Day One - Track Two
Wednesday, March 21st, 2018
11:00 a.m. – 12:00 p.m.

SWMF Sediment Reuse: A Panel Discussion on Ecotoxicity and Excess Soil BMP Legal Considerations

Presenters: Francine Kelly-Hooper and Krista Barfoot, CH2M HILL Canada; Janet Bobechko, Norton Rose Fulbright Canada LLP

Biography

Dr. Francine Kelly-Hooper is a Senior Soils Scientist with over 20 years of experience in the government and private consulting sectors. Francine operated her research based consulting firm, Kelly Hooper Environmental, for 16 years before joining CH2M HILL in 2014. Francine completed her PhD at the University of Waterloo in 2013, where she developed a new method for identifying petroleum hydrocarbon sources in soils and sediments. Over the past 18 years, she has compiled sediment chemistry profiles for over 100 SWM ponds. Francine and her team continue to work with municipalities and governments on the development of a new approach to SWM sediment beneficial use evaluations.

Krista Barfoot is a Senior Technical Consultant with over 20 years of industry experience. Krista co-chairs the Ontario Environment Industry Association (ONEIA) Brownfields Committee, is an active member of ONEIA's Excess Soils Sub-Committee, and is an invited participant of the Ministry of the Environment and Climate Change's (MOECC's) Standards Development Support Team for the Excess Soil Engagement Group. Registered as a Qualified Person for Risk Assessment with the MOECC under Ontario Regulation 153/04, her technical expertise includes the strategic implementation of risk management and remedial measures at development sites, the management of excess soil, and stakeholder communication.

Janet Bobechko is a well-recognized senior practitioner with extensive experience in all aspects of environmental law. She routinely provides sophisticated environmental advice on environmental compliance, strategic advice on environmental impact assessments, mergers, acquisitions, real estate and portfolio acquisitions, financings and environmental management systems. Her dispute resolution work includes providing advice on environmental aspects in complex civil litigation for legacy contamination, mediation for migration of contamination and managing environmental regulatory inspections, charges, orders and providing due diligence advice. Janet works with many industrial sectors, including manufacturing, mining, transportation, chemical, pulp and paper. Ms. Bobechko has advised on renewable energy projects for solar and cogeneration. She is involved in infrastructure projects for linear transportation. Ms. Bobechko has a particular specialty in providing advice on management of legacy contaminated sites and brownfield development and has been extensively involved in law reform on these issues. Janet is a member of the Province of Ontario's Excess Soil Engagement Group.

Abstract

This panel discussion will present two case studies that focus on ecotoxicity and legal considerations regarding recent developments with the Excess Soil Best Management Practices guidelines. The case studies demonstrate the challenges of conducting sediment reuse risk evaluations to obtain reuse approvals under current Provincial and Federal regulatory frameworks. Comparisons will be made to the new approval process described in the MOECC's Excess Soil Best Management Practice Regulatory Proposal, which is expected to be approved in 2018. This webinar will also present new ecotoxicity research data, which indicates that typical SWMF sediment contaminant sources may have lower bioavailability and toxicity risks than are reflected by standard laboratory analysis data and regulatory standards. These results are relevant to sediment reuse risk evaluations that may be conducted according to current or future regulatory frameworks. Panel participants will include Krista Barfoot, PhD (Risk Assessor), Janet Bobechko (Certified Specialist Environmental Law) and Francine Kelly-Hooper, PhD (Environmental Contaminant Scientist). Specific discussion topics will include: Sediment reuses legal implications of the new Excess Soil BMPs; new plant and earthworm ecotoxicity data that supports reuse risk evaluations under provincial and federal regulatory frameworks; beneficial use case study updates.

Learning Objectives

1. Understanding the relevance of the new Excess Soil Best Management Practices guidelines to SWM pond sediment beneficial use approvals;
2. Understanding how risk evaluations were used to obtain the first SWM pond sediment beneficial use regulatory approvals; and
3. Understanding how chemistry forensic studies played a key role in obtaining these approvals.