offence to \$100,000;
- raise the time limit on prosecution from six months to two years;
- include wildlife possession prohibitions;
- increase court powers to suspend licences;
- add a new category of protected species;
- prohibit the possession of black bear gall bladders separate from the animal itself;

Concerns are expressed that the legislation :

- continues to advance the privatization of fish and wildlife resource

management;

- lacks necessary legal mechanisms to protect wildlife;
- allows for a wide range of ministerial discretion on the application of the act;
- defines "aquaculture" but does not define "conservation";
- will limit the investigation of hunting, fishing and trapping activities;
- is not strong enough to prevent the trafficking of animal parts.

- Jun 17/97 The minister announces nomination of 40 persons as members of the three regional round tables as part of the Lands for Life process devised for the management of Crown lands in Ontario. These committees are to make recommendations on the use of Crown lands in their respective areas. Concerns over the process include:
- land uses may be designated for large portions of Ontario on a perpetual basis (between 37 and 46 million hectares or about 47% of Crown lands in Ontario;
 - that the process includes no objectives for protected areas;
- As this process is continuing, the MNR is also in discussions to allocate up to 60% of non-protected public lands to "intensive forestry" and to strengthen the tenure of forest companies on public lands.
- Jul 8/97 The Minister of Natural Resources changes the designation of Boundary Waters-Voyageur Waterway as a Canadian Heritage River. The Boundary Waters-Voyageur Waterways is a series of lakes and rivers crossing two watersheds and stretching from the mouth of Pigeon River on Lake Superior to Lac la Croix in Quetico Provincial Park.
- Jul 15/97 Four new members are to join the Northern Ontario Heritage Fund's board of directors. The new members are Patrick Chilton, John Hodder, Janis Ryder and Alan Spacek.
- Jul 22/97 The minister re-appoints all of the 11 members of the Fish and Wildlife Advisory Board. The members are almost exclusively from fishing and hunting interests and represent no conservation interests. The board is asked to provide advice on potential revenue sources as well as continued expansion of fishing and hunting opportunities.
- Jul 25/97 The ministry officially announces the new boundary of Wabakimi Provincial Park, north of Armstrong, making it the second largest park in Ontario. The park has been expanded from 155,000 hectares to 892,061 hectares. The review of the boundary started in 1992.
- Jul 29/97 The Minister of Natural Resources sets up a Big Game Management Advisory Committee, comprised of qualified hunters, to improve hunting opportunities in Ontario. This committee will assist the government on big game species management and ensure that allocation of hunting opportunities is done on a fair and equitable basis.
- Sep 13/97 The Ministry of Natural Resources submits a plea of guilty with respect to the charges laid against it, under the *Environmental Assessment Act*, for the construction of an access road to Cross Lake. Specifically, the MNR contravened the Comprehensive Land Use Plan for the Temagami Region by allowing the construction of an access road to Cross Lake (the lake was designated to be motor vehicle free).
- Sep 17/97 The minister announces an 11 member Board of Directors for Ontario Parks replacing the Provincial Parks Advisory Council. Frank Miller, a former Premier of Ontario, will chair the new Board of Directors.
- Oct 10/97 The Provincial Cabinet is reorganized. John Snobelen becomes the Minister of Natural Resources. Chris Hodgson vacates Natural Resources but retains Mines and Northern Development.

- Dec 10/97 The Ministry of Natural Resources issues a request for proposals from parties knowledgeable about real estate to assist in the development of a disposition strategy for lands controlled by the MNR. The subject lands are located throughout the province.
- Dec 18/97 Royal Assent of Bill 139. Ministry of Natural Resources replaces the *Game and Fish Act* with the *Fish and Wildlife Conservation Act*. For highlights of the new legislation see Jun 9/97.
- Jan 30/98 Minister of Natural Resources extends deadline for Lands for Life roundtable reports. Originally the recommendations were to be submitted to the minister by March 1998 but now are requested by June 30, 1998. The recommendations from these consultations could determine the fate of between 37 and 46 million hectares or about 47% of Crown lands in Ontario. Timber, tourism or parks are the three designated land use options.
- Mar 18/98 Minister of Natural Resources announces that admission fees and revenues collected at provincial parks will be used to directly fund park operations. This development flows from revisions to parks legislation (*Provincial Parks Act*) and organizational and operational over the past several years (formation of Ontario Parks).
- Apr 15/98 Spring Bear Hunt opens. Ministry of Natural Resources statistics indicate that an average of 274 bear cubs starve to death each year because their mothers are shot. Hunting female bears with cubs, or the cubs is prohibited. Over the past two years, only two hunters have been charged and only one convicted and fined \$750 of a possible \$25,000. The province derives \$1.5 million in licensing fees from the Spring Bear Hunt.
- Apr 27/98 The MNR announces more wild turkey hunting opportunities due to increased bag limit, season extensions and expanded hunting areas.
- Apr 28/98 Publication of report by Wildlands League and Sierra Legal Defence Fund indicating pattern of serious failure to enforce environmental regulations applicable to forestry industry in Algoma Highlands. Publication of report is accompanied by the filing of a request for investigation under the *Environmental Bill of Rights*.
- Apr 29/98 Environmental Commissioner for Ontario tables Third Annual Report: "Open Doors - Ontario's Environmental Bill of Rights." The Commissioner states "I regret to report that in the past year there has been little substantive improvement in the actions taken by provincial ministries toward protecting the environment." Comments on specific issues include the following:
- Forest Management*
- despite its budget and staff being cut in half, the Ministry of Natural Resources is faced with increasing pressures from rising demand for wood, the need to complete the provincial parks system, and conflicts between forestry, tourism and natural heritage values.
 - report is critical of the pace of the 'Lands for Life' process and lack of adequate public consultation in this program to determine the uses for 46% of the province's land area.
 - The Commissioner also expresses concern over some of the approaches to forest management being adopted or considered by the Ministry of Natural Resources including: tenure in perpetuity for forestry companies; compensation if the land licences to companies is later re-allocated; industry self-monitoring of compliance with forestry regulations; and streamlining the sale of crown lands.

- Apr 29/98 World Wildlife Fund releases its progress report on Canada's effort to conserve natural spaces (Endangered Spaces Campaign). The province of Ontario did not add to its protected spaces over the past year, though some private conservation efforts were made (1000 hectares). As a consequence, the province received a D+.
- May 10/98 Ontario Court rejects application to amend its February 1998 decision regarding the failure of the Ministry of Natural Resources to comply with the requirements of the *Crown Forest Sustainability Act* and the Environmental Assessment Board's decision regarding the Class Environmental Assessment of Timber Management on Crown Lands. The Court grants the original applicants in the case, the Wildlands League and the Friends of Temagami, a costs award of \$127,000 in relation to the Ministry's application.
- June 8/98 Conservation officers seize 540 kilograms of fish, two bears and two bear gall bladders as part of the province's conservation program to ensure that visitors to Ontario are obeying provincial fish and wildlife laws. Bear parts are usually sold on the black market for as much as \$10,000 a piece.
- June 16/98 Draft regulations under the *Fish and Wildlife Conservation Act* published (Area Descriptions; Fish Licensing; Hunting; Possession, Buying and Selling of Wildlife; Trapping; Wildlife in Captivity; Wildlife Schedules; Open Seasons).
- June 26/98 Regulation adopted to modify the staking of mining claims in environmentally sensitive areas under the *Mining Act*.
- July 31/98 Minister of Natural Resources receives Lands for Life Recommendations (see Oct 30/98 for further details).
- Sep 3/98 Ministry of Northern Development and Mines states intention to re-open the Lake Temagami and Skyline Reserve of the Temagami Land Use Plan in the fall of 1998. Staking activity to be subject to Staking in Designated (environmentally sensitive) Areas regulation adopted in June 1998.
- Sep 9/98 Revised draft regulations under the *Fish and Wildlife Conservation Act* re-published (Area Descriptions; Fish Licensing; Hunting; Possession, Buying and Selling of Wildlife; Trapping; Wildlife in Captivity; Wildlife Schedules; Open Seasons). Most regulations are carried over from the *Fish and Game Act*. Regulation on Wildlife in Captivity is new.
- Sep 15/98 Ministry of Natural Resources revealed to have lowered the minimum age for hunting with a firearm from 15 to 12, beginning September 15/98 under the "Hunter Apprenticeship Safety Program."
- Oct 27/98 Parts of Temagami Area re-opened for the staking of mining claims.
- Oct 30/98 MNR releases the consolidated Lands for Life Recommendations. Lands for Life was established in the Spring of 1997 to determine the fate of 47% of the province's landbase, mostly in the central to north of the province. Three Round Tables conducted consultations over approximately a year. Criticisms were levied that the process was heavily weighted in favour of industrial forestry, mining and hunting interests. The recommendations included:
- o 79% of the Crown land be open to forestry, mining and all other resource extraction industries;
 - o completion of a park system that has "minimal impact on forestry or mining sectors";
 - o 703,000 ha of new parks/protected areas (total area covered under the

- recommendations is 46 million hectares);
 - five new land use designations: stewardship areas, enhanced management areas, heritage waterways, Great Lakes heritage coastlines and general use areas;
 - support for resource based tourism;
 - angling allowed everywhere;
 - hunting in most new provincial parks and everywhere else;
 - snowmobile/all terrain vehicle use virtually everywhere.

- Nov 3/98 Provincial Auditor tables 1998 Annual Report:
Ministry of Natural Resources
 - the Ministry has not developed proper effectiveness measures to assess the program's success in achieving the sustained development of the province's fish and wildlife resources;
 - does not have adequate policies in place for the management of big game species (moose, deer and bear); and
 - information from the assessment of fish populations and other data were often not available to assist management in managing regeneration, stocking and harvesting.

- Nov 11/98 Ministry of Natural Resources announced a "Strategic Lands Initiatives" to streamline, refocus and expand its Crown land disposition program. The Ministry states that it has disposed of 99 properties which accounted for 1,899 hectares of land with a value of just over \$8 million in 1997/98.

- Dec 16/98 Bill 101 *Red Tape Reduction Act #2*) Introduced. Schedule M amends a number of natural resources acts including:
Fish and Wildlife Act
 - remove requirement that pelts of fur bearing animals be marked "sealed."
 Bill 101 died on the order Paper when the Legislative session ended on December 18, 1998.

- Jan 1/99 The province's new *Fish and Wildlife Conservation Act* takes effect. The Act includes:
 - changes to enforcement provisions;
 - provisions for protecting private property from nuisance animals;
 - the capacity to permit falconry; and
 - provisions for wildlife in captivity and wildlife rehabilitation.

- Jan 1/99 MNR regulations under the *Fish and Wildlife Conservation Act* come into effect: Fish Licensing - Ont. Reg. 664/98; Hunting - Ont. Reg. 665/98; Possession, Buying and Selling of Wildlife - Ont. Reg. 666/98; Trapping - Ont. Reg. 667/98; Wildlife in Captivity - Ont. Reg. 668/98; Wildlife Schedules - Ont. Reg. 669/98; Open Seasons - Ont. Reg. 670/98.

- Jan 15/99 Ontario Natural Resources Minister announces the cancellation of the Ontario Spring Bear Hunt. The hunt would have operated from April 15 to June 15. Hunt was cancelled to prevent the orphaning of cubs by the accidental shooting of female mother black bears.

- Jan 21/99 Ontario government launches appeal of Ontario Court ruling that Ontario Metis have aboriginal hunting and fishing rights under the Canadian Constitution.

- Feb 2/99 Ministry of Natural Resources proposes to deregulate and dispose of Peche Island Provincial Park. A proposal has been received from the City of Windsor to acquire the Peche Island properties.

- Feb 27/99 Ministry of Natural Resources announces that hunter training and licencing in the province is to be turned over to the Ontario Federation of Anglers and Hunters. Under the arrangement OFAH will be paid a fee of between \$00,00 and \$350,000 over the next five years.
- Mar 4/99 Ministry of Natural Resources announces compensation for outfitters over cancellation of Spring Bear Hunt of \$250 per hunter, based on Spring 1998 hunting season.
- Mar 11/99 Ministry of Natural Resources decides not to pursue prosecution of wolf researcher John Theberge, for allegedly violating the conditions of his scientific collector's permit.
- Mar /99 Ministry of Natural Resources proposes to introduce ring-necked pheasants into Ontario. Ring-necked pheasants are not indigenous to Ontario.
- Mar 29/99 The Ministry of Natural Resources posts, on the EBR, notice of its final call for public on "Ontario's Living Legacy - Proposed Land Use Strategy". The strategy will determine the fate of Crown lands and resources in the Boreal West, Boreal East and Great Lakes-St Lawrence planning areas (of the Lands for Life planning process). The Strategy would have the following features:
- o new protected areas are proposed to complete the provincial parks system within the planning area and protect 12.0% of the land and water base;
 - o exceptions to permitted uses in provincial parks and conservation reserves within the planning area;
 - o a strategy to address the land use needs of the resource-based tourism industry;
 - o a strategy for consulting with Aboriginal peoples concerning land use planning and resource management;
 - o new land use categories with associated policies, and identification of the areas where these policies would apply; and,
 - o how the "Strategy" would be implemented.
- The "Strategy" proposes exceptions to the application of several existing policies, in particular the Ontario Provincial Parks Planning and Management Policies (1992) and the Conservation Reserves Policy and Procedure (1997). The principal proposed exceptions to the existing provincial policies on provincial parks and conservation reserves (which would only apply within the planning area), can be summarized as follows:
- o mineral exploration would be permitted in areas having very high mineral potential in new provincial parks and conservation reserves under controlled circumstances. If a site is to be developed for a mine, the area would be removed from the park or conservation reserve by deregulating it, and another area would be added to the park or conservation reserve to replace the deregulated area;
 - o existing bait fishing, commercial fishing, commercial fur harvesting and wild rice harvesting would be permitted to continue indefinitely in existing provincial parks, except in wilderness and nature reserve parks and zones in parks, where these activities would be phased out by 2010. Where these activities occur in new parks, they would be permitted to continue indefinitely except in nature reserve parks and zones;
 - o sport hunting would be permitted in all new provincial parks and park additions except in nature reserve parks and zones;
 - o existing authorized seasonal recreation camps will be permitted to continue indefinitely in new provincial parks and will be eligible for enhanced tenure, but not purchase of land;
 - o existing authorized tourism facilities and recreation trails will be permitted to

- continue in new provincial parks, subject to management prescriptions determined through management planning;
 - the establishment of new tourism facilities may be considered in planning for individual conservation reserves; and,
 - efforts will be made to identify potential locations for future road crossings for forestry purposes prior to regulation of new provincial parks or conservation reserves. (This primarily applies to proposed waterway provincial parks.)

The public is given a 30 day comment period to respond to this posting.
- Mar 31/99 MNR posts notice of a proposal to make consistent its regulatory compliance strategies across its 29 administrative units.
- Apr 16/99 The Ministry of Natural Resources posts notice of its intent to streamline and amalgamate regulations under the *Fish and Wildlife conservation Act, 1997*. Sixty regulations are to be converged into fifteen with substantive changes to approximately 20% according to the MNR. Substantive changes include the areas of:

 - wildlife in captivity, such as falconry and the rehabilitation of wildlife; and
 - providing direction on matters such as trapping through regulation rather than legislation.

The removal of statutory obligations from environmental protection legislation and/or replacement with regulations / guidelines has been a consistent pattern throughout the past four years.
- Apr 22/99 Ministry of Natural Resources posts a decision (EBR # PB8E6006) to establish a new policy and procedure to govern the retrieval of sunken logs from Ontario's waterways. The policy update reflects the "growing interest in providing wood fibre to Ontario forest companies and in manufacturing specialty wood products from logs that have been submerged."
- Apr 20/99 MNR announces expanded turkey hunt for southern and eastern Ontario.

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FISHERIES AND FISH HABITAT

CHRONOLOGY

- Jun 25/96 MNR plan to manage commercial fish resources means that Aboriginal communities will need a license to fish. The Ministry of Natural Resources will issue licenses to two Aboriginal communities in the waters around the Bruce Peninsula. The licensing requirement comes after a 1993 court case which accepted the Crown's right to regulate fishing for the purpose of conservation and resource management.
- Mar 8/97 Ministry of Environment and Energy announces that Ontario's fish appear to be getting safer to eat in terms of their contaminant levels. Some fish from some lakes have shown a consistent decline in contaminant accumulation. Testing patterns are somewhat inconsistent however.
- Apr 10/97 Minister of Natural Resources Chris Hodgson writes to senior fishery officials in Ohio criticizing that state's management of yellow perch in Lake Erie. Ontario contends that Ohio has exceeded its share of total allowable catch of the fish for a third year in a row. The MNR has asked that Ohio report by September. If Ohio does not implement tighter measures, then MNR will look into additional responses.
- May 8/97 Funding is increased for the Community Fisheries Involvement Program (CFIP) and the Community Wildlife Involvement Program (CWIP) according to the MNR. The funding arises from fish and wildlife license fees, royalties and fines which are now diverted to an account separate from general revenue under an amendment contained in Bill 26 the *Government Savings and Restructuring Act*. These programs (CFIP & CWIP) support the work of volunteer organizations which assess, evaluate, monitor and restore wildlife habitats, particularly those capable of supporting populations of game animals and sport fish.
- Jun 5/97 The Minister of Natural Resources announces withdrawal of fee for fish stocking licence in Ontario.
- Jun 9/97 Bill 139, the *Fish and Wildlife Conservation Act* is introduced to the legislature for first reading. If passed, the new Act would:
- o raise the maximum penalty for offence to \$100,000;
 - o raise the time limit on prosecution from six months to two years;
 - o include wildlife possession prohibitions;
 - o increase court powers to suspend licences;
 - o add a new category of protected species;
- Concerns are expressed that the legislation :
- o continues to advance the privatization of fish and wildlife resource management;
 - o lacks necessary legal mechanisms to protect fish habitat;
 - o allows for a wide range of ministerial discretion on the application of the act;
 - o defines "aquaculture" but does not define "conservation";
 - o will limit the investigation of hunting, fishing and trapping activities;
 - o is not strong enough to prevent the trafficking of animal parts.
- Jun 21/97 It is reported that levels of radioactivity in fish near Ontario Hydro's Bruce Nuclear Generating Station on Lake Huron are significantly higher than levels in fish in Lake Ontario. The difference is approximately 9 times and rising.
- Jul 22/97 The minister re-appoints all of the 11 members of the Fish and Wildlife Advisory Board.

The members are almost exclusively from fishing and hunting interests and represent no conservation interests. The board is asked to provide advice on potential revenue sources as well as continued expansion of fishing and hunting opportunities.

- Aug 18/97 Ministry of Natural Resources states its intention to withdraw from the enforcement of the *Fisheries Act* due to a dispute with the federal government over the delegation of the authority to authorize the alternation or destruction of fish habitat to the province.
- Aug 26/97 Ministry of Natural Resources position on salmon stocking in the Great Lakes is challenged by University of Guelph zoologist. It is charged that the continued stocking of salmon in Great Lakes poses a serious risk to the Lakes' natural stocks of fish and creates artificial "fish ponds." The stocked species are creating competition for habitat and food with native species which could lead to native species demise.
- Sept 18/97 The Ontario Ministry of Natural Resources terminates the federal-provincial joint agreement for fisheries habitat management and protection in Ontario. In effect this means that the OMNR will no longer be applying or enforcing Section 35(2) of the federal *Fisheries Act* when reviewing plans and proposals that are likely to harm fish habitat. Specifically, projects of land developers and extractive industries (mining, forestry and aggregates) are now unlikely to undergo a review of their impact on fish habitat.
- Nov 28/97 The Ministry of Transportation approves the use of the "Fisheries Manual Part 2" to address fisheries concerns on provincial highway undertakings by providing guidelines on selecting and designing appropriate fisheries avoidance, mitigation and compensation measures.
- Dec 18/97 Royal Assent of Bill 139. Ministry of Natural Resources replaces the *Game and Fish Act* with the *Fish and Wildlife Conservation Act*. For highlights of the new legislation see Jun 9/97.
- Dec 29/97 The 1998 Recreational Fishing Regulations Summary will be made available in January. As of April 1, 1998 an export permit will be required for exporting lake sturgeon from Ontario under the application of the Convention on International Trade in Endangered Species.
- Jan 12/98 Minister of Natural Resources signs agreement with the Ontario Commercial Fisheries Association (OCFA) that will see the industry adopt a larger role in the management of the province's commercial fisheries. This agreement follows the pattern of other industry self-regulation agreements. Under it the OCFA will:
- o compile data from commercial fish harvest reports;
 - o administer royalties;
 - o monitor compliance;
 - o cooperate with MNR projects.
- Mar 3/98 Aquatic experts of the Lake Erie Committee of the Great Lakes Fishery Commission denounce a proposal by the Ontario Federation of Anglers and Hunters to allow greater phosphorous levels in Lake Erie in order to boost primary production and ultimately fish stocks. Lake dynamics are considered by many experts to be much complex, including the need to look at the effect of nutrient cycling, fish harvesting and the introduction of non-indigenous organisms such as the zebra mussel.
- Apr 1/98 Ontario Minister of Natural Resources responds to the federal government announcement that it will spend \$6 million on a lamprey control program in the Great

Lakes in fiscal year 1998-99. The minister believes longer term funding is required. The federal government's action are spurred by its treaty commitments with the United States. A chemical lampricide which attacks young lamprey is the key component of the program.

- Apr 15/98 The Red Hill Creek Expressway project, a highway development near Hamilton which has been approved by the provincial government, is the object of a request for a review by the federal department of fisheries and oceans. The project would have an impact on Red Hill Creek and its fish habitat (see Transportation Section) but the federal minister indicates that the project is at too preliminary a stage to undertake a review.
- May 25/98 House of Commons Standing Committee on Environment and Sustainable Development tables report on the enforcement of federal environmental law entitled *Putting the Public Interest First*. Among other things, the report is highly critical of the Ontario Ministry of Natural Resource's September 1997 withdrawal from the enforcement of the habitat protection provisions of the federal *Fisheries Act*, describing this action as leaving a "huge hole" in the protection of fish habitat in Ontario.
- July 8/98 The reappearance of a deep-water sculpin fish in Lake Ontario, leads scientists to believe that the quality of the lake has been improving. This species of fish has not been seen in the lake in approximately 50 years.
- Nov 26/98 Fisheries Management Plan announced for the Grand River. The Plan will attempt to improve the Grand River as a fish habitat and is supported by the MNR, the Grand River Conservation Authority and a collection of angling groups.
- Dec 16/98 Bill 101 *Red Tape Reduction Act #2*) Introduced. Schedule M amends a number of natural resources acts including:
Fish Inspection Act
- permit arrest of persons involved in illegal sale of contaminated fish products.
 - increase maximum penalties, and extend period of time over which prosecutions can be undertaken.
- Jan 21/99 Ontario government launches appeal of Ontario Court ruling that Ontario Metis have aboriginal hunting and fishing rights under the Canadian Constitution.
- Feb 5/99 Ministry of Natural Resources proposes "New business relationship" with the baitfish industry. The administration of bait licensing (i.e. issuing, data collection, and harvest reporting) to the Bait Association of Ontario (BAO). Increased bait license fees are to go into a Special Purpose Account to finance the administration of the BAO. Specific duties to be assigned to BAO include:
- licence administration, including feed collection and submission to the Crown.
 - commercial bait data management for compilation of provincial harvest records and summary statistics;
 - expansion of industry's participation in fish stock monitoring and assessment; and
 - expansion of the industry's role in compliance monitoring and policy development.



MINING

CHRONOLOGY

- Sep 26/95 Proposal posted EBR Registry to "clarify" requirements of MISA Metal Mining Sector Monitoring and Effluent Regulation for post-closure monitoring of mine discharges. Amendments eliminate requirements for post-closure monitoring and exempt mine tailings from MISA requirements.
- Oct 6/95 Budgetary reductions to the Ministry of Northern Development and Mines: mine-site rehabilitation program redesign \$1.3 M in 1996-97.
- Oct 24/95 Ministry of Northern Development and Mines announces the replacement of the current mine closure review process with a self-regulating system.
- Dec 13/95 Minister of Environment and Energy announces regulation exempting prospectors from environmental liability under the *Environmental Protection Act*.
- Jan 29/96 Bill 26, the *Government Savings and Restructuring Act* enacted by the Ontario legislature. The Bill amends the *Mining Act* to reduce obligations for reporting, financial assurance, mine closure, decommissioning and rehabilitation. The Bill also amends work permit provisions of *Public Lands Act* and reduces capacity of courts to order restoration;
- May 7/96 In its first budget, the Ontario government announces a freeze on all mining taxes and *Mining Act* related fees and licenses. The government also announced its intention to amend the *Corporations Tax Act* to incorporate the expansion of the accelerated depreciation allowance for new and expanded mines provided in the February 1996 federal budget.
- Jun 28/96 Ontario government releases its land-use strategy for Temagami. The strategy permits lifts a 24 year-old mining ban in the area.
- Sep 17/96 Prospecting activity in the Temagami region is intense as land cautions are lifted. The claims staking covers an area of over 617,000 hectares and attracted about 600 prospectors.
- Nov 5/96 Ministry of Natural Resources adopts regulations to guide activities on Crown land. The new regulations reduce the need for work permits by 80% in an effort to save over \$1 million. The regulations frequently except activities related to mineral exploration and logging but attempt to capture whatever activities remain. The regulations reflect many of the relaxations brought about by Omnibus Bill 26 (enacted on January 29, 1996), in particular:
- o the repeal of most fire, travel and work permit provisions;
 - o new trails through Crown land will mostly not require a permit; permit exemptions are clearly granted for trails for mineral exploration, timber or other resource extraction;
- Feb 3/97 The *Red Tape Reduction Act (Ministry of Natural Resources), 1997* goes to 1st Reading. The Act will make the following amendments to the *Public Lands Act*:
- o a land use planning process will be set up that allows for participation by stakeholders and controls activities that may be inconsistent with approved land use plans;
 - o the need for order in council approvals will be removed and authority will be

- delegated to the Minister;
- the Minister may order the transfer of administration and control of public lands to other government bodies; and
- administrative fees will be set by the Minister, rather than established by regulation.

Conservation Authorities Act:

- authorities will be allowed to enter into agreements to permit exploration and extraction of oil and gas reserves on land adjacent to authority land;
- authorities would be permitted to lease land for terms of up to five years without approval;
- maximum fines for violations of the regulations will be increased from \$1,000 to \$10,000, and from \$100 to \$1,000;

The Act will make the following amendments to the *Mining Act*:

- references to boring permits will be removed (these are covered under the *Petroleum Resources Act*); and
- the areas in which the issuing of oil and gas exploration licenses and production leases are restricted to will be redefined.

Provincial Parks Act:

- mining and prospecting activities which are prohibited in provincial parks will be clarified.
- maximum fines will be increased to \$25,000;

- Jul 6/97 Ontario Environment Minister Norm Sterling announces that the MoEE will spend \$18 million to clean up the hazardous materials, including low level radioactive wastes, left behind at the Deloro Mine north of Belleville. Mine wastes have been leaching into the Moira River that flows south into the Bay of Quinte at Lake Ontario.
- Aug 26/97 MoE approves a mine water treatment system for River Gold Mines Ltd. located in Jacobson Township. The treatment system will treat a maximum flow of 12.6 L/sec of excess mine water containing suspended solids, ammonia, and some heavy metals.
- Sep 15/97 MoE approves the drainage water the underground working to be discharged in the existing water settling pond in the Township of Beatty. The water treatment will be the sedimentation of suspended solids. The volume of water that will be pumped per day is estimated at 82,000 litres/day meaning a retention time of 12 days. If the water does not meet the standard, McWatters Mines Inc. will take measures such as building another pond.
- Nov 5/97 Madsen Gold Corp. applied for a permit allowing it to augment water taken from Beaverdam Lake for industrial purposes in Madsen with water from Russett Lake at a rate of 360,000 Imperial gallons per day (1,634,400 lpd) for 244 days seasonally for five years. The Ministry of the Environment and Energy approves this with the following conditions:
- Should the quantity of water change, an amendment is required.
 - Copy of permit must be posted.
 - Company must ensure all staff are knowledgeable about the permit.
 - No more than 10% of the natural flow of Russett Lake at outlet.
 - Water for augmentation of water levels in Beaver Dam Lake.
- Nov 20/97 The Ontario Ministry of Environment has asked an environmental group for financial assistance to help stop hazardous chemical leaking from an abandoned mine at Deloro mine site in Eastern Ontario.
- Nov 27/97 The Ministry of Environment and Energy has received a proposal from Agrium Products Inc. for the establishment of an open-pit mine in Cochrane Ontario. Approval is sought for dewatering activity which will occur in two stages:

- open pit dewatering for bulk sampling of ore body at 4,900,000 L/day for 60 days;
 - mining ore body, dewatering working area of the pit at 5,800,000 L/day for 13 years.

- Dec 18/97 Bill 120, the *Red Tape Reduction Act (Ministry of Northern Development and Mines), 1997* receives royal assent. Bill 120 permits the delegation of approval of mine closure plans to any person designated by regulation. These amendments appear to be linked to the Bill 26 amendments to the *Mining Act*. The provision may also be intended to permit the establishment of a self-regulation system for mine closure similar to that set up for pressure vessels, underground storage tanks, elevators and other devices through the Technical Standards and Safety Authority.

- Apr 15/98 The Ontario Ministry of the Environment appeared in court to begin to explain why the cleanup of the former Deloro gold mine site has not proceeded. Last year, \$10 million was supposed to have been committed by the province to the cleanup. The charges were laid by the Environmental Bureau of Investigation and the Sierra Legal Defence Fund. The hearing will resume on May 26, 1998.

- June 26/98 Regulation adopted to modify the staking of mining claims in environmentally sensitive areas under the *Mining Act*.

- Sep 1/98 Classification Regulation for Class I Instruments under the *Mining Act* adopted under the *Environmental Bill of Rights*.

- Sep 3/98 Ministry of Northern Development and Mines states intention to re-open the Lake Temagami and Skyline Reserve of the Temagami Land Use Plan in the fall of 1998. Staking activity to be subject to Staking in Designated (environmentally sensitive) Areas regulation adopted in June 1998.

- Sep 8/98 Data obtained by Canadian Institute for Environmental Law and Policy through Freedom of Information request shows that 25% of Ontario metal mines failed (between August and December 1997) requirement of MISA regulations that their discharges not be acutely toxic (i.e. lethal) to fish.

- Oct 27/98 Parts of Temagami Area re-opened for the staking of mining claims.

- Mar 29/99 Government responds to 'Land for Life' recommendations. Announces protection of 12% of planning area. All existing mining land tenure within new protected areas to be secured; mineral prospecting to be allowed in new protected areas; protected areas to be "borrowed" if significant deposits found; mining industry veto over creation of new parks or protected areas; subsidy program for prospecting program to be increased from \$2 million to \$4 million/yr; \$19 million to be spent on geological surveys to identify new mineral deposits.



MINERAL AGGREGATES, PETROLEUM RESOURCES AND BRINE INDUSTRIES

CHRONOLOGY

- May 14/96 Changes are introduced by the Ministry of Natural Resources for the regulation of the aggregates, petroleum and brine (salt solution mining) industries. These changes are to be implemented through Bill 52, *Aggregate and Petroleum Resources Statute Law Amendment Act* and would amend the *Aggregate Resources Act*, *Petroleum Resources Act*, *Mining Act*, and the *Ontario Energy Board Act*. Responsibility for site inspections and monitoring are to be "transferred" from the MNR to these industries. The government is also proposing to shift from "complex", to more streamlined, legislation and regulations, backed by technical standards. Details include:
- self-monitoring by the mineral aggregates industry;
 - responsibility for day-to-day site inspections and monitoring for compliance with the terms of site plans and licenses under the *Aggregate Resources Act* is to be "transferred" from the MNR to the aggregates industry;
 - the proposal to transfer responsibility for the administration and delivery of the rehabilitation program associated with the Abandoned Pits and Quarries Rehabilitation Fund to the industry.
 - increased fines, extended license suspension periods, and longer time periods for the initiation of prosecutions under the Act;
 - increased fines under the *Petroleum Resources Act*;
 - requirements for life-cycle well licenses will be established to replace the current system of well permits, which only address the regulatory functions associated with drilling.
- Aug 13/96 Ministry of Environment and Energy posts a proposed exemption on the Environmental Bill of Rights Registry that would eliminate the need for pits and quarries on the Niagara Escarpment, that were in existence before June 1975, to obtain development permits for expansion.
- Oct 17/96 Regulation finalized that would eliminate the need for pits and quarries on the Niagara Escarpment, that were in existence before June 1975, to obtain development permits for expansion, except where the water table is affected.
- Oct 23/96 The Ministry of Municipal Affairs and Housing approves Peel Region's first official plan. Under the plan, the region has agreed to incorporate provincial policies on several issues, including:
- the extraction of mineral aggregate resources for long-term use;
 - support for the region's desire to protect the environment.
 - support for the Caledon Community Resources Study which assesses future mineral aggregates in the region. This may result in the refinement of mineral aggregate policies; and
 - there will be no moratorium on new aggregate operations in "high potential" areas.
- In effect this removes a freeze on aggregate extraction covering 8,000 hectares in the Caledon Region. More than eighty appeals related to this decision are filed with the Ontario Municipal Board.
- Oct 96 Municipal Affairs and Housing Minister Al Leach removes a freeze on aggregate extraction covering 8,000 hectares in the Caledon Region. Seventy appeals of the decision are filed with the Ontario Municipal Board.
- Dec 19/96 Bill 52 *Aggregate and Petroleum Resources Statute Law Amendment Act* receives

royal assent.

- Mar 10/97 The Ministry of Natural Resources posts several policy and standard proposals on the EBR Registry:
- Proposed Provincial Standards and associated regulations for Bill 52 under the *Oil, Gas and Salt Resources Act* which would govern drilling, facility, production, storage and reporting standards;
 - Proposed Provincial Standards and associated regulations for Bill 52 under the *Aggregate Resources Act* which would govern site and operation standards and compliance reporting requirements;
- Jun 27/97 Aggregates and Petroleum Standards under Bill 52 come into effect.
- Oct 9/97 Unimin Canada Ltd. submits proposal to the Ministry of Environment requesting a permit to take water from Midland Bay. Water will be used to suppress dust on active rock stockpiles and will be removed from the bay at a daily maximum rate of 720,000 L.
- June 30/98 The Sierra Legal Defence Fund will be appealing the acquittal of United Aggregates Ltd., a limestone quarry operator who, on the advice of the Ontario's previous Environment Minister Brenda Elliot, violated a court order that banned digging in the Niagara Escarpment.
- Dec 16/98 Bill 101 *Red Tape Reduction Act #2*) Introduced. Schedule M amends a number of natural resources acts including:
- Aggregate Resources Act*
- permit site plans and licenses to take precedence over municipal rules and by-laws;
 - permit regulations under the Act to adopt technical standards by reference.
- Oil, Gas and Salt Resources Act*
- minor amendments;
 - permit adoption of technical standards by reference.
- Bill 101 died on the order Paper when the Legislative session ended on December 18, 1998.
- Dec 18/98 Bill 25, *Red Tape Reduction Act, 1998*. Receives Royal Assent. Schedule I of the Bill amends a number of MNR statutes including:
- Conservation Authorities Act*
- Removes requirement for Conservation Authority permission for changing, diverting or interfering with watercourses, wetlands, Great-Lakes St. Lawrence shorelines, inland lakes; river and stream valleys, hazardous lands, for activities approved under the *Aggregate Resources Act*; and
 - removal of the requirement for provincial approval of Conservation Authority Regulations.

TRANSPORTATION

CHRONOLOGY

- Jun 95 Toronto subway expansion temporarily halted. The Province retracts funding for Eglinton Avenue Line but maintains support to the Sheppard Line. Metro Toronto uncertain about its ability to finance even this line in the face of other fiscal restraints.
- Jul 5/95 Photo radar system of highway speed control abolished.
- Jul 21/95 Government-wide ministry spending reductions released by the Minister of Finance. Cuts are to capital and operating budgets for the 1995-96 fiscal year:
- o municipal road budget cut by \$74 M;
 - o GTA rapid transit budget cut \$42 M;
 - o provincial highway and other MTO initiatives \$69 M;
 - o reduce GO Transit grant \$15 M.
- Aug 29/95 Transport Minister announces that the MTO will defer the development of new GO Transit commuter rail services.
- Oct 6/95 Reductions to the Ministry of Transportation for the 1995-96 and 1996-97 fiscal years:
- o municipal transit operating subsidies \$16 M;
 - o GO Transit operating subsidy \$3.8 M;
 - o service, staff, board and program reduction \$19.6 M.
- Oct 24/95 Ontario Minister of Environment and Energy endorses national clean air standards proposed by the Task Force on Cleaner Vehicles and Fuels. Proposal includes the promotion of: fuel efficient and alternate fuel vehicles; inspection and maintenance programs; low emission vehicles by 2001; and new fuel standards.
- Nov 30/95 Five year, \$100 million funding announced for the Red Hill Creek Expressway in Hamilton-Wentworth.
- Dec 8/95 Funding announced for the completion of Highway 416 between Ottawa and Highway 401.
- May 7/96 The Conservative government announces in its first budget, that it will restore some of the previously eliminated funding for highways and roads, and the Northern highway program.
- May 96 Ministry of Transportation announces an increase in minimum and maximum fines for transport trucks which are operating at increased loads or in poor maintenance as well as increased inspection and enforcement activities. This initiative may help reduce the likelihood of spills of hazardous materials and environmental contaminants.
- May 14/96 The provincial government announces that its focus for highway funding will be on repairing and preserving the existing highway network. The government is increasing highway funding by \$140 million over last year. In fiscal year 1996/97, \$490 million will be spent on highways in southern Ontario, and \$138 on Northern highways. The province will also provide an extra \$60 million to repair highways that are being transferred to municipal control and roads that link to provincial highways.
- Oct 1/96 Ministry of Environment and Energy announces that a pilot study testing vehicle

emissions for air pollutants will conclude at the end of October. The study, which began in April 1995, gave drivers free inspections at the CleanAir Centre in Mississauga. Data from the study will be reviewed but the ministry has not committed itself to setting up a permanent program.

- Nov 4/96 The Who Does What Panel recommends to the Ministry of Municipal Affairs and Housing that the province:
- continue to transfer to municipalities ownership of provincial highways that serve primarily local needs, provided municipalities are granted a revenue source to help with highway upkeep; and
 - discontinue transit financial support but play a role in setting safety standards, coordinating broader transportation planning and helping with inter-municipal coordination and integration.
- Over the longterm removal of highway development subsidies or the implementation of toll systems could have a positive environmental impact. However, these changes must be viewed in the context that provincial support to transit systems is also being greatly reduced and that is likely to lead to greater dependence on the personal vehicle.
- Jan 15/97 Ministry of Transportation announces that the province is eliminating \$718 million in transportation spending and passing responsibility for local transportation onto municipalities. Municipalities will soon be required to fully fund:
- municipal transit (i.e., the TTC);
 - GO Transit;
 - municipal airports; and
 - those highways and ferries that primarily serve local needs.
- As a result of the withdrawal of provincial spending, the TTC will need to make up \$95.8 million/year and GO Transit \$110 million/year. It is likely that this will cause increased fares and/or reduced service which could reduce ridership, cause more personal vehicle use and therefore lead to higher air emissions from the transportation sector.
- Mar 11/97 The Minister of Environment and Energy approves the plans for Hamilton-Wentworth's Red Hill Creek Expressway. The project has provoked controversy because of its likely impact on the Red Hill Valley which includes extensive wetland and other environmentally significant areas.
- May 14/97 Minister of Transportation reiterates that the province will spend \$628 on highway maintenance this year as originally announced in the budget of May 6, 1997. The total amounts to \$140 million more than the previous year.
- May 14/97 The Ministry of Transportation accepts a policy that has been designed to mitigate some aesthetic problems associated with run-off that have occurred in Southwestern and Central Ontario. The MTO will identify a location for a demonstration project where Air Cooled Iron Blast Furnace Slag (ACBFS) is to be used as road building material to study its environmental effects and ability to moderate the run-off problem.
- Jun 4/97 MoEE posts on EBR registry decision to issue an exemption order to the Regional Municipality of Hamilton-Wentworth from the requirements of the *Environmental Assessment Act* for the construction of the Red Hill Creek Expressway (North-South section).
- Jun 6/97 Statistics Canada reports that, Canada-wide, transit use has slipped to its lowest level since 1970 and has been declining since 1988.
- Jun 12/97 Ministry of Transportation posts decision on EBR registry stating that it will no longer

test, prior to approval, materials used to minimize dust during road construction and on unpaved rural roads. Instead, the Ministry will depend on the list of dust suppressants issued by the Ministry of Environment and Energy. However, the MoEE's list comes with the disclaimer: "The MoEE does not endorse any of the following products nor does it guarantee that the products are environmentally benign."

- Jun 18/97 The report "Getting Together" which outlines a blueprint for the Greater Toronto Services Board suggests that one of the main reasons for the GTSB should be to integrate the 17 separate transit systems with the GTA. It recommends that the Board should be able to:
- integrate all GTA transit systems into a seamless web;
 - coordinate decision-making authority among transits;
 - approve transit proposal including subway developments;
 - set financing but allow municipalities to appeal to the OMB;
 - prescribe solutions when municipalities disagree;
 - assume sole responsibility for GO Transit.
- Aug 22/97 The Minister of Environment and Energy announces a vehicle emissions testing program called "Drive Clean" (see also retraction on Apr 17/98). Under the program, heavy duty trucks and buses would be the first to have their emissions tested. The next phase would see cars and light trucks in the Greater Toronto Area and in Hamilton have their emissions tested. Within a period of five years, the program would extend to various centres from Windsor to Peterborough. Under the program:
- vehicles would be tested every time they change ownership or at every other years' licensing renewal for cars and light trucks that are 4-19 years old;
 - if the vehicle's exhaust does not conform to the model year standards, the vehicle could be subject to repairs up to \$200.
- The program is aimed at reducing volatile organic compounds, nitrogen oxides and particulates.
- Sep 10/97 Provincially appointed transition team overseeing Toronto amalgamation orders a 15% reduction (\$31 million) in the budget of the Toronto Transit Commission (TTC). To do so, the Commission would have to:
- raise fares 5 to 10 percent;
 - eliminate more bus routes;
 - eliminate special fares for seniors and students;
 - tighten eligibility for Wheel-Trans (disabled) service;
- The TTC has, over the past several years, eliminated 1,250 positions, eliminated service and raised fares.
- Nov 19/97 The National Round Table on Environment and Economy releases "The Road to Sustainable Transportation in Canada." The report indicates that the transportation system could have a major negative impact on the environment if subsidies are not removed and pricing is not reflective of true cost. It recommends: public awareness about the risks of the status quo; a national strategy for sustainability; targets for emission reduction; and vehicle inspection and maintenance programs.
- Nov 28/97 The Ministry of Transportation approved the use of the "Fisheries Manual Part 2" to address fisheries concerns on provincial highway undertakings by providing guidelines on selecting and designing appropriate fisheries avoidance, mitigation and compensation measures.
- Jan 20/98 Ministry of Environment launches Ontario's Smog Plan. The goal of the plan is to reduce smog causing emissions by 45% by 2015. The plan attempts to rely upon:
- a vehicle inspection and maintenance program called "Drive Clean" (which was

announced but never implemented);

- o public involvement in smog reduction efforts;
- o efforts in the U.S. to reduce transboundary pollution;
- o developing strategies for particulate emission reduction;

Environmental and public health organizations criticize the plan as being grossly inadequate with reference to its slow time line, reliance on voluntary action by industry, lack of source/sector targets, and lack of monitoring and reporting mechanisms.

Jan 28/98 The Toronto Transit Commission announces that ridership is up. A total of 379 million trips were made in 1997 (9.9 million more trips than expected). The increase is being managed mostly through attempting to extend the life of existing buses, subway and street cars rather than procuring new ones. The increase is largely credited to an increase in economic activity not improvements in service or integration. Such measures will be required to ensure that transit use does not erode.

Jan 30/98 According to the federal transport minister, Canadian roads already support 18 million vehicles currently but private vehicle traffic is expected to grow between 50 and 100 percent over the next 25 years unless something is done about it. The minister made a call to limit the growth rate since the existing road network can not support the growth and even if the nation could afford to expand the infrastructure (which it can not) the environment could not support it.

Feb 18/98 Seven more kilometres are added to Highway 407 (a six lane toll road north of Toronto) on its easternmost flank. The highway now ends in Markham but is intended to continue, with 10 lanes, into Durham Region. Markham Council has voted to restrict traffic exiting the highway for fear of its impact on the city. The long term plan will see this highway stretch 154 kilometres from the Queen Elizabeth Way in Burlington to the Highway 115/35 near Bowmanville.

Mar 3/98 It is revealed that gasoline sulphur levels are higher in Ontario than anywhere else in North America and even other parts of the world. As a consequence, automakers say they will not agree to the provincial plan for smog reduction until gasoline refining improves. Average sulphur levels for various jurisdictions were:

- o Canada (1995) 343 ppm
- o Ontario (1996) 533 ppm
- o Atlantic (1995) 276 ppm
- o Quebec (1995) 364 ppm
- o Prairies (1995) 228 ppm
- o B.C. (1995) 273 ppm

The US average is 260 ppm while the average in California is 30 ppm. The MoE estimates that 1800 premature deaths are caused by air pollution each year. Sulphur dioxide is a significant lung irritant.

Mar 5/98 Minister responsible for Privatization, Rob Sampson, suggests that Ontario residents may be eligible to purchase shares in Highway 407. This, despite the fact that Ontario residents largely financed its construction and in effect already own it. Unresolved issues surrounding its privatization include:

- o how a private consortium could afford to take over the current 69 kilometre section with its \$1.5 billion debt and afford to finance the 24 kilometre western extension;
- o whether any private consortium could undertake such a project without public debt guarantees or public subsidy;
- o how much any private body could own the road given that the province will always retain ownership of its right-of-way;

The original financing of the road has already been criticized by the provincial auditor

as placing the risk with taxpayers and the benefits with the private sector. In order to sell the road to any private consortium it is expected that the government would have to guarantee traffic volume, restrict development near other roads or lower the speed limits of nearby roads to limit competition.

- Mar 9/98 Minister of Transportation announces that \$70 million will be made available to municipalities to set up capital reserves for transit responsibilities. The province has terminated all grants to municipal transit systems.
- Mar 13/98 Minister of Transportation announces that the province will consider providing GO Transit with half of the \$200 million promised for restructuring pending the passage of the Greater Toronto Services Board legislation. The province has terminated all grants to municipal transit systems. GO Transit is being transferred to the municipalities of the GTA and Hamilton-Wentworth. The funding establishes a capital reserve in each of the municipalities.
- Apr 15/98 The Red Hill Creek Expressway project, a highway development near Hamilton which has been approved by the provincial government, is the object of a request for a review by the federal department of fisheries and oceans. The project would impact fish habitat but the federal minister indicates that the project is at too preliminary a stage to undertake a review.
- Apr 17/98 Premier indicates that a possible delay of up to one year to initiate "Drive Clean" the province's vehicle emission testing program is unacceptable. The MoE had indicated that it would be operating by Spring 1999.
- heavy trucks and buses were to be tested this summer across southern Ontario followed by cars and light trucks in Hamilton and the Greater Toronto Area in autumn;
 - by the year 2000 vehicles in 13 cities were to be subject to mandatory testing;
- The delay draws criticism from suppliers of testing equipment who expected the program to be underway much sooner.
- Apr 29/98 The International Joint Commission calls upon the Canadian and U.S. governments to make a major reduction in the sulphur content of gasoline. Ontario gasoline has the highest sulphur content in the western world.
- May 12/98 Ontario Medical Association calls for lowering the sulphur content in Ontario gasoline (See also Air Quality section).
- May 21/98 Domtar Limited's dust suppressing product Dombind is causing elevated dioxin levels in the environments near the roads on which it is sprayed according to a Ministry of the Environment investigation. Levels varied widely with one test above the acceptable provincial limit for dioxin. 100 million litres per year of the product, which is a pulp and paper waste liquor, are sprayed on Ontario gravel-top roads.
- May 25/98 In June, Toronto planners will release a report that insists that city taxpayers pay \$23 million to cover the transit costs of those living in outlying regions. Toronto pays for nearly half of GO transit costs, yet 85% of users live outside of the city. Regional officials and transportation experts have urged Toronto mayor Mel Lastman to consider the importance of public transit to the economy of Toronto before proposing changes to funding distribution.
- May 25/98 Residents of Markham Ontario living near the eastern terminus of highway 407 at McCowan Rd. voice concerns about increased traffic and noise pollution caused by the toll road. Large trucks, forced to exit at McCowan, have been using local roads to

connect to other major routes. The highway has been constructed farther east to Markham Rd. but the interchange remains closed to protect historic Markham Village.

- Jun 24/98 Due to population increases in areas north of Toronto and traffic congestion in York region, the Ministry of Transportation has developed a plan to extend highway 404, and widen roads linking it to highway 400. Environmental assessment approval has been granted on all aspects of the project which is expected to be completed by spring 2000.
- Aug 29/98 Transportation Minister, Tony Clements, discusses the need for a national highways policy (similar to the United States policy) and for the expansion and improvements of highway infrastructure in Canada. His main concern is that if provincial and federal governments do not begin to act on this matter, the country will suffer economically and trade between Canada and the U.S. will be hindered.
- Dec 18/98 *Greater Toronto Services Board Act, 1998* receive Royal Assent. The Act goes into being on January 1, 1999 and creates a board review integration issues, most notably transportation, for municipalities in the Greater Toronto Area.
- Apr 1/99 The first day of implementation of Ontario's Drive vehicle inspection and maintenance program.
- Apr 22/99 Ministry of Environment posting (EBR # RA9E0003) indicates its intent to adjust the emission standards under its Drive Clean program in a manner that would harmonize them with those of the US EPA. The standard revision will be made by amendment 86/99 to Ontario Regulation 361/98 under the Environmental Protection Act.

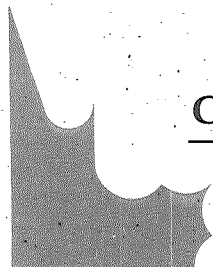


UNDERGROUND STORAGE TANKS, BOILERS AND PRESSURE VESSELS

CHRONOLOGY

- May 16/96 Minister of Consumer and Commercial Relations Norm Sterling introduces Bill 54 *The Safety and Consumer Statutes Administration Act*. The legislation proposes to:
- allow non-profit industry self-management authorities to assume responsibility for registration and accreditation of members, investigation of consumer and business complaints, suspension of registrations and prosecutions of violations;
 - create a technical standards and safety authority to make regulatory recommendations for the affected industries;
 - allow for the above in the areas of gasoline and other hydrocarbon handling, motor vehicle dealers, real estate agencies and brokers, travel agencies, and cemetery operators.
- The division of responsibilities is to be such that the authorities will deliver safety programs but oversight of these bodies and legislative responsibility for public safety rests with the MCCR.
- Jul 24/96 *The Safety and Consumer Statutes Administration Act* (Bill 54) is proclaimed. In so doing the Act will create the Technical Standards and Safety Authority (TSSA). This non-profit, non-government organization will deliver safety programs and services in four main areas: boilers and pressure vessels, elevators, hydrocarbon fuels and equipment, and upholstered items. The TSSA may make recommendations to the Ontario government on changes to the *Energy Act*, *Gasoline Handling Act*, the *Operating Engineers Act* and others or their regulations. The body is to be funded by member and license fees. Its board composition will include representatives from industry, government and non-industry stakeholders.
- Feb 6/97 Minister of Consumer and Commercial Relations David Tsubouchi appoints board members to the Technical Standards and Safety Authority. These are:
- Sue Corke: currently a Director of Standards at Ministry of Consumer and Commercial Relations;
 - Joyce Feinberg: experience with Ministry of Environment and Energy and the Ministry of Consumer and Commercial Relations;
 - Rosalie Daly Todd: Counsel for the Consumers' Association of Canada;
- These appointments continue the process of industry self-management put in place by *The Safety and Consumer Statutes Administration Act*.
- May 4/97 The Minister for Consumer and Commercial Relations announces that, effective May 5, 1997, the industry-funded, not-for-profit Technical Standards and Safety Authority (TSSA) will assume the delivery of certain functions currently handled by the MCCR. The areas in which the TSSA will assume responsibilities include:
- licensing, registration and certification;
 - reviewing engineering designs;
 - inspection, enforcement and compliance;
 - professional development and training programs; and
 - promoting national harmonization of safety codes and standards;
- For the following industrial activities:
- boilers and pressure vessels;
 - elevating and amusement devices;
 - hydrocarbon fuels (natural gas, propane, fuel oil and gasoline) and its associated equipment;
 - upholstered and stuffed devices.





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