

The Canadian Institute's 2nd Annual

MANAGING
**ENVIRONMENTAL
CLEAN-UP COSTS
AND LIABILITIES**

*Controlling Your Organization's Contaminated Sites,
Remediation and Reclamation Obligations*

November 22 and 23, 2006 | Four Seasons Hotel, Vancouver

Post-Conference Workshop | 9:00 am – 12:00 pm | November 24, 2006
"Complying with the EUB's Large Facility Liability Management Program"

Co-Chairs

Bradley S. Gilmour
Partner, Bennett Jones LLP

Guy Patrick, P.Eng. M.Sc.
Golder Associates Ltd.

With Participation From:

AIG Environmental	Harper Grey LLP
Alberta Energy and Utilities Board	Ivey International Inc.
Canadian National Railway Company	Kilmer Brownfield Management Ltd.
City of Calgary	MacViro Consultants
City of Edmonton	Natural Resources Canada
City of Vancouver	Qikitaaluk Environmental
Clark Wilson LLP	Willms & Shier
Golder Associates Ltd.	Environmental Lawyers LLP
	XL Environmental

Explore the latest developments in environmental liability, remediation and reclamation financing, planning, management and organization, and:

- **Learn** tips from the latest court cases you can use to limit your liability exposure on environmental clean-up projects and activities
- **Discover** new domestic sources of private funding that can help you overcome the financial barriers to brownfield redevelopment
- **Determine** how environmental insurance can help facilitate clean-ups and real estate transactions, including contaminated residential property
- **Find** out how to plan for and manage the challenges of clean-ups in the North and other remote locations
- **Profit** from new environmentally-friendly technologies and offset your other clean-up and reclamation costs!



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MANAGE YOUR ENVIRONMENTAL COSTS AND LIABILITIES AND TAKE CONTROL OF YOUR CLEAN-UP OBLIGATIONS!

The obligations on industry to clean-up contaminated sites and return land to its pre-disturbed state are **burdensome in terms of costs and liabilities**. That same burden falls on provincial and federal governments in the case of orphaned or abandoned sites. The costs of carrying out this work, and the possible liabilities associated with improperly or insufficiently performing environmental clean-ups are substantial.

If you are responsible for environmental management and the remediation and reclamation of contaminated sites for your organization, **do not miss this opportunity** to learn how the leaders in this field – **and your peers and competitors** – are planning and organizing to reduce their environmental clean-up costs and limit their liability exposure.

This event will **transform** your organization's approach to environmental clean-ups and management in Canada. It will provide you with new ideas and **showcase** new approaches to managing your environmental clean-up costs and liabilities, including:

- The latest court decisions – including an update on environmental class actions
- Approaches for funding clean-ups at orphaned or abandoned mine sites
- The role of environmental insurance in facilitating clean-ups and real estate transactions
- Best practices in emergency environmental clean-ups

These issues and other hot topics will be addressed at *The Canadian Institute's* second annual conference on "Managing Environmental Clean-Up Costs and Liabilities", on November 22 and 23, 2006 in Vancouver, British Columbia. Don't miss this chance to hear directly from leading legal practitioners and senior industry executives!

This conference will fill up quickly, **so register now to ensure your place**. Call the Canadian Institute toll-free at 1-877-927-7936, fax the registration form to 1-877-927-1563 or register online at www.CanadianInstitute.com to secure your spot.

WHO YOU WILL MEET:

- Senior environmental managers and directors
- Environmental professionals and their advisors in the manufacturing, oil and gas, natural resources, chemical and petro-chemical, and regulatory sectors.
- Environmental engineers, planners and consultants
- Environmental lawyers, in-house counsel and city solicitors
- Municipal, provincial and federal government officers and policy-makers
- Environmental service providers
- Vendors, purchasers and developers of brownfields and other contaminated sites

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Co-Chairs

Bradley S. Gilmour
Partner, Bennett Jones LLP

Guy Patrick
Principal, Golder Associates Ltd.

Speakers

Graham Addington
Vice-President, Regional Manager Canada
XL Environmental

Richard Attisha
Partner, Harper Grey LLP

Richard Bereti
Associate Counsel, Harper Grey LLP

Joseph Castrilli
Barrister and Solicitor

Howard Fedorak, C.E.T.
Section Leader
Liability Management Sections
Corporate Compliance Group
Alberta Energy and Utilities Board

Harry Flaherty
Projects Director, Qikiqtaaluk Corporation

David Harper, M.Sc., P. Geo.
Managing Partner
Kilmer Brownfield Management Ltd.

Grant Ireland, T.T.
Technologist, Liability Management Sections
Corporate Compliance Group
Alberta Energy and Utilities Board

George (Bud) Ivey
Remediation Specialist, Ivey International Inc.

Greg Johnson
Project Manager, Qikiqtaaluk Environmental

Christine Little
Assistant Manager for Canada
AIG Environmental

Marc McAree
Partner
Willms & Shier Environmental Lawyers LLP

Jillian Mitton
Associate, Golder Associates Ltd.

Normand Pellerin
VP Environment
Canadian National Railway Company

Robin Petri
Project Engineer, Southeast False
Creek and Olympic Village, City of Vancouver

Janine Ralph
Consultant, MacViro Consultants

Bill Reynen
Science and Technology Director
Natural Resources Canada

Marta Sherk
Senior Solicitor, Law Branch, City of Edmonton

Neo Tuytel
Partner, Clark Wilson LLP

Kevan van Velzen, M.Sc., P.Biol.
Manager, Environmental Assessment
& Liabilities, City of Calgary

Register at 1-877-927-7936 or in Toronto 416-927-7936 or www.CanadianInstitute.com

DAY ONE | NOVEMBER 22, 2006

8:00 Registration Opens Coffee Served ☒

8:45 **Opening Remarks from the Co-Chairs**

Bradley S. Gilmour
Partner
Bennett Jones LLP

Guy Patrick
Principal
Golder Associates Ltd.

9:00 **The Latest Word on Contaminated Site Liability and Environmental Litigation**

Marc McAree
Partner
Willms & Shier Environmental Lawyers LLP

Neo Tuytel
Partner
Clark Wilson LLP

- Guiding principles in Canadian and British Columbia environmental law
 - polluter or beneficiary pays
 - fairness
 - sustainable development goals
- Who needs to be concerned about contaminated site liability?
- Update on key court decisions including environmental class action litigation
 - *Tridan Developments Ltd. v. Shell Canada Products Ltd.*
 - *Lynnview Ridge Residents' Action Committee v. Imperial Oil Limited*
 - *Pearson v. Inco Limited*
 - *Workshop Holdings Limited v. CAE Machinery Ltd.*
 - *Canadian National Railway v. ABC Recycling Inc.*
 - *ML Plaza Holdings Ltd. v. Imperial Oil Limited*
 - proposed class action against Northstar Aerospace (Canada) Inc.
- What is the future of environmental class actions in Canada? Should you be concerned?
- Is there insurance coverage for environmental defendants under standard liability policies?
- Does liability exposure ever end for lenders, site owners, developers and insurers?

10:00 **Creating Energy and Value from Waste – An Alternative to Landfills**

Janine Ralph
Consultant
MacViro Consultants

Canada ranks among the highest producers of solid waste per capita in the industrialized world. A typical approach to solid waste management is simple landfilling – it is estimated that there are hundreds of landfill sites in Canada, not including small landfills or unregistered or abandoned landfills. Problematically, all landfills will eventually release leachate to the surrounding environment and therefore all landfills will have some impact on the water quality of the local ecosystem. Should serious groundwater contamination occur, drinking water supplies and aquatic ecosystems could be impacted for decades to hundreds of years. Although incineration is opposed by many environmentalists and politicians, in this session you will explore whether incineration should be considered as a viable, cost-effective, environmentally-friendly alternative to landfilling.

- Can incineration be a better environmental choice than the traditional landfill?

- How much waste can the typical EFW plant handle? What items are suitable for incineration?
- What environmental controls are in place to manage emissions, particulate and ash?
- How expensive is incineration compared to other solid waste management options?
- Understanding the collateral business opportunities created by incineration
 - financial return on energy produced by incineration of waste
 - capturing and using steam produced by the waste plant
 - metals recovered from ash and sold
- Has incineration deleteriously affected participation in recycling programs?

10:45 **Networking Coffee Break** ☒

11:00 **Case Study: Managing Liability and Promoting the Remediation and Redevelopment of Former Industrial Lands in Montreal**

Speaker to be determined

- Lessons learned – an inside look at the Coastal Petrochemical Project in Montreal
- Providing environmental liability relief
 - land transferred into a brownfields trust to provide prospective buyer with protection from environmental liability
 - how does a brownfield trust work to protect a buyer?
 - could a brownfield trust work in other situations?
- Examining the cost-sharing agreement between provincial government and Coastal
- Benefits, project significance and reasons for success

11:45 **Financing Remediation at Orphaned or Abandoned Mine Sites**

Joseph Castrilli
Barrister and Solicitor

Typically, orphaned or abandoned mines have reverted to the Crown with remaining environmental liabilities and inadequate or non-existent securities to finance remediation and reclamation. Therefore, a key issue in solving the problem of orphaned or abandoned mines is determining who should provide the money necessary to clean-up the site. In this session, we will examine a variety of funding approaches and learn how some existing programs work in practice.

- Who bears the legal responsibility for historic contamination and unfinished clean-up obligations?
- Examining funding options for orphaned or abandoned mines
 - government pays for clean-up out of tax revenues
 - cost sharing between federal and provincial government
 - Canada-Ontario cost sharing agreement for abandoned uranium mine waste
 - government created financial incentives for mining-companies to clean-up orphaned sites
 - exploring initiatives for the mining industry to contribute to a clean-up fund
 - Ontario Management of Abandoned Aggregate Properties Program
 - Manitoba Quarry Rehabilitation Reserve Fund
 - Alberta Oil and Gas Orphan Fund
 - understanding the role public-private partnerships could play in site specific clean-ups
 - Britannia Mine Remediation Project
- What should be the next steps for government and industry?

12:30 **Networking Luncheon for Delegates and Speakers**



2:00 Effectively Using Environmental Insurance to Facilitate Clean-Ups and Real Property Transactions

Graham Addington
Vice-President, Regional Manager Canada
XL Environmental

Christine Little
Assistant Manager for Canada
AIG Environmental

- How can environmental insurance facilitate brownfield transactions?
- Types of sites where environmental insurance can help
- What environmental risks will insurance companies underwrite?
- Risk management issues associated with contaminated sites and brownfields
- How do your environmental risk management practices affect your insurance rates?
- What about contamination at residential sites?
 - common sources of residential contamination
 - what must a vendor disclose to prospective purchasers?
 - contamination effects on property value
- Cleaning-up residential contamination – will a homeowner's policy respond or is specialized environmental insurance required?
- Remediation to a saleable condition – what are the standards?
- Managing other risks: changing remediation standards and new-found contaminants

3:00 Networking Refreshment Break

3:15 Overcoming the Challenges of Northern Clean-Ups

Harry Flaherty
Projects Director
Qikiqtaaluk Corporation

Greg Johnson
Project Manager
Qikiqtaaluk Environmental

- Specific logistical challenges of environmental clean-ups in the North
 - contracting and procurement challenges in obtaining materials, equipment and personnel
 - lack of accommodation
 - short work season
 - access to site by sea, air or winter roads
- Managing the high costs associated with remote clean-up operations
- Technical challenges – viable closure and remediation options at contaminated sites in the North
- Other considerations and recommendations
 - site-specific considerations
 - access to fresh water
 - safety of on-site personnel
 - planning for monitoring, inspection and maintenance post-remediation
- Incorporating local Inuit stakeholders into planning
 - seeking local and traditional knowledge
 - consulting with local communities
 - integrating a local workforce into your project
 - cultural considerations when working with Inuit communities
- Wildlife considerations

**4:15 Co-chairs' Closing Remarks
Conference Adjourns**

DAY TWO | NOVEMBER 23, 2006

8:00 Registration Opens Coffee Served ☞

8:45 Opening Remarks from the Co-Chairs

9:00 Brownfield Redevelopment in Western Canada: Project Approvals and Case Studies

Moderator:

Richard Attisha
Partner
Harper Grey LLP

Panelists:

Marta Sherk
Senior Solicitor, Law Branch
City of Edmonton

Kevan van Velzen, M.Sc., P.Biol.
Manager, Environmental Assessment & Liabilities
City of Calgary

Robin Petri
Project Engineer, Southeast False Creek and Olympic Village
City of Vancouver

George (Bud) Ivey
Remediation Specialist
Ivey International Inc.

- Inside the City of Edmonton's 2006 Brownfield Redevelopment Grant Pilot Program
 - factors driving the development of the City's brownfield reclamation strategy
 - what properties are eligible to apply for a grant under this program?
 - what criteria will the City employ to select grant recipients?
 - what conditions must an applicant meet prior to receiving the grant?
- Exploring the City of Calgary's Brownfield Strategy Action Plan
 - factors driving the development of the City's brownfield reclamation strategy: environmental, economic and legal liability concerns
 - brownfield redevelopment where the City is the land owner
 - brownfield redevelopment when the City is an approving authority
- A look at brownfield redevelopment projects in Vancouver
 - guiding principles for brownfield redevelopment in Vancouver
 - inside the South East False Creek sustainable community project and the Carrall Street Greenway
 - redevelopment plans for the historic Woodward's building
- Finding opportunities in brownfield development – Western Canada case study
 - 90 Acre site with heavy metal contamination resulting from historical land use
 - proposed use: residential and mixed-use commercial
 - steps taken to ensure stakeholder involvement
 - applied a new approach for evaluating soil and groundwater heavy metals contamination to limit required remediation activities prior to site development
 - achieved regulatory buy-in prior to starting – approach saved client over \$1,000,000.00

10:30 Networking Coffee Break ☞

10:45 Canadian Sources of Private Financing for Brownfield Redevelopment

David Harper, M.Sc., P. Geo.
Managing Partner
Kilmer Brownfield Management Ltd.

- Examining the costs, benefits and return on investment in redeveloping brownfield sites

- Private financing: The Kilmer Fund approach to brownfield redevelopment
 - investment criteria: size of investment, type of property, length of time to remediate the site
 - typical deal structures
 - in-house expertise, risk management and due diligence
 - integrated brownfield management strategies employed by Kilmer
 - meeting stakeholder requirements and expectations
 - tapping in to other sources of financing
 - what opportunities exist for public-private partnerships?
- What options, if any, are available when remediation costs exceed the land value of the property?

11:30 **An Update on British Columbia's New Environmental Management Act and Contaminated Sites Regulation**

Richard Bereti
Associate Counsel
Harper Grey LLP

- Inside the new B.C. Environmental Management Act
- Is industry in B.C. now exposed to new environmental liabilities?
- A close look at the regulations governing contaminated sites, including
 - liability for contaminated site remediation
 - persons not responsible for site remediation
 - potential liability of environmental advisors, consultants and specialists
 - potential liability of persons responsible for their organization's environment-related activities and problems

12:15 **Networking Luncheon for Delegates and Speakers**

1:45 **Best Practices in Emergency Environmental Clean-Ups**

Jillian Mitton
Associate, Golder Associates Ltd.

Normand Pellerin
VP Environment
Canadian National Railway Company

- Inside the emergency notification and spill reporting process
 - what are the regulatory requirements and notification responsibilities for environmental emergencies?
 - what do federal environmental emergency regulations require?
- What environmental events are likely to trigger a provincial response?
- What is the responsible party obligated to do? What happens if a responsible party cannot meet their obligations?
- Who pays for the costs of emergency response and clean-up?
- In what circumstances may certain regulatory requirements be waived? How is a waiver obtained?
- Dealing with the regulators, on-site contractors and staff, and emergency response personnel
- Communicating with the public in the event of an environmental incident

2:45 **Networking Refreshment Break**

3:00 **Options for Carbon Management: Geologic Sequestration of Carbon Dioxide**

Bill Reynen
Science and Technology Director
Natural Resources Canada

- What is carbon capture and storage? How is geologic sequestration accomplished?

- Lessons learned from enhanced oil recovery using carbon dioxide, natural gas storage and underground disposal of other wastes
- Possible environmental, health and safety risks associated with geologic sequestration
- Carbon capture and storage in action – Weyburn CO2 Flood Project
- Turning a profit on carbon capture and storage – what is the potential?
- Offsetting other clean-up costs with funds from emissions credits and trading

3:45 **Co-chairs' Closing Remarks – Conference Concludes**

POST-CONFERENCE WORKSHOP

NOVEMBER 24 2006 | 9:00 AM – 12:00 PM

8:30 AM REGISTRATION OPENS AND COFFEE SERVED

Complying with the EUB's Large Facility Liability Management Program

Howard Fedorak, C.E.T.
Section Leader, Liability Management Sections
Corporate Compliance Group
Alberta Energy and Utilities Board

Grant Ireland, T.T.
Technologist, Liability Management Sections
Corporate Compliance Group
Alberta Energy and Utilities Board

The Alberta Energy and Utilities Board (EUB), a quasi-judicial board of the Alberta Government, is working to develop and implement appropriate liability management programs for all energy sectors that it regulates. The liability management programs to date protect the public of Alberta against significant potential environmental issues and costs associated with abandonment, decommissioning and closure of sites involved in petroleum resource recovery. The newest liability management program is the Large Facility liability management program. The program's purpose is to:

- prevent the costs to suspend, abandon, remediate and reclaim large oil and gas facilities from being passed on to the Alberta public when licensees become defunct, and
 - to minimize the risk to the Oil and Gas Orphan Fund posed by unfunded environmental liabilities.
- This workshop is designed to provide a guide to understanding and working within the framework of the Large Facility liability management program as it relates to directive 024, Directive 006, and Directive 001. It will cover key issues within a wide-ranging overview, including:*
- Directive 006: Licensee Liability Rating (LLR) Program and License Transfer Process
 - how it relates to Directive 024
 - Directive 024: Large Facility Liability Management Program
 - an overview of the program and the facilities that fall within its scope
 - circumstances in which a site may be declared an orphan
 - what is a "working interest participant"? What is a WIP obligated to do?
 - what is a liability management rating (LMR) assessment? How is it calculated?
 - deemed assets and deemed liability
 - security deposit requirements
 - what happens in the event of non-compliance?
 - how the LLR Directive works in conjunction with LFP Directive
 - Directive 001: Requirements for Site-Specific Liability Assessments in Support of the EUB's Liability Management Programs
 - History of this Directive and added Appendix 2

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Controlling Your Organization's Contaminated Sites, Remediation and Reclamation Obligations

November 22 and 23, 2006 | Four Seasons Hotel, Vancouver

Top Reasons to Attend

- ✓ Explore a wide range of issues pertinent to environmental clean-ups, including litigation, financing, insurance, emergency response and new technologies!
- ✓ Ensure those persons managing your organization's clean-up obligations understand the extent of their legal and financial obligations!
- ✓ Find out how your peers and colleagues are planning and organizing to reduce their costs and limit their liability exposure!

REGISTRATION FORM

To expedite your registration, please mention your priority service code



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Environmental Lawyer/Counsel

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Fee Per Delegate

- Conference only \$1795 + \$107.70 (6%) GST = \$1902.70
 - Conference & Workshop \$2290 + \$137.40 (6%) GST = \$2427.40
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Program Materials

Conference participants will receive a comprehensive set of conference materials prepared by the speakers. These materials are intended to provide the participants with an excellent reference source after the conference.

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