

Publisher's Note 2018 — Release 3

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Abouchar and McClenaghan Ontario Water Law

Ontario Water Law provides a thorough examination of the current provincial and federal regulatory framework for all aspects of water in Ontario - all of which is expertly annotated with cases from the courts and tribunals along with the prosecution disposition reports.

What's New in this Update

This release features updates to Chapters 3 (Ontario Water Resources Act (OWRA)), 4 (Safe Drinking Water Act, 2002), 11 (Nutrient Management Act, 2002), 14 (Pesticides Act) and 18 (Fisheries Act). As well, new case digests have been added to Chapters 7 (Lakes and Rivers Improvement Act), 8 (Beds of Navigable Waters Act), 9 (Public Lands Act) and 10 (Conservation Authorities Act).

Highlights

Ontario Water Resources Act (OWRA) — Section 30(1) — Discharge of polluting material prohibited — The defendant company pled guilty to one count of discharging or permitting the discharge of sediment into the Namewaminikan River, impairing the quality of the water or any waters. The defendant company owns a run-of-water hydroelectric power generation project on the Namewaminikan River. The defendant company was subject to a permit and an environmental compliance approval. The defendant company began construction to remove

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Cofferdam TF1 in the Namerwaminikan River at the Twin Falls site. During a site visit on November 18, 2015, the MECP observed a discharge of sediment into the Namewaminikan River, which resulted from the removal of the Cofferdam TF1. The defendant company was fined \$50,000 for this count plus a victim fine surcharge: *R v. Namewaminikan Hydro Inc and Axor Construction Canada Inc*, May 29, 2018.

Safe Drinking Water Act, 2002 — Section 12. (1) — Operator’s certificate — The defendants were charged with one count each of operating a regulated non-municipal drinking water system without a valid operator’s certificate issued in accordance with the regulations. The charges were withdrawn: *R v. Carl Douglas Dressel and Melanie Jeanne Dressel*, October 27, 2017.

Pesticides Act — Section 7.1(4) — Prohibition on sale — The defendant was charged with one count of offering to sell a prohibited pesticide. The defendant operated a garden centre and nursery and sells pesticides to the public. A Provincial Officer conducted an inspection of the site and noticed a Class 8, prohibited pesticide for sale. The defendant advised the Court that none of the product had actually been sold and that the inventory had been returned to the supplier. The defendant pled guilty and was fined \$3,000 plus victim fine surcharge with one year to pay: *R v. Peeters Landscaping Inc.*, February 1, 2018.