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CONTAMINATED SITES 2022

Co-Chaired by

Andrea Akelaitis
Letcher Akelaitis LLP

Jason Wilkins
Legacy Environmental Ltd.

November 10th, 2022 • UBC Robson Square (800 Robson Street) • Vancouver, BC

Live Webinar also available!



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., North 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.



Robin Gage, Managing Partner, Arvay Finlay LLP, Victoria, BC. Robin has a broad civil litigation practice with a focus on public law including environmental, aboriginal, constitutional, human rights, employment, and administrative law. Robin has appeared at all levels of court and before administrative tribunals and arbitrators. Robin has significant experience in matters relating to contaminated sites in the industrial, commercial, residential and First Nations context, including representing a wide range of clients in cost recovery actions under the *Environmental Management Act*.



Ardith Gingell, Senior Policy Analyst, Land Remediation (Contaminated Sites) Section, British Columbia's Ministry of Environment and Climate Change Strategy, Surrey, BC. Ardith has been involved in many aspects of the development and implementation of BC's new soil relocation law including policy development, preparation of discussion and intention papers, and consultation. Previously, Ardith was a Contaminated Sites Officer with the Section.



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 a past VP and current President-elect of the CSAP Society. Duncan makes relentless use of common sense with technical and regulatory issues.



Alan McCammon, MSc, PGeo, Manager, Land Remediation (Contaminated Sites) Section, Ministry of Environment and Climate Change Strategy, Surrey, BC. Alan is a member of the management team for the Land Remediation (Contaminated Sites) Section of British Columbia's Ministry of Environment and Climate Change Strategy. Alan has extensive experience as a statutory decision maker under the *Environmental Management Act* and is presently appointed as Registrar for management of the Site Registry. Alan is a registered professional geoscientist (contaminant hydrogeology).



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 2022

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
- *Fisheries Act* prosecutions
- Releases and indemnities
- An update on soil relocation policy from the Ministry of Environment and Climate Change Strategy
- The prevalence of risk management in the field
- A technical update on new protocols and guidance affecting Contaminated Sites Approved Professionals

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



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.

CONTAMINATED SITES 2022

NOVEMBER 10TH, 2022

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 2022 Case Law Update

Robin Gage

Arvay Finlay LLP

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

9:50 Questions and Discussion

10:00 Refreshment Adjournment

10:15 Prosecutions under the *Fisheries Act*: a Focus on Fines

Tony Crossman

Blake, Cassels & Graydon LLP

- The new world of prosecutions under the *Fisheries Act*: higher fines, stricter enforcement
- How prosecutions under the *Fisheries Act* interact with contaminated sites
- A review of recent cases

11:05 Questions and Discussion

11:15 Releases and Indemnities in Contaminated Sites Transactions: the Litigation Perspective

Una Radoja

Harper Grey LLP

- "As is, where is" clauses
- Releases and indemnities
- What they mean in a cost recovery action

12:05 Questions and Discussion

12:15 Catered Lunch

1:00 Regulatory Update: Soil Relocation

Ardith Gingell & Alan McCammon

BC Ministry of Environment and Climate Change Strategy

- Overview of new requirements
- Update on supporting protocol, guidance and information system
- Compliance/enforcement approach

1:50 Questions and Discussion

2:00 Refreshment Adjournment

2:15 Risk Management: the Current Common Approach

Guy Patrick

Patrick Consulting Inc.

- The increasing use of risk management to manage contaminated sites
- What risk management means, what are the steps
- Long term obligations in risk management

3:05 Questions and Discussion

3:15 CSAP Update/Technical Update

Duncan MacDonald

PGL Environmental Consultants

- Stage 14 amendments
- Soil relocation changes

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/contsite22

Registration: The registration fee for in-person attendance is \$795.00 plus GST of \$39.75 totalling **\$834.75**. The registration fee for webinar attendance is \$695.00 plus GST of \$34.75 totalling **\$729.75**. Registration fee covers your attendance at the program, electronic materials, a catered lunch and refreshments throughout the day.

Early Bird Discount: For in-person attendance, register by October 11th, 2022 and receive a \$100 discount on the registration fee (\$695.00 plus GST). Early Bird Discount does not apply to webinar attendees. Discounts cannot be combined.

Group Discounts: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Discounts 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. (PST)**. 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/Transfers: Refunds will be given for cancellations or transferring registration from in-person to webinar (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**November 3rd, 2022**). 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. For practitioners in other jurisdictions, please check your governing body's CPD requirements.

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

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NOVEMBER 10TH, 2022

UBC Robson Square, 800 Robson Street, Vancouver, BC

- In person** (\$795+GST)
- In person** (Early Bird, \$695+GST)
- Live webinar** (\$695+GST)

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