Case No. 08-053

ENVIRONMENTAL REVIEW TRIBUNAL

IN THE MATTER OF sections 38 to 48 of the *Environmental Bill of Rights*, S.O. 1993, c. 28 and section 34 of the *Ontario Water Resources Act*, R.S.O. 1990, C.0.40;

AND IN THE MATTER OF an application by Friends of Rural Communities and the Environment, pursuant to section 38 of the *Environmental Bill of Rights*, S.O. 1993, c. 28 for leave to appeal the decision of the Director, Ministry of the Environment, pursuant to section 34 of the Onlario Water Resources Act, to issue Permit to Take Water 8461-7CFLGS, dated July 8, 2008, to St Marys Cement Inc. (Canada) authorizing pumping tests at bedrock well TWI4 located at Lot 3, Concession II, East Flamborough, Hamilton, with EBR Registry Number: IA06E1293.

FRIENDS OF RURAL COMMUNITIES AND THE ENVIRONMENT

- and –

DIRECTOR, MINISTRY OF THE ENVIRONMENT

DIRECTOR'S SUBMISSIONS REGARDING THE TRIBUNAL'S JURISDICTION

DIRECTOR'S SUBMISSIONS REGARDING THE TRIBUNAL'S JURISDICTION

I - Introduction

1. Friends of Rural Communities and the Environment ("FORCE") seek leave to appeal under section 38 of the *Environmental Bill of Rights, 1993* ("EBR") permit to take water 8461-7CFLGS issued by the Director under section 34 of the *Ontario Water Resources Act* ("OWRA") to St Marys Cement Inc. (Canada) ("St Marys"). By letter dated July 18, 2008, the Environmental Review Tribunal ("the Tribunal") requested submissions from the parties as to whether the permit is a class I instrument under the EBR and therefore whether the Tribunal has jurisdiction to consider the leave to appeal application.

2. It is the Director's position that the permit is not a class I instrument and therefore is not subject to the leave to appeal provisions of the EBR. The application submitted by St Marys requested a permit for a series of three temporary pumping tests authorizing the taking of water over a five week period during a nine month time window. The permit issued by the Director authorized the taking of water for the purposes of a series of three pumping test over 24 days during a 357 day time window. O. Reg. 681/94 under the EBR stipulates that a permit to take water is only a class I instrument if the permit would authorize the taking of water over a period of one year or more. As this permit would only authorize the taking of water for less than one year, it is not a class I instrument.

3. The Director did exercise his discretion under subsection 7(3) of O. Reg. 387/04 under the OWRA to provide notice of the application for this permit in order to solicit public input. However, there was no intention on the part of the Director to turn the proposal into a class I instrument. Moreover, there is no legal authority for the Director to do so had that been his intention. An exercise of administrative discretion cannot override statutory and regulatory provisions. Therefore, it is the Director's position that posting notice of the application on the Registry to solicit public input cannot be interpreted as having the legal effect of creating a class I instrument that would be subject to leave to appeal.

4. The Director therefore respectfully requests that the Tribunal dismiss this application for leave to appeal. As neither the application nor the permit is a class I instrument, it is not subject to the leave to appeal provisions of the EBR and therefore the Tribunal does not have jurisdiction to consider the application.

II – Factual Background

5. In 2006, St Marys purchased a 154 hectare property from Lowndes Holding Corp. with the intention of establishing and operating a below-water dolostone quarry at Lots 1, 2 and 3, Concession 11, in the former Township of East Flamborough, now part of the City of Hamilton. The proposed quarry would involve quarrying below the water table.

   Affidavit of Carl Slater, paragraphs 4 and 5

6. St Marys submitted an application dated September 28, 2006 for a temporary permit to conduct a series of three pumping tests in order to determine what effect such quarrying may have on the surrounding ground and surface waters and whether the proposed Groundwater Recirculation System would act as an effective mitigation measure.

   Affidavit of Carl Slater, paragraphs 5 and 6

7. The application was received by the Ministry on October 4, 2006. The application indicated that the pumping tests would involve the taking of water for a maximum of 20 days in three distinct phases over a five week period and during a time window of nine months.

   Affidavit of Carl Slater, paragraph 6
   Exhibit 2

8. The Director determined that the application by St Marys for the series of pumping tests is not a class I instrument under the EBR because the permit would not authorize a taking of water for a year or more. However, the Director decided to provide notice of the application pursuant to subsection 7(3) of Regulation 387/04 under the OWRA to solicit public input. The Director was not legally required to provide such notice but chose to do so due to the high public interest in the proposed quarry that had developed. Notice was provided by posting notice of the application on the Environmental Registry.

   Affidavit of Carl Slater, paragraphs 7-10

9. The notice of the application was posted on the Environmental Registry on October 13, 2006. The notice was posted using the standard template that is used for class I instruments under section 22 of the EBR. While it was the Director's intention to post the notice as an information notice under section 6 of the EBR, he chose to use the standard template to facilitate receiving the public comments electronically. There was no intention to convert an application for a permit to take water for a five week pumping test during a nine month window into a proposal for a class I instrument. Unfortunately, the posting did not specifically indicate that the application was being posted pursuant to section 6 of the EBR as an information notice. This was an administrative oversight.

Affidavit of Carl Slater, paragraph 11
Exhibit 3

10. The review of the application took approximately 18 months due to the large number of public comments received and because the City of Hamilton has requested that a hydrogeological work plan be developed.

Affidavit of Carl Slater, paragraphs 12-13

11. As a final step in the public consultation, a draft permit was posted to the Environmental Registry as an Information Notice pursuant to section 6 of the EBR on May 7, 2008 for 30 days to enable the public to provide comments on the specific conditions being proposed in the permit. By this time, the Registry's internet site computer programming had been upgraded and a new template for information notices had been developed. The Notice clearly indicated that the permit was for information purposes but that the public was able to provide input by fax, letter or through a generic email address which had not been in place for the October 2006 posting.

Affidavit of Carl Slater, paragraph 14
Exhibit 4

12. After considering all of the input from the two postings, the Director issued a permit to St Marys on July 8, 2008 with an expiry date of June 30, 2009. This expiry date was set authorizing the pumping test to occur during a 357 day window instead of the nine month window originally requested because the Director had imposed a condition in the permit

that required St Marys to provide a report to the Ministry between each phase of the pumping test. The 357 day window would ensure there was sufficient time to compile the extensive data collected and for consultation to occur between various parties between each phase of the test. The expiry date also provides flexibility to St Marys to schedule the different phases of the test to occur during the summer, fall, and spring seasons.

Affidavit of Carl Slater, paragraph 15

13. The Director has no reason to believe that St Marys will not be able to conduct the pumping tests within the 357 time period. The actual pumping tests each only require 6-8 days to complete, for a total maximum of 24 days of taking water. The reporting period between the different phases is expected to take between 30 and 60 days. The Director is satisfied that there will be enough time between each phase to review the data from the previous phase and to issue the approval, if warranted. As set out in condition 3.3 of the permit, the Director is the only person who will be approving phases 2 and 3 of the pumping test. The other agencies listed in condition 3.4 will be given copies of the reports and provided an opportunity to submit comments for the Director's consideration, subject to certain timelines.

Affidavit of Carl Slater, paragraphs 16-17
Exhibit 5, p. 4, conditions 3.3 and 3.4

14. Many other conditions were imposed in the permit are a direct result of the consultation with different agencies and from the comments received from the public via the EBR postings.

Affidavit of Carl Slater, paragraph 18
Exhibit 5

15. A decision notice was posted on the EBR Registry the day the permit was issued. In the EBR decision notice, it was clearly stated "No Leave to Appeal provisions are provided on this decision. The permit that was issued is for less than a year and therefore, is no longer considered a "classified Instrument" under the Environmental Bill of Rights".

Affidavit of Carl Slater, paragraph 19
Exhibit 6

16. The Ministry is aware of at least three quarries in which a Groundwater Recirculation System (GRS) is used, two of which are in Ontario. The feasibility of using a GRS must be assessed on a case-by-case basis through an evaluation of local site conditions.

Affidavit of Carl Slater, paragraph 5

III – Director's Legal Submissions Regarding the Jurisdiction of the Tribunal

17. The Tribunal's jurisdiction to consider an application for leave to appeal originates from section 38 of the EBR (there is no dispute that the Environmental Review Tribunal is the correct appellate body to hear this leave to appeal application pursuant to section 39 of the EBR). Subsection 38(1) indicates that the right to seek leave to appeal is triggered by the requirement to post notice of a proposal for a class I or II instrument under section 22.

> **Right to seek leave to appeal a decision on an instrument**
> 38. (1) Any person resident in Ontario may seek leave to appeal from a decision whether or not to implement a proposal for a Class I or II instrument of which notice is required to be given under section 22, if the following two conditions are met:
> 1. The person seeking leave to appeal has an interest in the decision.
> 2. Another person has a right under another Act to appeal from a decision whether or not to implement the proposal. [underlining added]

***Environmental Bill of Rights, 1993,* S.O. 1993, c. 28, s. 38 – Director's Book of Authorities, Tab 1, p. 4.**

18. Subsection 22 of the EBR indicates that notice is required to be given for class I, II or III proposals for an instrument. The Minister's responsibility to give notice of permit to take water instruments has been delegated to the Director.

> 22. (1) The minister shall do everything in his or her power to give notice to the public of a Class I, II or III proposal for an instrument under consideration in his or her ministry at least thirty days before a decision is made whether or not to implement the proposal.

Therefore, the leave to appeal provisions only apply to a legal instrument that is a class I or II instrument.

***Environmental Bill of Rights, 1993,* S.O. 1993, c. 28, s. 22 – Director's Book of Authorities, Tab 1, p. 2.**

Affidavit of Carl Slater, paragraph 3
Exhibit 1

19. The Director submits that two key legal issues therefore arise in this case:

(a) Whether the proposal to issue the permit to St Marys is a class I instrument?

(b) If not, did posting the proposal on the Registry create a class I instrument?

20. It is the Director's position that, for the reasons set out below, both of these questions must be answered in the negative. As a result, the permit to take water is not a class I instrument and the leave to appeal provisions of the EBR do not apply.

(a) Whether the proposal to issue the permit to St Marys is a Class I Instrument

21. A proposal is a class I, II, or III proposal for an instrument if it is so prescribed by regulation O. Reg. 681/94 under the EBR. Section 3 of O. Reg. 681/94 indicates that a proposal to issue a permit to take water is a class I instrument if the permit "would authorize the taking of water over a period of one year or more". No types of permits to take water are prescribed as a class II or III instrument.

> 3. The following is a Class I proposal for an instrument:
> A proposal for a permit under section 34 of the Ontario Water Resources Act that would authorize the taking of water over a period of one year or more, except a proposal for a permit to take water only for the purpose of irrigation of agricultural crops.
>
> **O. Reg. 681/94 under the *Environmental Bill of Rights, 1993*, s. 3 – Director's Book of Authorities, Tab 2, p. 1.**

22. Therefore, if the permit authorizes the taking of water for one year or more (with the exception of irrigation for agriculture which is not applicable in this case), it is a class I instrument and notice of the application for the permit must be posted on the Registry pursuant to section 22. Any permit to take water that is posted on the Registry is subject to leave to appeal under section 38 once a decision is made on the proposal.

23. Conversely, if the permit would not authorize the taking of water for one year or more, then it is not a class I instrument. Therefore, it is not required to be posted on the Environmental Registry and is not subject to leave to appeal.

24. As the Minister's responsibility to give notice of class I, II or III proposals under section 22 of the EBR has been delegated to the Director, the Director must make a factual determination in every case as to whether an application for a PTTW is in fact such a proposal. As noted in paragraphs 35 and 36 of the FORCE submission, the application is not necessarily determinative. The Director must assess the true nature of the proposal.

> **Greenspace Alliance of Canada 's Capital v. Director, Ministry of the Environment, July 21,2008, Environmental Review Tribunal, Cases Nos. 07-164/07-165 ("Greenspace") – Appendix A to FORCE Submission, p. 11.**

25. The Director did assess the nature of the proposal and determined that it was not a class I instrument. Neither the application nor the permit that was issued contemplates that the water taking for the pumping test would be for a period of one year or more. The maximum time window sought in the application was nine months. The issued permit contained an expiry date that authorized the water taking to occur during a time window of 357 days. The permit only authorizes the taking of water for a maximum of 24 days over this time period.

26. The expiry date was set at 357 days to ensure there was sufficient time to compile data and for consultation to occur between various parties between each phase of the test. It also recognizes that due to the timing of the issuance of the permit, the third phase may have to wait until spring 2009 after the winter has ended. The 357 day time window is therefore expected to be the maximum period over which the test pumping will occur. It is likely to be completed in less time.

27. In paragraphs 47-54 of its submissions, FORCE alleges that the taking of water will extend beyond one year. The Director submits that this is speculation not supported by the facts. The timelines set out in the permit for the three phases of the test to occur have been carefully considered by the Director and he is satisfied that the taking will be completed in less than one year. While FORCE submits that "a delay of only 8 days" could result in the water taking occurring over more than one year, this result would only occur if St Marys waits until the very last minute to conduct the third phase of its testing, then the 8 day

delay occurs. As each pumping test only takes six to eight days, for a maximum total of 24 days, the timelines are such that St Marys has significant flexibility to adjust its testing program within the 357 day window and still complete all water takings prior to June 30, 2009.

28. Similarly, the reporting period between the different phases is expected to take between 30 and 60 days. The Director is satisfied that there will be enough time between each phase to review the data from the previous phase and to issue the approval, if warranted. The Director is the only person who will be approving phases 2 and 3 of the pumping test. It is not correct as stated in FORCE's submission at paragraph 52 that the approval of the City of Hamilton Combined Aggregate Review Team (CART) is also required under conditions 3.3 and 3.4 of the permit before St Marys may proceed with phases 2 and 3.

29. In paragraph 48, FORCE indicates that "the water taking activities for which approval was sought and granted are complex and novel. Importantly, the purpose of these water taking activities is to test a theoretical, unproven, dewatering mitigation system." It is important to note that this permit does not approve a dewatering mitigation system, described previously as the Groundwater Recirculation System (GRS). This permit only authorizes a pumping test to provide data to assess whether the GRS may be feasible. GRS is not theoretical and unproven as it is in use in at least three other quarries. However, it is certainly true that GRS is only feasible under certain site conditions, thus the need to conduct the pumping tests. As there is prior experience with GRS in Ontario, the pumping tests are not novel and therefore no delays are expected for these reasons.

30. Based on the facts, it is the Director's position that the permit would not and does not authorize the taking of water for a period of one year or more, and therefore is not a class I instrument as defined by O. Reg. 681/94.

31. The facts in this case are significantly different from those in the Greenspace case. In Greenspace, the permit applicant was a developer constructing a multi-phase subdivision over a number of years. The developer submitted an application for a permit to take water

for 360 days in duration. It came to the Director's attention that the developer had been issued a series of short-term permits of less than one year for different phases of the construction. The Director determined that the entire project was really one undertaking and therefore, the duration of the permit should be for more than one year. Based on this factual determination, the Director requested that the developer amend the first application to request a permit for a two year period, which was to be a transition permit, and submit a second application for a long-term ten year permit that would address the remainder of the construction of the subdivision. In the end, the Director was not comfortable issuing the two year permit, and issued it for only eight months. Nevertheless, as the developer had previously agreed to amend the application seeking a permit for two years, the nature of the proposal was such that it was a class I instrument.

Greenspace Alliance of Canada 's Capital v. Director, Ministry of the Environment, July 21,2008, Environmental Review Tribunal, Cases Nos. 07-164/07-165 – Appendix A to FORCE Submission.

32. In the case of the application by St Marys, at no point in time did the application or the proposal under consideration by the Director contemplate that the permit would authorize the taking of water for a period of one year or more. This situation therefore stands in stark contrast to the Greenspace case.

33. As neither the application by St Marys or the proposal under consideration by the Director at any point in time contemplated the issuance of a permit authorizing the taking of water for one year or more, this instrument was not a class I instrument under the EBR.

34. As the instrument is not a class I instrument under section 22 of the EBR, it is not subject to 38 of the EBR, the leave to appeal provisions. As the Tribunal decided in *Smith et al v. Director, MOE*, "since Section 38 of the EBR does not apply….., the Tribunal has no jurisdiction to consider the application for leave to appeal". The same reasoning applies in this case.

***Ellen Smith et al. v. Director, Ministry of the Environment*, March 11, 2004, Environmental Review Tribunal, Case No. 03-171 – Director's Book of Authorities, Tab 5, p. 5.**

(b) Whether posting the proposal on the Registry created a class I instrument

35. It is the Director's position that neither the EBR nor O. Reg. 681/94 provide any mechanism to raise an instrument that is not classified to become a class I instrument.

36. Subsection 26(1) of the EBR provides the Minister the discretion (which has been delegated to the Director) to treat a class I instrument as a class II instrument. Subsections 26(2) and (3) set out rules that determine when a class II instrument should be treated as a class III instrument and vice versa. There is no provision that provides authority for an unclassified instrument to be treated as a classified instrument. The fact that the Legislature turned its mind to the circumstances under which instruments can be reclassified and specifically did not provide authority to treat an unclassified instrument as a classified one can be interpreted to mean that there was no intention for this to occur.

> ***Environmental Bill of Rights, 1993,*** **S.O. 1993, c. 28, s. 26 – Director's Book of Authorities, Tab 1, pp. 3-4.**

37. O. Reg. 681/94 is a Lieutenant Governor in Council regulation made under the EBR. It clearly prescribes that a permit that would authorize the taking of water for one year or more is a class I instrument. Those permits that would not authorize the taking of water for more than year are not. Treating an unclassified instrument as a class I instrument would usurp the authority of the Lieutenant Governor in Council to make regulations governing such matters as set out in subsection 121(1), clause j of the EBR.

> **Environmental Bill of Rights, 1993, S.O. 1993, c. 28, s. 121 – Director's Book of Authorities, Tab 1, p. 8.**

38. In comparison, section 16 of Ontario's *Environmental Assessment Act* provides specific authority for the Minister to require a proponent to complete a full environmental assessment even though the undertaking may be approved under a class environmental assessment. This process has sometimes been referred to in the past as a "bump-up". There is no similar bump-up provision in the EBR or O. Reg. 681/94 in relation to unclassified instruments.

> ***Environmental Assessment Act,*** **R.S.O. 1990, c. E. 18, s. 16 – Director's Book of Authorities, Tab 4, p. 1.**

39. Furthermore, it is the Director's position that an exercise of administrative discretion cannot override statutory and regulatory provisions. The Director has only been delegated the Minister's responsibility under section 22 of the EBR to post notice of a class I instrument. Part of that responsibility includes making a factual determination as to whether a proposal is a class I instrument or not. Once the Director determines that a proposal is not a class I instrument, there is no discretion to reclassify it or bump it up in any way.

40. Posting notice of the application on the Environmental Registry to solicit public input was an administrative decision. There is no legal authority in the EBR or O. Reg. 618/94 to suggest that this administrative decision creates a class I instrument subject to leave to appeal.

41. The Director's discretion to provide notice of the application originates from subsection 7(3) of O. Reg. 387/04, a regulation under the OWRA which governs the issuance of permits to take water. There is no legal authority under the OWRA and O. Reg. 387/04 to suggest that an exercise of discretion under 7(3) to provide public notice and solicit public input somehow transforms the instrument.

> **O. Reg. 387/04 under the *Ontario Water Resources Act*, s. 7(3) – Director's Book of Authorities, Tab 3, p. 1.**

42. As a publicly accessible internet site, the Environmental Registry is an effective means of providing notice to and soliciting input from the public on a wide-variety of environmental matters. Subsection 6(1) of the EBR indicates that the purpose of the Registry is to "provide a means of giving information about the environment to the public". Subsection (2) defines information about the environment to "include, but not limited to, (a) proposals, decisions and events that could affect the environment". It is not limited to prescribed instruments. Therefore, because notice of a proposal is posted on the Environmental Registry does not necessarily mean the proposal is a classified instrument.

> ***Environmental Bill of Rights, 1993,* S.O. 1993, c. 28, s. 6 – Director's Book of Authorities, Tab 1, p. 2.**

43. It is unfortunate that two administrative oversights occurred. First, when notice of the proposal was posted on October 13, 2006, using the standard template, the posting should have clearly indicated that the proposal was being posted pursuant to section 6 as the proposal did not involve a class I instrument. Secondly, when the decision notice was posted on July 8, 2008, it should not have indicated that the instrument was "no longer" a class I instrument because it was not legally a class I instrument at any prior point in time. The Director regrets any confusion that may have been caused by these oversights.

44. The detrimental impact of these oversights must be balanced against the positive steps taken by the Director to promote public participation in the environmental decision-making process where it was not legally required. The Director recognized the significant public interest in this proposal and made genuine efforts to facilitate an avenue for the public to provide input into the decision-making process. It would only serve to dissuade Directors in the future from exercising their discretion under subsection 7(3) of O. Reg. 387/04 to provide additional notice to the public of unclassified instruments if it was decided that this action would transform the proposal into a class I instrument.

45. As described in part (a) above, this instrument is not a class I instrument. There is no legal mechanism to change the classification of an instrument from being unclassified to a class I instrument short of amending the regulation. The actions taken by the Director were not in any way intended to treat this proposal as a class I instrument and it would be beyond the Director's jurisdiction to attempt to do so. For these reasons, the proposal is not a class I instrument under the EBR and therefore is not subject to the leave to appeal provisions.

(c) Other Points raised by FORCE

46. FORCE has indicated in clauses (d) and (e) of paragraph 39 of its submission that two factors – (d) the risk of significant environmental harm is the same as if the PTTW had been issued for a period of one year or more; and (e) the public has shown a real interest in the decision – should be taken into account in determining whether this PTTW is a class I instrument. While these factors are clearly relevant to the leave to appeal application, they are not relevant to the determination as to whether this proposal is a class I instrument or

not. The only relevant factor is whether the permit would authorize the taking of water over a period of one year or more as set out in section 3 of O. Reg. 681/94.

47. In paragraphs 39, 46, and 60 of its submission, FORCE has indicated that the Director has circumvented the EBR process, suggesting the Director exercised bad faith in setting the expiry date at 357 days to specifically avoid subjecting this instrument to the leave to appeal process. The Director submits that this allegation is prejudicial and without any factual basis. The Director has provided a full explanation as to why the 357 day period was chosen. Moreover, the evidence demonstrates that the Director made extensive efforts to engage the public when there is no legal requirement to do so by posting notice of the application on the Registry. The Director also continued to receive and consider comments that were submitted after the comment period, which had been extended, had expired. Finally, the Director posted notice of the permit as an information notice in May 2008 to enable the public to provide comments on the draft text of the permit. If the Director had wanted to circumvent the EBR process, it would make little sense for him to have voluntarily posted notice of the application. The Director has acknowledged and regrets making two administrative oversights that have likely complicated this matter. These oversights do not amount to bad faith on the part of the Director.

48. FORCE has requested that a stay be granted of the permit pending the outcome of their leave to appeal application. It is the Director's position that there is no authority in the EBR for granting of stay of an instrument subject to a leave to appeal application until the application has been decided on its merits. Section 42 of the EBR provides that the instrument is automatically stayed if leave is granted. The EBR is otherwise silent on this issue, indicating that the only means of obtaining a stay is if leave to appeal is granted by the Tribunal.

> ***Environmental Bill of Rights, 1993,* S.O. 1993, c. 28, s. 42 – Director's Book of Authorities, Tab 1, p. 5.**

IV – Concluding Remarks

49. It is the Director's position that based on the facts outlined, the proposal to issue the permit to St Marys is not a class I instrument as it would not and does not authorize the taking of water for a period of one year or more.

50. Furthermore, there is no legal means in the EBR or O. Reg. 681/94 by which the administrative actions taken by the Director to provide the public with notice of the application and accept public comments can be interpreted as raising the proposal to issue the permit from an unclassified instrument to a class I instrument.

51. As the proposal to issue the permit to St Marys is not a class I instrument, it was not required to be posted on the Environmental Registry pursuant to section 22 of the EBR and therefore is not subject to the leave to appeal provisions set out in section 38. As such, there is no legal authority for this leave to appeal application to proceed and the Tribunal does not have jurisdiction to consider the application.

52. The Director recognizes that there is a high degree of public interest in the proposed quarry and will make efforts to facilitate public participation in the decision-making process. Should St Marys decide to pursue obtaining a permit for the dewatering activities at the proposed quarry, the proposal to issue the permit will almost certainly be posted on the Environmental Registry as a class I instrument.

53. There will likely be other opportunities for the public to participate in other legal processes for the proposed quarry under the *Planning Act* and *Aggregate Resources Act*.

54. For the foregoing reasons, the Director respectfully requests that the application for leave to appeal be dismissed as the Tribunal lacks jurisdiction to consider the application.

Dated at Ottawa, this 30th day of July, 2008.

Paul McCulloch
Counsel for the Director

Ministry of the Environment
Legal Services Branch
2430 Don Reid Drive
Ottawa, Ontario
K1H 1E1

Tel: (613) 521-3450, ext 234
Fax: (613) 521-8522