



Pacific Business & Law Institute

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# CONTAMINATED SITES 2020

Co-Chaired by

**Andrea Akelaitis**  
Letcher Akelaitis LLP

**Jason Wilkins**  
Hemmera Envirochem Inc.

November 17<sup>th</sup>, 2020 • Attend via Live Webinar

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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* (May 9, 2013). 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, March 8, 2010). Ms. Akelaitis also works in permitting, compliance, defending environmental prosecutions and environmental assessment regulatory / litigation issues. She appeared as co-counsel in the B.C. 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 (*Domtar v. Univar*, 2011 BCSC 1776).



**Jason Wilkins**, Vice President, BC/YT Region, Site Assessment and Remediation, Hemmera Envirochem Inc., Vancouver, BC. Jason Wilkins is a Senior Environmental Scientist and Business Leader with Hemmera. He has over 18 years of experience in environmental science, and is a Professional Agrologist and Certified Canadian Environmental Practitioner. Jason has extensive knowledge of environmental science applications including contaminated sites investigation and remediation. His skills relate specifically to investigation and assessment design and implementation; contaminant characterization; contaminant fate and transport assessment; remedial design and installation; audit recommendations; public consultations; regulatory liaison; and project management.

## FACULTY



**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 Nation 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 contributing editor to numerous property and environmental law publications. Mr. Collett has held numerous senior management positions, including past executive, vice-chair of the business law group and the chair of the environmental law practice group.



**Tony Crossman**, Partner, Blake, Cassels & Graydon LLP, Vancouver, BC. Tony is a leading expert in Canadian environmental law who assists with identifying and managing environmental risks, providing advice on day-to-day operational issues, and solving complex issues. His work specifically includes advising on environmental regulation and management, corporate compliance and due diligence, and litigation matters. Tony's experience includes work in the energy, mining, natural resources and forestry sectors as well as manufacturing, real estate, municipal, waste management and transportation.



**Danielle Grbavac**, Director of the Land Remediation Section, Ministry of Environment and Climate Change Strategy, Victoria, BC. Danielle has 18 years of experience working in environmental science, including marine geoscience, climate change, and contaminated sites, both for the provincial and federal government. In her current role as Director of the Land Remediation Section with the Ministry, Danielle leads a diverse team of more than 30 professionals responsible for oversight of high risk site remediation, site risk classification as well as the development of policy for legislative and regulatory change and related guidance for BC's contaminated sites program.



**Kelli Larsen**, Senior Policy Analyst, Ministry of Environment and Climate Change Strategy, Surrey, BC. Kelli Larsen is a senior policy analyst with the Ministry of Environment and Climate Change Strategy's Land Remediation Section, leading the policy work to amend the legal regime for identifying contaminated sites in BC. Kelli also worked for 14 years with the Ministry as a statutory decision maker for site profiles, administering discharge authorizations and writing Ministry policy documents such as fact sheets, administrative guidance and protocols.



**Duncan MacDonald**, Vice President, PGL Environmental Consultants, Vancouver, BC. Duncan is an accomplished environmental engineer (P.Eng.) and ultimate frisbee world champion (retired). Duncan's career has focused on contaminated sites assessment and remediation, helping clients acquire regulatory approval for contaminated sites. He is one of the most active Approved Professionals with BC's Contaminated Sites Approved Professionals (CSAP) Society for regulatory submissions (70+) and is currently Vice President of the CSAP Society. Duncan makes relentless use of common sense with technical and regulatory issues.

## CONTAMINATED SITES 2020

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 examination of the different forums of contaminated sites liability
- Insight into the current perspective and future direction of the Ministry of Environment and Climate Change Strategy
- Strategies and approaches to avoiding legal challenges on contaminated sites acquisition or divestment
- An update on new protocols and guidance affecting Contaminated Sites Approved Professionals
- Considerations and obligations for high risk sites

## 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
- Commercial landlords and tenants



**Guy Patrick**, Managing Director, Patrick Consulting Inc., Salt Spring Island, BC. Mr. Patrick is a contaminant hydrogeologist and environmental engineer with over 35 years of experience in the assessment and remediation of contaminated sites in soil, sediment and bedrock environments. As Managing Director of Patrick Consulting Inc. and a Contaminated Sites Approved Professional in BC, Mr. Patrick's expertise includes strong technical review and project oversight, with a focus on the development of innovative approaches in the assessment and clean-up of contaminated sites. As a senior technical specialist, he provides leadership in the investigation and remediation of complex industrial and landfill sites in freshwater and tidally-influenced environments. Mr. Patrick also provides technical training via in-class courses and webinars through GeoEnviroPro, as well as technical review and litigation support on a number of projects in Canada, the US and overseas.

# CONTAMINATED SITES 2020

NOVEMBER 17<sup>TH</sup>, 2020

## 9:00 Welcome and Introduction by PBLI

## 9:05 Chairs' Welcome and Introduction

**Andrea Akelaitis**

Letcher Akelaitis LLP

**Jason Wilkins**

Hemmera Envirochem Inc.

## 9:10 2020 Case Law Update

**Andrea Akelaitis**

Letcher Akelaitis LLP

- A review of recent court and tribunal decisions affecting the field of contaminated sites

## 9:50 Questions and Discussion

## 10:00 Morning Break

## 10:15 Contaminated Sites: The 3 Forums

**Tony Crossman**

Blake, Cassels & Graydon LLP

- Civil liability and cost recovery for contaminated sites
- Provincial remediation orders and matters before the Environmental Appeal Board
- Federal and provincial liability and quasi-criminal prosecutions (*Fisheries Act*, etc.)
- Similarities and differences between these forums: defending an action, using experts, evidentiary issues
- Limitations issues in each forum

## 11:00 Questions and Discussion

## 11:10 Ministry Update

**Danielle Grbavac & Kelli Larsen**

Ministry of Environment and Climate Change Strategy

- Regulatory and legislative amendments recently introduced and under review
- Procedural changes
- Ministry priorities in 2020/2021

## 11:50 Questions and Discussion

## 12:00 Lunch Break

## 1:00 Buying and Selling Contaminated Lands

**Max Collett**

Norton Rose Fulbright Canada LLP

- Strategies and approaches to avoiding legal challenges on contaminated sites acquisition or divestment
- Environmental due diligence
- Mitigating risks to the purchaser and vendor
- Allocation responsibility for known and unknown environmental problems
- Releases and indemnities (SCC decision in *Resolute*)

## 1:45 Questions and Discussion

## 1:55 Afternoon Break

## 2:10 CSAP Society Perspectives

**Duncan MacDonald**

PGL Environmental Consultants

- Recent CSAP developments and updates

## 2:55 Questions and Discussion

## 3:05 High Risk Sites

**Guy Patrick**

Patrick Consulting Inc.

- What it means to be a high risk site
- What your regulatory obligations are
- Navigating high risk through the regulatory processes

## 3:50 Questions and Discussion

## 4:00 Chairs' Closing Remarks – 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/1625](http://www.pbli.com/1625)

**Registration:** The registration fee is \$720.00 plus GST of \$36.00 totalling **\$756.00** covering your access to the live webinar and electronic materials.

**Group Discounts:** Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration.

**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. (PST)**. Attend via Live Webinar: All you need is a computer with a good internet connection and external plug-in speakers or good headphones for optimal audio and volume.

**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](mailto: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 (**November 9<sup>th</sup>, 2020**). 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 **5.5 hours** of continuing professional development credits 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  
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## CONTAMINATED SITES 2020

November 17<sup>th</sup>, 2020

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