

**30-year PCB saga ending**

Ottawa has finally promulgated regulations to phase out the use and storage of high level PCBs in electrical equipment and transformers. Its new PCB Regulations (SOR/2008-273) set deadlines for destruction of high level PCBs in storage. The regulations are intended to achieve removal of 50% of the PCBs still in use and 100% of the PCBs currently in storage by the end of 2009. Remaining low level PCBs (fluids containing less than 50 mg of PCB per kilogram) will be eliminated by 2025.

The move will bring to an end more than 30 years of federal regulatory action to control and phase out the use

of PCB, which began with their 1976 listing under the Environmental Contaminants Act, the precursor of today's *Canadian Environmental Protection Act, 1999*.

An estimated 71 facilities across the country – primarily utilities, pulp and paper companies, iron and steel makers, and mines, as well as government agencies, hospitals, schools and other industrial sectors – account for the majority of the PCBs in use or storage. Compliance is expected to be expensive with final disposal costs estimated at up to \$255 million. The PCB Regulation, published in the Canada Gazette Part II on September 17, 2008, consolidates and replaces the previous Chlorobiphenyls Regulations and the Storage of PCB Material Regulations.

**Toronto Environmental Reporting Program:
Proposed Substances and Thresholds**

Chemical Name	Reporting Threshold (kg/yr)
Acetaldehyde	100
Acrolein	100
Benzene	100
1,3-Butadiene	100
Cadmium	1.0
Carbon tetrachloride	100
Chloroform (Trichloromethane)	100
Chromium, Hexavalent	10
Chromium, Non-hexavalent	100
1,2-Dibromo ethane (Ethylene dibromide)	100
1,4-Dichlorobenzene	100
1,2-Dichloroethane (Ethylene dichloride)	100
Dichloromethane (Methylene chloride)	100
Formaldehyde	100
Lead	10
Manganese	10
Mercury	1.0
Nickel	100
Tetrachloroethylene (Perchloroethylene)	100
Trichloroethylene	100
Vinyl chloride	100
Polycyclic Aromatic Hydrocarbons (PAHs)	10d
Nitrogen Oxides (NOx)	200
Particulate Matter 2.5 (PM _{2.5})	30
Volatile Organic Compounds (VOCs) total	100

Engagements of Note

For the 3rd year, **Donna Shier** chaired the annual *Law Society Advanced Roundtable in Environmental Law 2008* on October 28, 2008. W+SEL lawyer **Juli Abouchar** participated as facilitator on Aboriginal and EAA.

Juli Abouchar also lectured on Environmental Due Diligence at Osgoode Hall Law School and at the Schulich School of Business on November 5 and November 10, 2008, respectively.

On November 24, 2008, **Doug Petrie** chaired the *ABCs of Practical Air and GHG Emission s Compliance*. Doug also presented on Managing Investigations. **John Willms, Paul Manning and Vivienne Ball** also presented at this event.

Marc McAree spoke at the *CCA/CCH 3rd Annual Ultimate Corporate Counsel Conference*, November 12, 2008 on Corporate Social Responsibility (CSR) and Environmental Management.

Vivienne Ball presented on obligations to respond and report spills at the Region of Waterloo's 2008 Spills Presentation Workshop on October 7, 2008.

John Willms will make a presentation about the Environmental Assessment Process at The Canadian Institute Waste-Based Energy Conference on December 4, 2008.

2009 Conferences**January**

The Canadian Institute

- ◆ *Structuring, Negotiating & Financing Power Projects* - **Paul Manning**
- ◆ *E-Waste Management* - **Jennifer Agnolin**

February

The Canadian Institute

- ◆ *5th Annual Provincial/Municipal Government Liability* - **Marc McAree**
- ◆ *Aboriginal Law Consultation and Accommodation* - **Juli Abouchar**

Insight Information

- ◆ *3rd Annual Corporate Counsel Summit* - **Marc McAree**

For more information, please visit www.willmsshier.com/conferences.asp

To Subscribe

If you would like to receive Willms & Shier's Environmental Law Report, email your name, title, and organization to bspiegel@willmsshier.com.

