

TRENT UNIVERSITY  
ERST 4250H: ENVIRONMENTAL LAW AND REGULATION  
WINTER 2011

COURSE OUTLINE

COURSE INSTRUCTORS

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COURSE OVERVIEW

The ERST 4250H (Environmental Law and Regulation) course provides students with a detailed, “hands on” overview of environmental law, regulation and policy within Ontario. In particular, students will examine how federal, provincial and municipal governments have attempted to address pollution control and biodiversity conservation.

Half of the course focuses on two case studies. The first case study involves community-wide contamination arising from a secondary lead smelter in Toronto. Topics covered by this case study include: lead regulation; environmental prosecution; civil litigation; administrative orders; environmental

assessment; and site remediation. The second case study involves a proposed waste-burning project at a cement plant near Kingston. Topics covered by this case study include: air pollution standards; environmental approvals; public participation rights; and administrative appeals.

The other half of the course focuses on biodiversity conservation, including conservation practices and examples in the Kawartha bioregion, land use planning at the provincial and local levels, protected areas, wildlife and species at risk, and sustainable use in such sectors such as agriculture and forestry.

### CLASS FORMAT

The general course format will be lectures and class discussion. The discussion will focus on issues arising from current events, the lectures and assigned readings.

The required text is the Coursepack developed for this course, organized into two parts. The first part is entitled *Lead and the Law: The Toronto Refiners & Smelters Saga*, and the second part is entitled *The Burning Question: Lafarge's "Alternative Fuels" Project*. Additional reading materials may be distributed in class, available online, circulated electronically, or placed on reserve in the Bata Library.

### ACADEMIC INTEGRITY

Academic dishonesty, which includes plagiarism and cheating, is an extremely serious academic offense and carries penalties varying from a 0 grade in an assignment to expulsion from the University. Definitions, penalties, and procedures for dealing with plagiarism and cheating are set out in Trent University's *Academic Integrity Policy*. You have a responsibility to educate yourself – unfamiliarity with the policy is not an excuse. You are strongly encouraged to visit Trent's Academic Integrity website to learn more - [www.trentu.ca/academicintegrity](http://www.trentu.ca/academicintegrity).

### ACCESS TO INSTRUCTION

It is Trent University's intent to create an inclusive learning environment. If a student has a disability and/or health consideration and feels that he/she may need accommodations to succeed in this course, the student should contact the Disability Services Office (BL Suite 109; 748-1281;

[disabilityservices@trentu.ca](mailto:disabilityservices@trentu.ca)) as soon as possible. Complete text can be found under Access to Instruction in the Academic Calendar. Other support for learning and writing are available through the University.

### ON-LINE LEGAL RESOURCES

There are several on-line resources available for research on provincial and federal law:

General Provincial Laws: <http://www.e-laws.gov.on.ca/navigation?file=home&lang=en>

Choose: Consolidated Law - Statutes and associated Regulations

Then: search, or click on the letter that is the first letter of the statute

Then: click on the statute title or click on the “+” to see the list of regulations

General Federal Laws: <http://laws.justice.gc.ca/en/index.html>

Choose Laws or Search functions in the upper left hand corner

Canadian Legal Information Institute: [http://www.canlii.org/index\\_en.html](http://www.canlii.org/index_en.html)

Search for federal or provincial statutes, regulations and reported court cases

### STUDENT EVALUATION

Each student is expected to: attend class regularly; read the assigned readings; participate in class discussion; prepare three written assignments (i.e., outline of group research paper/project; report on public meeting; group research paper/project); and write a take-home exam. Assignments should be submitted in a paper format, preferably double-sided, and in a Word (.doc) or pdf format if submitted electronically upon consent of the Course Instructors.

#### (i) Outline of Group Research Paper/Project

The Course Instructors will distribute a short list of topics for the group research paper or project. Other topics or projects may only be addressed by student groups with the consent of the Course Instructors. Students are further encouraged to examine the community-based projects listed by the Trent Centre for Community Based Education ([www.trentcentre.ca](http://www.trentcentre.ca)).

During the third class, students shall organize themselves into groups of 2 or 3 students, and each group shall select its research topic. A sign-up sheet will be provided by the Course Instructors at the third class. Once the groups have signed up for a particular topic, students shall not change groups or assigned topics without the consent of the Course Instructors. The Course Instructors may also assign students to a particular topic. Student groups will receive more detailed instructions and background materials for the research topics, but will be expected to contribute to the design, research and analyses for the project. Projects should be based upon a thesis statement and focus on critical analysis, rather than just narrative description. References should include diverse sources, including those on the internet and also from published materials.

The written outline shall be jointly prepared by the group members, and should concisely describe the nature and scope of the proposed research paper or community-based project. In particular, the outline should: (a) identify the precise issue(s) to be addressed by the group, including a thesis statement identifying the group's central argument; (b) describe the group's intended approach or methodology for addressing the issue(s); (c) list at least four references related to the issue(s), two of which must not be internet sources; (d) present the group's preliminary conclusions or recommendations regarding the issue(s); and (e) describe the relationship to other student groups' research on the same topic (if applicable). This means that all group members must coordinate, cooperate, and conduct some preparatory research before completion of the written outline. The written outline should not exceed 1,000 words in length.

Student groups are strongly encouraged to discuss their assigned topics with the Course Instructors in advance of researching and finalizing the outline assignment. Each member of the group shall receive the same grade given to the outline (see below).

The group's written outline is due no later than **Friday, February 18, 2011, at 2:00 p.m. (start of class)**. Outlines must be handed in to the Course Instructors or to Deb Mills in the ERS General Office on or before that time.

(ii) Report on Public Meeting

A key component of environmental law is public participation. For this written assignment, students will be expected, on an individual basis, to review key background documents and attend a public hearing before an environmental tribunal, or a public meeting of a local municipal council or other public body when it is dealing with an environmental issue. Each student shall then individually prepare and submit a one-page report that describes the issue, the legislation involved, the key players and perspectives (including members of the public), the main points of discussion and decision at the meeting or hearing, and particularly observations on dynamics/how issues were addressed/effective participation, etc.

The report on the public meeting is due no later than **Friday, March 11, 2011, at 2:00 p.m. (start of class)**. Reports must be handed in to the Course Instructors or to Deb Mills in the ERS General Office on or before that time.

(iii) Group Research Paper/Project

The group research paper/project shall be jointly researched and written by group members. It is expected that the group's workload and responsibilities shall be distributed evenly among all group members. The research paper/project should not exceed 25 pages (double-spaced), and shall be carefully proofread and spellchecked prior to submission. References and a bibliography are mandatory.

The group's research paper/project is due no later than **Friday, April 1, 2011, at 2:00 p.m. (start of class)**. These research papers/projects must be handed in to the Course Instructors or to Deb Mills in the ERS General Office on or before that time.

Each member of the group shall receive the same grade given to the research paper/project (see below).

(iv) Late Assignments and Extension Requests

**Assignments will lose 5% of their potential value for each weekday that they are overdue.** All assignments should be carefully proofread and spellchecked prior to submission. Deadlines for written assignments may be renegotiated with the Course Instructors **until 2 weeks before the deadline**. In most cases, this can be done by e-mail. A printout of the Course

Instructors' response should be attached to the written assignment as the record of the extension. If permission is given in person, then the written permission slip should be attached to the assignment. It is the student's responsibility to attach the relevant documentation.

(v) Grading Students' Work

Grades will be apportioned as follows:

Written assignment (outline of research/project paper)	25%
Report on public meeting	10%
Written assignment (group research paper/project)	35%
Take-home Exam	30%

### COURSE SCHEDULE

Classes are scheduled for Fridays from 14:00 to 15:50 in Room GCS 110 (Gzowski College).

- Jan. 14      **COURSE INTRODUCTION; TRS OVERVIEW; LEAD & PUBLIC HEALTH; LEAD REGULATION (RL)**  
Reading: *Coursepack*, pages 3-20
- Jan. 21      **PUBLIC & PRIVATE PROSECUTION; ADMINISTRATIVE ORDERS (RL)**  
Reading: *Coursepack*, pages 21-97
- Jan. 28      **KAWARTHAS AND BIODIVERSITY – INTRODUCTION (IA)**
- Feb. 4              **CONSERVATION AND LAND USE PLANNING (IA)**  
Reading: *Provincial Policy Statement*, Parts I-IV, Policies 1.1 and 2 - 4
- Feb. 11      **CIVIL LITIGATION; ENVIRONMENTAL ASSESSMENT (RL)**  
Reading: *Coursepack*, pages 98-155
- Feb. 18      **EXPROPRIATION / SITE DECOMMISSIONING; LAFARGE OVERVIEW; AIR POLLUTION STANDARDS (RL)**  
Reading: *Coursepack*, pages 156-207

- Feb. 25 No class – Reading Week
- March 4 **PROTECTED AREAS (IA)**  
Reading: *Kawartha Highlands Signature Site Park Act* (Ontario)
- March 11 **PUBLIC PARTICIPATION RIGHTS; ENVIRONMENTAL APPROVALS (RL)**  
Reading: *Coursepack*, pages 208-245
- March 18 **VOLUNTARY STEWARDSHIP APPROACHES (IA)**  
Reading: *Conservation Land Act* (Ontario)
- March 25 **ENVIRONMENTAL APPEALS (RL)**  
Reading: *Coursepack*, pages 246-319
- April 1 **WILDLIFE CONSERVATION AND SPECIES AT RISK (IA)**  
Reading: *Endangered Species Act* (Ontario), Sections 1-17
- April 8 **SUSTAINABLE USE AND COURSE WRAP-UP (IA)**