



AIR & WASTE MANAGEMENT ASSOCIATION

ONTARIO SECTION
MAY 2012 NEWSLETTER

MEET THE BOARD

Eden

TRATTORIA



The President Elect and Chairman of the Board of the A&WMA – Ontario Section cordially invite all members of the section to the annual informal luncheon meeting before the summer recess.

This year's luncheon will be held at Eden Trattoria, [58 Marine Parade Drive, Etobicoke](#) (near the Gardiner and Park Lawn) on June 14th. Lunch is free for A&WMA Ontario Section members.

RSVP to Paul Complin (pcomplin@ortech.ca) or Ciara De Jong (cdejong@toronto.ca).



[Click Here to Register](#)

A&WMA NOISE CONFERENCE

By John Georgakopoulos, Willms & Shier Environmental Lawyers LLP

On May 7 and 8, 2012 noise practitioners and industrial representatives from across Ontario attended the A&WMA's 2012 Noise Conference and Noise 101 Workshop. Feedback from participants has been uniformly positive. The Workshop provided invaluable insight into the world of noise, addressing key noise concepts and technical issues. The Conference was well attended, with over 65 attendees and seven exhibitors.



Speakers covered a full spectrum of issues, including the technical content and legal implications of NPC-300 and fascinating case studies.

We wish to extend special thanks to all of the speakers who contributed their valuable time to present at the Conference and Workshop.

We acknowledge the time and effort spent by Rob Stevens of HCG Engineering, Brian Bobbie of ALTECH Environmental

continued on page 2...

IN THIS ISSUE

Meet the Board	1
A&WMA Noise Conference	1
2012 A&WMA-OS Scholarship Winners	2
TRS Planner Training Sessions.....	2
Takeaways from Ontario's FIT Review.....	3
Provincial Update: Air Quality In Ontario Report For 2010	4
Provincial Update: PM _{2.5} Review	4
National Update: Air Quality Management System	4
Air Practitioners' Update	4
Notes On Noise	5
Hydraulic Fracturing.....	5
Case Law Development In Prosecutions	6
Federal And Provincial Budgets	6
Regulatory Development: Federal Government Announces Changes To The Environmental Assessment Process	6
Renewing Members	7
New Members.....	7
Is Your Contact Information Up-To-Date?	8
Thank You To Our Contributors.....	8
Volunteers Needed	8
Our Next Newsletter	8
Upcoming Breakfast Sessions.....	8
A&WMA Ontario Section Board Directory	9

A&WMA Noise Conference cont'd

Consulting Ltd., and the A&WMA's Noise Committee in organizing the Conference and Workshop. The A&WMA Ontario Section looks forward to bringing the noise community together again in the not too distant future to discuss implications of the next generation of noise guidelines, modelling, and monitoring.



2012 A&WMA-OS SCHOLARSHIP WINNERS

By Mario Pieries, OPG Darlington

The A&WMA Ontario Section Future Environmental Professional Scholarship is awarded to students attending Ontario's post-secondary institutions who are pursuing programs related to the environment.

In 2012, five finalists were invited to present at the February A&WMA Ontario Section Board of Directors Meeting held in Toronto. The presentations provided further insight into the candidates future aspirations. Some individuals built upon their experiences in academia, their passion for volunteerism and their ambition to promote sustainability within their community.

All of the finalists made in-depth presentations given the limited time allotted during the meeting.

Of the five finalists, 3 were selected by the Board to each receive a \$5000 Scholarship Award. The recipients are:

Kyle Eckart

BASc Candidate Environmental Engineering
University of Windsor

Terri Rutty

MA Candidate Environment and Management
Royal Road University

Eva Webster

PhD Candidate Environmental and Life Sciences
Trent University

Thanks to all our applicants and finalists for their participation in this year's selection process.

We encourage all our applicants to apply again next year.

CONGRATULATIONS KYLE, TERRI AND EVA



within the engineering profession.

Kyle Eckart is a 4th year Environmental Engineering student at the University of Windsor who will begin a Masters this upcoming Fall. Kyle has also been heavily involved with Engineers Without Borders where he promotes sustainability



healthy children, teens & young adults we need a healthy planet.

As the Director of Sustainability at the YMCA of Greater Toronto (GTA) **Terri Rutty** is responsible for developing and implementing Environmental initiatives at all 274 YMCA sites across the GTA. Terri believes that in order to have



Eva Webster is a PhD student in the Environmental & Life Sciences graduate program at Trent University. She is developing new models to address the fate of 'model-hostile' organic chemical contaminants in the environment.

TRS PLANNER TRAINING SESSIONS

By Sandy Willis, SENES Consultants Limited

Just a reminder that the MOE is currently conducting Toxics Substance Reduction Planner Training Sessions through to June 21, 2012. Each facility that meets TRA reporting requirements must have their Plans certified by a licensed Toxics Substances Reduction Planner. A Planner can either be from the facility or from an external company, and can either develop and certify the Plan, or certify a plan prepared by others.

continued on page 3...

TRS Planner Training Sessions cont'd

To become a licensed planner an individual must:

- meet specific education and/or work experience requirements
http://www.ene.gov.on.ca/environment/en/subject/toxics/STDPROD_093855.html;
- submit the application form and pay the \$2,100 total fee
http://www.ene.gov.on.ca/environment/en/subject/toxics/STDPROD_093860.html;
- complete the 5-day ministry-approved course (half online, half in-class)
http://www.ene.gov.on.ca/environment/en/subject/toxics/STDPROD_093856.html; and
- pass the ministry-approved examination
http://www.ene.gov.on.ca/environment/en/subject/toxics/STDPROD_093859.html

The link to the Planner Training information located on the MOE website:

http://www.ene.gov.on.ca/environment/en/subject/toxics/STDPROD_093853.html

A list of Licensed Planners will be available on the MOE website in the near future.



Reminder of Key Dates - 2011 Toxic Reduction Act toxic accounting reports are due by June 29, 2012 for Phase 1 substances (which includes 47 NPRI substances), in conjunction with NPRI reporting.

Toxics Reduction Plans are due for Phase 1 substances (a limited subset of 47 NPRI substances) by December 31, 2012. Plans (for the 2011 reporting year) signed after December 31, 2012 will be deemed out-of-compliance.

The first reporting year for Phase 2 substances (the balance of the NPRI substances) is 2012, with TRA accounting reports due by June 1, 2013 and Phase 2 substance Reduction Plans due by December 31, 2013.

TAKEAWAYS FROM ONTARIO'S FIT REVIEW

By Michael Tingle, ORTECH Environmental

The Ontario government's two-year review of its feed-in-tariff (FIT) program, announced on March 22, is a refreshing continuation of the province's successful FIT program.

For starters, the FIT review continues Ontario's commitment to clean energy. The government has committed to 10,700 MW of non-hydro renewable energy generation by 2015. Although this is very encouraging transmission and distribution capacity continue to be a limiting factor.

The goals of the FIT review included the following:

- streamline processes and creates jobs;
- encourage greater community and Aboriginal participation;
- improve municipal engagement;
- reduce prices to reflect lower costs; and
- expand Ontario's clean energy economy.

Many of the better wind resource locations have been taken or dismissed for various reasons. The government's proposed publishing of the transmission availability following each contact round will assist wind developers in prospecting for new locations.

Through a new point system, smaller projects (defined here as less than 10 MW), communities and First Nations will enjoy more opportunities to participate in the program.

In terms of streamlining, only 36 renewable energy approvals had been granted in Ontario as of March 23rd. Although the larger wind projects warrant full environmental assessments, streamlining and improving this process is long overdue. The review proposes permitting changes for smaller wind projects. A self-screening option - which allows developers to go online and submit information, similar to the Environmental Activity and Sector Registry for air compliance - will make a number of smaller projects more viable. Developers still have to do background work, but it will be nothing close to the time frame required by the renewable energy approval process.

The review heeded the calls for greater municipal involvement. A proponent that delivers municipal consent will move to the head of the line in the review process.

A re-examination of the program's economics has led to reductions in the prices for some generation scenarios.

Overall, it is encouraging that the program will continue, although grid access and procurement constraints will remain core issues for the Ontario renewable energy market.

PROVINCIAL UPDATE: AIR QUALITY IN ONTARIO REPORT FOR 2010

By Sandra Ausma, AMEC Americas Limited



In April, the Ontario Ministry of the Environment released the 2010 Air Quality in Ontario report. The release of this report marks over 40 years of long-term air quality reporting in Ontario.

The key findings within the report show that air quality has improved over the years, particularly nitrogen dioxide (NO₂), carbon monoxide (CO) and sulphur dioxide (SO₂).

From 2001 to 2010, the ambient concentrations of NO₂ have decreased by 47 %, CO by 41% and SO₂ by 60%. Emissions are also decreasing as a result of emissions reductions in Ontario and the U.S. From 2000 to 2009, Ontario emissions of NO_x have decreased by 39 %, CO by 28% and SO₂ by 64%. For the third year in a row, the Canada-wide Standard (CWS) for PM_{2.5} was not exceeded in Ontario. Most areas of Ontario are still above the CWS for ozone with the exception of two municipalities: Thunder Bay and Ottawa. To read the full report:

http://www.ene.gov.on.ca/environment/en/resources/ST_DPROD_095559.html

PROVINCIAL UPDATE: PM_{2.5} REVIEW

By Sandra Ausma, AMEC Americas Limited

In December 2009, the Town of Oakville filed an application for review under the Environmental Bill of Rights (EBR) to review the need for a new air pollution Act or regulation that focuses on PM_{2.5}. This request was filed shortly before the implementation of the Town's Health Protection Air Quality By-law in February 2010. The Ministry of the Environment responded to the EBR request in November 2010 stating that it would take until at least March 2012 to complete the review. The outcome of the review, while in direct response to the Town of Oakville's request, could have broader PM_{2.5} policy implications since other communities have been evaluating the need to implement their own PM_{2.5} by-laws. The release of the review outcome is anticipated within the next few months. For additional information:

<http://www.oakville.ca/environment/health-protection-air-quality.html>

NATIONAL UPDATE: AIR QUALITY MANAGEMENT SYSTEM

By Sandra Ausma, AMEC Americas Limited

The CCME Council of Ministers has not met since the spring 2011 meeting at which ministers agreed to aim to endorse the final elements of the national Air Quality Management System (AQMS) in 2012 and to initiate implementation in 2013. Since early this year, the entire process has been in the hands of the provincial and federal governments. It is anticipated that the outcome of these discussions will be made public later this year. The AQMS is meant to be a comprehensive collaborative approach to addressing air pollution sources including industry, transportation and transboundary. The major components include Canadian Ambient Air Quality Standards (CAAQS); local and regional air quality management; and, Base Level Industrial Emissions Requirements (BLIERs). For more information:

<http://www.ccme.ca/about/communiques/index.html>

AIR PRACTITIONERS' UPDATE

By Sarah Tebbutt, Conestoga-Rovers & Associates

An A&WMA Air Practitioners' group consults regularly with Ontario Ministry of the Environment (MOE) representatives to promote understanding, consistency and environmental compliance. Working together, they have developed best practices for achieving compliance with the Local Air Quality Regulation 419/05 and its guidelines. Recent Best Practice Documents include a simplified ASHRAE Chapter 44 screening method for same-structure self-contamination; a spreadsheet for estimating emissions of hexavalent chromium from welding operations based on research conducted for the California Air Resources Board; and a procedure for calculating emission factors for multiple bag houses at a single facility. These best practices are currently being reviewed by the MOE and are expected to be posted to the A&WMA website in the near future.

If you have an idea for a new Best Practice email Sarah Tebbutt (smttebbutt@craworld.com).

Visit the [Air Practitioners' Best Practices](#) page on the A&WMA Ontario Section website.

NOTES ON NOISE

By Rob Stevens, HGC Engineering

The Environmental Activity and Sector Registry (EASR) program continues to move forward.

In October, 2011, O.Reg. 245/11 came into force, which created an alternate compliance path for emergency generators, comfort heating equipment and automotive paint spray booths that meet certain eligibility requirements. Eligible sources are no longer subject to the Environmental Compliance Approval (“ECA”) process, but instead must be registered.

The MOE has announced the industry sectors next targeted for Registration. The “Group 2” sectors include Waste Collection and Transportation; Ready-Mix Concrete Manufacturing; Lithographic, Screen and Digital Printing; and Concrete Product Manufacturing. EBR posting number 011-4926 announced these Group 2 sources and provided technical discussion papers regarding the proposed eligibility requirements and performance requirements that will form a basis for a future regulation governing their registration and operation. The comment period is now closed.

Interestingly, the proposed operating requirements for ready-mix concrete facilities and concrete product manufacturing facilities include an explicit stipulation that these facilities meet the sound level limits in MOE Publications NPC-205 and NPC-232. O.Reg. 245/11 referenced no such “point-of-reception” sound level limits for emergency generators, comfort heating equipment and automotive paint spray booths, although it did include source sound emission level requirements for outdoor generators, minimum requirements for noise control hardware for indoor generators, and some minimum setback distances. The technical discussion papers for the other Group 2 sources – waste collection and transportation, and lithographic, screen and digital printing facilities – include no explicit requirements in regard to the NPC guidelines or point-of-reception noise limits.

More recently, EBR posting number 011-5695 announced the “Group 3” industry sectors – Small Ground-Mounted Solar Generation; On-Farm Anaerobic Digestion; and Landfill Gas Electricity Generation – and provided technical discussion papers for these sectors. The comment period for these papers extends to May 17, 2012. Although the eligibility requirements include minimum setback distances to the nearest points of reception, and some operational requirements that seem to be aimed at minimizing noise impact, there appear to be no explicit stipulations that these facilities meet the point-of-

reception noise limits in NPC-205 or NPC-232.

Given that the technical discussion papers for just two of the four Group 2 sectors explicitly stipulate point-of-reception sound level limits, whereas O.Reg. 245/11 does not, and the technical discussion papers for the Group 3 sectors do not – it is unclear whether the MOE’s intent is for the NPC-205/232 point-of-reception sound level limits to apply to all, or only some of the equipment governed by the EASR program. Clarification from the MOE is needed.

[Content Editor’s note – the legal interpretation would be that noise assessment against NPC guidelines is not required except where it is explicitly required. However, if and when MOE receives noise complaints, NPC guidelines will be used to quantify the impact of the facility. JRW]

HYDRAULIC FRACTURING

By John Willms, Willms & Shier Environmental Lawyers LLP

“Fracking” is ubiquitous in the news these days. Big oil, NGOs, Academia and First Nations have all taken a stance on fracking and shale gas development across Canada. Fracking is the hydraulic fracturing technique used to recover natural gas from shale. Environmental concerns include air and water pollution, spills and discharges into the environment, elevated greenhouse gas emissions, and the heavy demand for fresh water that shale gas extraction typically requires.

Canada holds large reserves of shale gas locked in shale deposits spread across Western Canada, the Arctic, south-western Ontario, the St. Lawrence Basin and the Atlantic provinces.

Some of the biggest players in the oil and gas sector are working to map and develop this largely untapped resource.

In many jurisdictions shale gas and fracking have become highly politicized. Nuisance, property value impacts, contamination and depletion of ground and surface water resources are major concerns. These concerns have placed increasing pressure on regulators to catch up to this booming industry and have created considerable tension across Canada. The federal government has been reluctant to regulate the industry, instead directing government agencies to study fracking. In the wake of federal inaction, we have seen protests, moratoriums, and a patchwork of provincial regulations attempting to regulate the industry.

continued on page 6...

Hydraulic Fracturing cont'd

Is fracking here to stay? Yes. The pressure is now on the regulator to ensure that shale gas development in Canada is done in a safe and environmentally responsible manner.

CASE LAW DEVELOPMENT IN PROSECUTIONS

By Dan Kirby, Osler, Hoskin & Harcourt LLP

R. v. Castonguay Blasting 2012 ONCA 165

In March 2012, the Ontario Court of Appeal (“ONCA”) released a decision, which impacts how to interpret and understand notice requirements under the *Environmental Protection Act* (“EPA”). In *Ontario (Environment) v. Castonguay Blasting*, the defendant Castonguay Blasting Ltd. (“Castonguay”) was charged under section 15 of the EPA for failing to report the discharge of a contaminant into the natural environment. In November 2008, Castonguay was working at a highway construction site when one of its blasts projected rock debris beyond the controlled blasting area, damaging a nearby property. Castonguay informed the Ministry of Labour and the Ministry of Transport of the accident, and fully compensated the owners for the damage. However, Castonguay did not notify the Ministry of the Environment (“MOE”), as they did not believe the activity caused an “adverse effect” as envisioned by the EPA. The MOE disagreed, and charged Castonguay.

At issue before the ONCA was whether or not the rock debris caused an “adverse effect”. An “adverse effect” is broadly defined in the EPA, which lists eight specific harms that are defined as adverse. Much of the debate at the ONCA centred upon whether or not these harms represent a closed list that require specific interpretation, or whether the notion of “adverse effect” should be afforded a wide interpretation beyond the eight specifically listed harms. The ONCA opted for the broader approach, finding that a plain reading of the EPA, coupled with a recognition of the legislative purpose of the EPA, together give the EPA wide application, particularly with regards to activities that impact people, property or the natural environment.

R. v. Castonguay was not a unanimous decision and, if sought, leave may be granted to hear the case at the Supreme Court of Canada in order to further consider the notion of an “adverse effect” in the context of the EPA. However, at least for the time being, it would be prudent to consider how this decision affects your environmental event contingency plans and MOE

notification requirements.

FEDERAL AND PROVINCIAL BUDGETS

By John Willms, Willms & Shier Environmental Lawyers LLP

For an in depth report on the environmental aspects of the recent federal and provincial budget bills review the report by Willms & Shier:

<http://www.willmsshier.com/pdf/Willms & Shier Special Report Budgets 2012.pdf>

REGULATORY DEVELOPMENT: FEDERAL GOVERNMENT ANNOUNCES CHANGES TO THE ENVIRONMENTAL ASSESSMENT PROCESS

By Dan Kirby, Osler, Hoskin & Harcourt LLP

The federal government has recently announced its intention to substantially change the federal environmental review process. One of the most significant proposals appears to be the “one project, one review” policy, under which natural resource projects whose activities might otherwise require both a federal and provincial environmental assessment (“EA”) would be exempt from conducting the federal EA upon completion of the provincial EA. At present, natural resource projects (which often involve issues within both federal and provincial jurisdictions) typically trigger separate EAs to be conducted under the EA legislation of both levels of government. The removal of dual EAs would represent a significant reduction in the regulatory requirements demanded by new natural resource projects. While the government has indicated that federal EAs would still apply on major projects that are deemed to have significant environmental impacts, the criteria for deciding which projects may qualify has not yet been publicly defined, so it is difficult to determine which projects might be included.

In addition to the “one project, one review” policy, other announced changes include a reduction in the number of federal agencies that can conduct EAs from 40 to three, the introduction of fixed timelines into the EA process and a narrower definition of who can participate as an intervener in a project review.

These changes are said to be intended to reduce duplicative regulatory procedures in EAs, thereby reducing the length of environmental reviews. The proposed changes have been formally tabled in Parliament as Bill 38, the omnibus budget bill.

RENEWING MEMBERS

The following Members have renewed their A&WMA membership (as of April 2012) since our last newsletter.

January

- Ciara De Jong
City of Toronto
- Elaine Farrow
RWDI Air Inc.
- John Bayliss
Holcim (Canada) Inc.
- Julia Tsai
Hatch Ltd.
- Justin Lewis
AVAR Environmental Inc.
- Kathy Watts
NOVA Chemicals
- Larry Conrad
Region of Peel
- Rob Robinson
Stantec Consulting Ltd.
- Robert Cumming
Lafarge Canada
- Shawn McDonald
Pinchin Environmental

February

- Adam Vaiya
Humber College
- Carrie Cauz
Environmental Commissioner of Ontario
- Dean Wyman
City of Guelph
- Robert Stevens
HGC Engineering
- Sandy Edmunds
Styrolution Canada Ltd.
- William Shields
City of Guelph

March

- Gayle Giesbrecht
WESA Inc.
- Kristopher Mask
Pinchin Environmental

April

- Alexander Breido
AMEC Earth & Environmental
- Anton Davies
Rowan, Williams, Davies & Irwin Inc.
- Arash Bina
Stantec Consulting Limited
- Bruce Brown
Bruce A. Brown Assoc., Ltd.
- Christina Labarge
Ontario Ministry of the Environment
- Christina Wright
BCX Environmental Consulting

- Colin Welburn
Rowan Williams Davies and Irwin
- John Russell
Russell Environmental
- Katrina Direnzo-McGrath
Waste Management
- Kenneth Kightley
Kightley Technical Services Inc.
- Michael Dewit
ICF International
- Michael O`Meara
Magna International Inc.
- Mike Kennedy
RWDI Air Inc.
- Peter Burrowes
CH2M HILL Canada Ltd.
- Peter Mussio
Union Gas
- Sarah McQuaig
Suncor Energy Inc.
- Steve Davey
Envirogate Event Management Inc.
- Timothy Murphy
Waste Management
- W. R Brooks
ORTECH Environmental
- William Middleton
WIM Environmental
- William Stegges

NEW MEMBERS

Please welcome our newest members to the Ontario Section and its Chapters (joined January 1st through April 30, 2012).

January

- Asghar Khalaj
Hatch
- Dwayne DeBruyne
BP Canada Energy Company
- Elie Afif
- Glenn Ferguson
Intrinsik Environmental Sciences Inc.
- Preeti Gorapalli
- Tara Bailey
Arcadis Canada, Ltd.

February

- Seema Das

March

- Jackson Mak
- Katherine Armstrong
Golder Associates Ltd.

April

- Eva Webster
Trent University

New Members cont'd

- Kyle Eckart
- Wayne Dietrich
Pottinger Gaherty Environmental

Remember to renew your membership prior to expiry to that you do not miss out on important communications

If your member information above is incorrect or incomplete, be sure update it.

Visit the A&WMA website today to make changes.

IS YOUR CONTACT INFORMATION UP-TO-DATE?



Your contact information can be updated at any time by logging into Member Services on the A&WMA website at www.awma.org.

It is important to keep your information updated so that you continue to receive important communications from the Ontario Section and A&WMA International.

VOLUNTEERS NEEDED



We are currently looking for an enthusiastic individual to join our Board of Directors to represent Students and the Windsor Chapter.

If you are interested, please contact Paul Complin at pcomplin@ortech.com.

OUR NEXT NEWSLETTER

If you have an idea for a future newsletter article please email Sarah McQuaig at smcquaig@suncor.com. Submissions for the next newsletter are due by October 1, 2012.

UPCOMING BREAKFAST SESSIONS

Toronto

When: May 29th, 2012

Where: Golder Associates Ltd., Toronto

Speaker: Greg Zimmer, MOE

Topic: Modernization of Approvals: ECA vs. EASR



For more information or to RSVP contact Fiona Forrest at Fiona_Forrest@golder.com.

Hamilton

When: June 7th, 2012

Where: Royal Botanical Gardens, Hamilton

Speaker: Greg Zimmer, MOE

Topic: Modernization of Approvals: ECA vs. EASR

For more information or to RSVP contact Stephen Toplack at cves@interlynx.net.

A special Thank you to all our contributors to the May 2012 A&WMA Ontario Section Newsletter

- John Georgakopoulos, Willms & Shier Environmental Lawyers LLP
jgeorgakopoulos@willmsshier.com
- Mario Pieries, OPG Darlington
mario.pieries@opg.com
- Sandy Willis, SENES Consultants Limited
swillis@senes.ca
- Michael Tingle, ORTECH Environmental
mtingle@ortech.ca
- Sandra Ausma, AMEC Americas Limited
Sandra.Ausma@amec.com
- Sarah Tebbutt, Conestoga-Rovers & Associates
smtebbutt@CRAworld.com
- Rob Stevens, HGC Engineering
rstevens@hgcengineering.com
- Dan Kirby, Osler, Hoskin & Harcourt LLP
dkirby@osler.com
- John Willms, Willms & Shier Environmental Lawyers LLP
jwillms@willmsshier.com

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Associates

Ottawa Valley Chapter

Donna Jean Kilpatrick
Environment Canada

Windsor Chapter

Volunteer Needed

ON BEHALF OF THE A&WMA ONTARIO SECTION



Have a safe and fun summer!

NEWSLETTER EDITORIAL STAFF

Content Editor
John Willms
jwillms@willmsshier.com

Design Editor
Sarah McQuaig
smcquaig@suncor.com