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CONTAMINATED SITES 2019

Co-Chaired by

Andrea Akelaitis
Letcher Akelaitis LLP

Peter Reid
Hemmera Envirochem Inc.

October 9th, 2019 • UBC Robson Square • Vancouver, BC

Live Webinar also available!



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CO-CHAIRS



Andrea Akelaitis, Partner, Letcher Akelaitis LLP, Vancouver, BC. Ms. Akelaitis has acted as advisor and co-counsel on many of British Columbia's contaminated sites matters including before the Environmental Appeal Board on behalf of the successful party in *Seaspan ULC v. Director, Environmental Management Act and Domtar Inc. et al.* Ms. Akelaitis works in air and odour management regulatory issues and in a range of issues related to recycling and waste management. She acted as co-counsel in the leading Canadian odour management, decision *West Coast Reduction Ltd. v. District Director of the Greater Vancouver Regional District* (BC Environmental Appeal Board). Ms. Akelaitis also works in permitting, compliance, defending environmental prosecutions and environmental assessment regulatory and litigation issues. She appeared as co-counsel in the BC Environmental Appeal Board case *Worthington Mackenzie Inc. and Daniel Alexander White v. Director, Environmental Management* (January 19, 2010). Ms. Akelaitis has also had significant experience working in foreign tort issues concerning environmental law matters. Ms. Akelaitis has acted for a range of Canada's leading corporations, and in 2014 Ms. Akelaitis acted for the Nisga'a Nation in litigation involving important Aboriginal law and environmental law issues. Ms. Akelaitis has appeared before all levels of British Columbia Courts. Together with Mr. Letcher, she acted for the successful plaintiff in a leading case related to "economic force majeure" in the context of a contract for the supply of caustic soda.



Peter Reid, M.Eng., P.Eng., CSAP, MBA, Vice President, Site Assessment and Remediation, Hemmera Envirochem Inc., Vancouver, BC. Peter Reid has completed over 1400 environmental projects, including some of the largest in Western Canada. He has developed an excellent working relationship with other consultants, the Ministry of Environment and Climate Change Strategy, and the overall environmental industry. As a CSAP, Peter has completed over 40 submissions and as an expert witness Peter has completed 50 expert witness reports for legal proceedings in a variety of claims within five Canadian Provinces. Peter is a past President of CSAP. He has won several awards over his career for contributions to the field of Contaminated Sites Remediation and Redevelopment.

FACULTY



Kinji Bouchier, Partner, Lawson Lundell LLP, Vancouver, BC. Kinji's primary practice areas include complex commercial and civil litigation with a focus on contractual disputes, environmental remediation claims, product liability claims, shareholder and transactional disputes, and business torts. Kinji has a focused practice in the field of environmental remediation cost-recovery claims and contaminated site litigation. He regularly appears as lead counsel in the British Columbia Supreme Court, has appeared as lead counsel in the British Columbia Court of Appeal, and has appeared before several administrative tribunals. Kinji is repeatedly recommended as a Leading Practitioner for Environmental law in *Canadian Legal Expert Directory* and has been recognized as a Litigation Star for General Commercial and Energy and Natural Resources litigation in British Columbia in *Benchmark Canada: The Guide to Canada's Leading Litigation Firms and Attorneys*; for Environmental law in *Best Lawyers in Canada*; and received a Lexpert Rising Star Award in 2013.



Max Collett, Partner, Norton Rose Fulbright Canada LLP, Vancouver, BC. Max Collett is a leading real property, planning and environmental lawyer with a keen interest in the development of sustainable cities. Mr. Collett provides timely and practical advice to public and private sector clients on a diverse range of projects, including the remediation and re-development of industrial brownfield sites, development of healthcare-related facilities, complex mixed-use strata developments and commercial joint ventures on First Nations lands. He regularly assists on property, environmental and Indigenous consultation-related matters for public infrastructure and institutional projects, including those undertaken pursuant to public-private partnerships. Mr. Collett advises commercial and industrial clients on all aspects of regulatory compliance with environmental laws. He is a contributing editor to numerous property and environmental law publications. Mr. Collett has held numerous senior management positions at his firm, including past executive, vice-chair of the business law group and the chair of the environmental law practice group.



Peggy Evans, Manager, Risk Assessment and Remediation, Ministry of Environment and Climate Change Strategy, Victoria, BC. Peggy is a hydrogeologist by training and has been working in the field of contaminated site remediation for 26 years; in private consulting, in the federal government and with the province of BC for the past 20 years. Peggy's work with the province spans: development of policy and legislation; technical review and regulatory decision-making on a wide range of sites, including the former Nexen chlor-alkali site in Squamish, the Britannia Mine Site and the Teck Smelter site in Trail; oversight and collaboration with the Contaminated Sites Approved Professional process; and current program management.



Tony Gillett, P.Eng., CSAP, Senior Environmental Engineer, SNC-Lavalin Inc., Burnaby, BC. Tony Gillett is a Senior Environmental Engineer at SNC-Lavalin where he has held senior roles in project technical leadership, project management and operations management. His project experience includes site investigation, remediation, facility closure and waste management planning and monitoring activities at a wide variety of active and operating histories (e.g., metal mines, smelters, rail yards, power stations, petroleum storage facilities and refineries, and marine facilities). Tony was appointed to the Ministry of Environment and Climate Change Strategy roster of Approved Professionals in 2004 and is the current president of the board of directors for the Contaminated Sites Approved Professionals Society of BC (CSAP).

CONTAMINATED SITES 2019

Doing business with contaminated sites gives rise to many complex legal and practical questions, and setbacks or disputes can be costly and time consuming. A proactive and informed approach can avoid protracted litigation or relationship breakdowns. It is essential that lawyers and professionals are aware of difficult situations that can arise and know how to prevent and address obstacles in order to reduce costs and delays, and ensure that a project runs as smoothly as possible. This course brings together experts from the private and public sectors to provide you with a solid foundation and practical guidance for navigating this tricky area – you will gain clarity and confidence to work effectively with problem sites and to handle disputes that arise along the way.

This Comprehensive One-Day Program Will Provide:

- An update on how the courts have handled recent contaminated sites disputes
- An in-depth look at the use of expert evidence in contaminated sites disputes
- An update on soil relocation practices
- A solicitor's perspective on avoiding legal challenges on contaminated sites acquisition or divestment
- An update on new protocols and guidance affecting Contaminated Sites Approved Professionals
- Insight into the current perspective and future direction of the Ministry of Environment and Climate Change Strategy

This Program Is Designed For:

- Lawyers practising in environmental, real estate and construction law
- Environmental managers
- Corporate officers and directors
- Clean-up specialists and contractors
- Environmental engineers, consultants and planners
- Real estate developers
- Commercial realtors
- Home inspectors
- Insurance professionals
- Federal, provincial and municipal officials dealing with contaminated sites
- Landlords and tenants

CONTAMINATED SITES 2019

OCTOBER 9TH, 2019

9:00 Welcome and Introduction by PBLI

9:05 Chairs' Welcome and Introduction

Andrea Akelaitis

Letcher Akelaitis LLP

Peter Reid

Hemmera Envirochem Inc.

9:10 2019 Case Law Update

Andrea Akelaitis

Letcher Akelaitis LLP

- A review of recent decisions from the BC Supreme Court, BC Court of Appeal, and tribunals

10:00 Questions and Discussion

10:10 Refreshment Adjournment

10:25 Expert Evidence in Contaminated Sites

Kinji Bouchier

Lawson Lundell LLP

- Use of experts and expert reports in contaminated sites disputes
- Cross-examination tips and tricks

11:15 Questions and Discussion

11:25 Soil Relocation

Peter Reid

Hemmera Envirochem Inc.

- Soil relocation regulations: What happens now that there are no soil relocation standards?
- What to know, who to notify to relocate soil
- Contaminated soil relocation agreements (CSRA) don't exist anymore – what replaces them?

12:15 Questions and Discussion

12:25 Networking Lunch

1:25 Buying and Selling Contaminated Lands

Max Collett

Norton Rose Fulbright Canada LLP

- Solicitor strategies and approaches to avoiding legal challenges on contaminated sites acquisition or divestment
- Environmental due diligence
- Mitigating risks to the purchaser and vendor
- Allocation of responsibility for known and unknown environmental problems
- Releases and indemnities

2:15 Questions and Discussion

2:25 Refreshment Adjournment

2:40 CSAP Society Perspectives

Tony Gillett

SNC-Lavalin Inc.

- Updates to the *Professional Governance Act*, new protocols and guidance
- How is the process working from CSAP's perspective?
- Other CSAP developments

3:30 Questions and Discussion

3:40 Ministry Update

Peggy Evans

Ministry of Environment and Climate Change Strategy

- Regulatory and legislative amendments recently introduced and under review
- Policy developments and directions
- Ministry priorities in 2019/2020

4:30 Questions and Discussion

4:40 Chairs' Closing Remarks

4:45 Program Concludes

INFORMATION

Four Ways to Register:

1. Telephone us: 604-730-2500 or toll free 877-730-2555
2. Fax us: 604-730-5085 or toll free 866-730-5085
3. Mail your registration form with payment
4. Register at www.pbli.com/1536

Registration: The registration fee is \$770.00 plus GST of \$38.50 totalling **\$808.50** covering your attendance at the program, materials, a light breakfast, a networking lunch and refreshments throughout the day. In-person attendees have the option to receive their materials electronically in advance of the program, or in a hard copy binder on the day of the program. If an in-person attendee requests both hard copy and electronic materials, an additional \$50 charge will apply with applicable taxes. Webinar attendees will always receive their materials electronically.

Early Bird Discount: Register by September 9th, 2019 and receive a \$100 discount on the registration fee (\$670.00 plus GST).

Group Discount: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Early Bird and Group Discount cannot be combined.

Payment: You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the program.

When and Where: Check-in begins at 8:30 a.m. The program starts at **9:00 a.m.** UBC Robson Square is located at the basement level of **800 Robson Street** in Vancouver, BC. Please visit <http://robsonsquare.ubc.ca/find-us/> for directions.

Materials: The faculty will prepare papers and/or other materials explaining many of the points raised during this program. Please contact us at registrations@pbli.com if you are unable to attend the program and wish to purchase a set of materials.

Your Privacy: We will keep all information that you provide to us in strict confidence, other than to prepare a delegate list containing your name, title, firm and city for our faculty and the program delegates. We do not share our mailing lists with any non-affiliated organization.

Cancellations: Full refunds will be given for cancellations (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**October 2nd, 2019**). After that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content, availability of webinar or venue for this event.

Course Accreditation: Attendance at this course can be listed for up to **6.25 hours** of continuing professional development with the Law Society of BC.

Registration Form

Pacific Business & Law Institute

Unit 2 – 2246 Spruce Street
Vancouver, BC Canada V6H 2P3
Telephone: 604-730-2500; Fax: 604-730-5085
E-mail: registrations@pbli.com

CONTAMINATED SITES 2019

October 9th, 2019
UBC Robson Square, Vancouver, BC

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- In person** [PDF ONLY]
- In person** [HARDCOPY & PDF (+\$52.50)]
- Live webinar** [PDF]

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