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CONTAMINATED SITES 2021

Co-Chaired by

Andrea Akelaitis
Letcher Akelaitis LLP

Jason Wilkins
Legacy Environmental Ltd.

November 9th, 2021 • 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 and 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.



Jason Wilkins, Technical Expert and Principal, Legacy Environmental Ltd., Vancouver, BC. Mr. Wilkins has over 20 years of experience expertly focused on contaminated sites investigation and remediation. His expert knowledge of contaminated sites in BC is demonstrated by his Contaminated Sites Approved Professional (CSAP) designation under the *Environmental Management Act* and *Contaminated Sites Regulation* (CSR). Mr. Wilkins routinely provides senior technical and regulatory reviews of investigation and remediation projects for all levels of government agencies, and for industrial and commercial clients. He regularly provides strategic advice to clients and their representatives in relation to successfully and expeditiously navigating the federal, provincial and municipal permitting and approvals processes. Through his CSAP designation he is afforded the privilege of providing recommendations to the BC Ministry of Environment and Climate Change Strategy on both regulatory and technical applications for legal instruments under the CSR, including contaminated sites determinations, approvals in principle for remediation, certificates of compliance and pre-approvals and development permit releases. In addition, Mr. Wilkins also provides expert professional opinions for the Supreme Court of BC.

FACULTY



Tony Crossman, Partner, Blake, Cassels & Graydon LLP, Vancouver, BC. Tony Crossman is a leading expert in Canadian environmental law with contaminated sites litigation and advisory experience. He has over 25 years of advising clients on identifying, managing and solving contamination issues, which includes work on sites in Canada, the US and Australia. He has worked on projects in the Canadian provinces and territories of British Columbia, Alberta, Ontario, Northwest Territories, Yukon and Nova Scotia.



Luke Dineley, Partner, Borden Ladner Gervais LLP, Vancouver, BC. Luke's robust practice centres on civil litigation, focusing on a variety of related matters, including insurance and tort law and environmental law. Luke also frequently counsels clients on municipal and regulatory matters, including expropriation-related matters, municipal disputes, and hearings before regulatory tribunals. In the area of environmental law, he represents and advises clients in a wide variety of contaminated site issues relating to both commercial and residential properties — including cost-recovery actions on behalf of plaintiffs and defendants. He also provides legal advice and representation to companies on environmental regulatory compliance, emergency spill responses and environmental prosecutions.



David Mitchell, Principal, Senior Engineer, Active Earth Engineering Ltd., Burnaby, BC. David is a registered Professional Engineer and graduate of the University of British Columbia, with a degree in Geological Engineering. He is a Principal Senior Engineer with Active Earth Engineering Ltd. David has over 20 years of experience in environmental assessment and multidisciplinary remediation projects for a wide variety of clients including developers, private investors, financial institutions, federal and provincial governments and First Nations. David has obtained a large number of regulatory approvals across the province for a wide variety of projects. David has served on the CSAP Performance Assessment and Professional Development committees.



Tim Pritchard, Senior Associate, Borden Ladner Gervais LLP, Vancouver, BC. Tim assists clients with a variety of civil litigation matters. He focuses his practice on commercial disputes, civil appeals, judicial review applications and environmental litigation. Tim has appeared at all levels of court in BC.



Una Radoja, Partner, Harper Grey LLP, Vancouver, BC. In her commercial litigation and dispute resolution practice, Una acts as counsel on a variety of matters, ranging from contractual and shareholder disputes, to professional negligence claims. On the environmental front, Una's practice is focused on risk management and cost recovery claims. She is recognized as a leading expert in the BC's ever-changing contaminated sites legal landscape. She routinely advises commercial property owners, developers, and other businesses on minimizing environmental risk arising from ownership of and operations on contaminated land. She represents clients in their applications for orders and instruments, including approvals in principle and certificates of compliance. Una works extensively on litigation matters related to recovery of remediation costs pursuant to the Environmental Management Act, as well as appeals before the Environmental Appeal Board.



Sharon Singh, Partner, Bennett Jones LLP, Vancouver, BC. Sharon provides advice on regulatory, governance, environmental, and Aboriginal law to infrastructure, mining, energy, construction, and agribusiness sectors. She is recognized for her proven ability to create collaborative relationships with Indigenous nations, local communities and regulators, and implementing Environmental, Social and Governance (ESG) and Corporate Social Responsibility (CSR) practises and reporting within organizations. Sharon's perspective and approach are informed by over a decade of experience working in the industry, and allows her to provide practical, collaborative, strategic,

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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
- Recent developments in cost recovery
- An overview of environmental, social and governance standards
- Insight into administrative changes at the Ministry of Environment and Climate Change Strategy
- A technical update on new protocols and guidance affecting Contaminated Sites Approved Professionals
- An overview of jurisdictional issues involving contaminated 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
- Landlords and tenants

and innovative solutions to proponents and operators on regulatory, environmental, and Indigenous and community relations matters.



Andrew Sorensen, Principal, Senior Environmental Engineer, Thurber Engineering Ltd., Vancouver, BC. Andrew is an Environmental Engineer with over 20 years of consulting experience and is certified by the Province as a Contaminated Sites Approved Professional. He is a Principal with Thurber and the technical lead for their environmental operations in BC. Andrew provides expert advice to clients regarding the Contaminated Sites Regulation typically in the context of land redevelopment, permitting, capital construction, soil relocation, and liability assessment.

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NOVEMBER 9TH, 2021

9:00 Welcome and Introduction by PBLI

9:05 Chairs' Welcome and Introduction

Andrea Akelaitis
Letcher Akelaitis LLP
Jason Wilkins
Legacy Environmental Ltd.

9:10 2021 Case Law Update

Una Radoja
Harper Grey 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 Cost Recovery

Tony Crossman
Blake, Cassels & Graydon LLP

- The impacts of the recent BCCA decision in *Victory Motors*
- What costs can be recovered
- Documenting and keeping track of costs

11:05 Questions and Discussion

11:15 Environmental, Social and Governance Matters

Sharon Singh
Bennett Jones LLP

- An introduction to ESG and its evolution, including considerations for professionals advising on contaminated sites

12:05 Questions and Discussion

12:15 Lunch Break

1:00 Regulatory Update and Administrative Changes at the Ministry

Andrew Sorensen
Thurber Engineering Ltd.

- Recent shifts in the Ministry's approach and protocols
- Expanded requirements for preapprovals from the Ministry
- Current timelines for Ministry approvals

1:50 Questions and Discussion

2:00 Afternoon Break

2:15 Technical Update

David Mitchell
Active Earth Engineering Ltd.

- Recent technical changes to know about
- Changes to risk assessment requirements

3:05 Questions and Discussion

3:15 Jurisdictional Matters

Luke Dineley & Tim Pritchard
Borden Ladner Gervais LLP

- Jurisdictional issues in contaminated sites
- Fines
- Application of the *EMA* on federal port lands
- Municipalities and responsibility over storm water

4:05 Questions and Discussion

4:15 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/1692

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: The program starts at **9:00 a.m. (PT)**. 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 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 2nd, 2021**). 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 hours** of continuing professional development credits with the Law Society of BC.

Registration Form

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