

ARE YOU ON TOP OF NEW REQUIREMENTS FOR ENVIRONMENTAL COMPLIANCE IN ALBERTA?

Changes to process under the CEAA, new mediation opportunities with the EAB and different approval requirements under the NRCB are just a few of the developing hot-spots in environmental law in Alberta. Moreover, closer scrutiny by environmental regulators, strict regulatory requirements and new enforcement processes are having a significant impact on industry.

Ensuring that you are up-to-date on your company's environmental obligations is the critical first step to avoiding the high cost of non-compliance.

Now in its highly successful 8th year, the **Canadian Institute's** Annual Environmental Law and Regulation in Alberta conference will deliver practical and comprehensive information from leading experts and senior regulators, including information on:

- Defending yourself and your company in the event of environmental inspections and prosecutions
- Maximizing the effectiveness of your environmental risk management systems

- Overcoming administrative and organizational hurdles when seeking project approvals and permits
- Recent and proposed changes to environmental legislation and regulations — and what they mean for your company's practices
- Potential class actions for toxic torts and contaminated sites
- And much, much more

Get the information you need to make sure that your compliance and due diligence programs respond to the latest regulatory developments, and adequately protect your company and its directors and officers from liability. This is also a chance to refresh crucial contacts with Alberta's regulators. Mark your calendar and register today by calling **1-877-927-7936** or by registering online at www.CanadianInstitute.com.

BENEFIT FROM THE EXPERTISE OF THIS OUTSTANDING LINE-UP OF SPEAKERS

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Scott Rusty Miller
Senior Counsel
Petro-Canada

Ronald M. Kruhlak
Partner, McLennan Ross

er, McCarthy Tétrault LLP

A.W. (Sandy) Carpenter
Partner, Lawson Lundell

Paul R. Cassidy
Partner, Blake, Cassels
& Graydon LLP

Lanny Coulson
Director, Alberta Region
Canadian Environmental
Assessment Agency

Corbin Devlin
Lawyer, McLennan Ross

Tom Dickson
Acting Director of Enforcement
Alberta Environment

Dave Fernet, M.Sc., P.Biol.
Principal, Golder Associates Ltd.

Gavin Fitch
Partner, Rooney Prentice

**The Honorable Judge
Allan A. Fradsham**
The Provincial Court of Alberta

Andrew Gillam
Director, Global Risk
Management Solutions
PricewaterhouseCoopers LLP

David Y.F. Ho, Ph.D., P.Eng.
Principle, AN-GEO
Environmental Consultants Ltd.

Lynda Jenkins
Environment Prosecutor
Special Prosecutions
Alberta Ministry of Justice

Brian Kennedy, P.Ag., P.Eng.
Principle, Kenlund Consulting Ltd.

Edgar Ladouceur
Acting Director General,
Transportation of Dangerous Goods,
Transport Canada

Brent Lakeman
Senior Advisor, Provincial Coordination
Climate Change, Strategic Divisions
Alberta Environment

Kirk Lambrecht, Q.C.
General Counsel
Department of Justice

Sue Lowell, P.Eng.
Director, Project Approvals
Suncor Energy Inc., Oil Sands

Serge Metikosh, B.Sc.
Associate, Golder Associates Ltd.

Peter Miller
Counsel, Imperial Oil

Richard Neufeld
Partner, Fraser Milner Casgrain LLP

Brian K. O'Ferrall, Q.C.
Partner, McLennan Ross

Richard C. Secord
Partner, Ackroyd, Piasta, Roth & Day

Dr. William Tilleman
Chair
Alberta Environmental Appeal Board

Gilbert Van Ness
General Counsel
Alberta Environmental Appeal Board

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8th Annual
What's New in
ENVIRONMENTAL LAW & REGULATION IN ALBERTA
The Most Comprehensive Coverage of the Critical Issues for 2002 and Beyond
Monday and Tuesday, October 7 and 8, 2002
Metropolitan Centre, 333 Fourth Avenue SW, Calgary, Alberta



From: **The Canadian Institute**
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**8TH ANNUAL ENVIRONMENTAL LAW
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8th Annual *What's New in* **ENVIRONMENTAL LAW & REGULATION IN ALBERTA**

The Most Comprehensive Coverage of the Critical Issues for 2002 and Beyond

"I always enjoy and look forward to the opportunity to discuss with industry partners and regulators open, honest approaches and views of existing regulations and proposed new regulations..."

Frank Vagi
Senior Advisor
Petro-Canada
Oil Sands Department

(7th Annual
Environmental Law and
Regulation in Alberta)

CO-CHAIRS

Scott Rusty Miller
Senior Counsel
Petro-Canada

Ronald M. Kruhlak
Partner, McLennan Ross

Supported by:



Attend this comprehensive forum and get in-depth information and practical insights on:

- The effects of increased aboriginal rights on environmental assessments
- How Alberta's new class action legislation will apply to environmental situations
- The new approval process for intensive agricultural operations
- Dealing with contaminated sites: the latest word
- Current policies and enforcement priorities from key environmental regulators
- What industry needs to know about the Alberta Environmental Appeal Board's mediation program
- New challenges to the regulation of water, air and electricity in Alberta — and implications for industry
- Updates for industry on the handling and transportation of dangerous goods and hazardous waste

With interactive panel sessions on **Navigating the Project Approval and Permit Process and Investigations and Prosecutions**

Monday and Tuesday, October 7 and 8, 2002
Metropolitan Centre, 333 Fourth Avenue SW, Calgary, Alberta

To Register Call Toll-free 1-877-927-7936 or in Toronto Call 416-927-7936 or Register Online at www.CanadianInstitute.com

Monday, October 7, 2002

**7:30 Registration Opens
Coffee Served**

8:30 Opening Remarks from the Co-Chairs

Scott Rusty Miller, Senior Counsel, Petro-Canada
Ronald M. Kruhlak, Partner, McLennan Ross

**8:45 Implications of Government
Obligations to First Nations
on Environmental Assessment**

A.W. (Sandy) Carpenter, Partner, Lawson Lundell

- Recent significant decisions: Mikisew, Taku and Haida, and their implications for industry
- When do government and industry obligations arise?
- What is the obligation to consult when specific rights have not yet been proved, or asserted?
- Consultation processes vs. EA processes: can these ever take place together?
- Do ongoing treaty negotiations affect the duty to consult?
- How are regulators dealing with possible infringement of aboriginal and treaty rights?

**9:30 Environmental Class Actions in Alberta:
A Ticking Time Bomb?**

Gavin Fitch, Partner, Rooney Prentice

- Class action legislation: what are the rules in Alberta?
- Application of class action legislation to environmental litigation
- Toxic torts and contaminated site litigation: a review of Canadian litigation
- Review of certification process: what makes a viable class action suit?
- Examples of environmental class actions undertaken in Alberta

10:15 Coffee Break

**10:30 Environmental Liability Risks for
Directors, Officers, Employees
and Subsidiaries: An Update**

Paul R. Cassidy
Partner, Blake Cassels & Graydon LLP

- Review of statutory and common law basis for the liability of directors and officers for environmental non-compliance
- Situations in which an officer or director could face charges for non-compliance and how to deal with them
- Employee liability issues for non-compliance
- Meeting environmental due diligence criteria: responsibilities for the director, officer and the employee
- Liability issues between parent companies and their subsidiaries
- Case law update regarding liability for environmental non-compliance

**11:15 Legislative Update:
What's New and What's Coming**

Lanny Coulson
*Director, Alberta Region, Canadian
Environmental Assessment Agency*

Peter Miller, Counsel, Imperial Oil

Brian K. O'Ferrall, Q.C., Partner, McLennan Ross

- The Canadian Environmental Assessment Act (CEAA)
- The 5 year review: changes in process that industry needs to know
- Judicial review of environmental assessments: dealing with uncertainty
- The Canadian Environmental Protection Act, 1999
- Key changes and new standards
- Emergency response: what is required?
- The *Species At Risk Act*: status and strategies for compliance
- Environmental issues being addressed in the *Oil and Gas Conservation Act* and the *Pipelines Act*

**12:30 Luncheon For
Delegates and Speakers**



**1:45 Mediation with the
Environmental Appeal Board**

Dr. William Tilleman
Chair, Alberta Environmental Appeal Board

- What industry needs to know about Mutual Gains Mediation with the EAB
- Review of the mediation process
- Advantages and limitations to the mediation process
- Understanding the role of the mediator and conditions placed on the mediator
- Appropriate parties to the mediation
- Confidentiality issues surrounding agreement to mediate
- Regulatory and contractual clauses: what you need to know
- Board mediation statistics: how is it working?

**2:15 The Latest Word on Water
Management Obligations in Alberta**

Dave Fernet, M.Sc, P.Biol.
Principal, Golder Associates Ltd.

Serge Metikosh, B.Sc.
Associate, Golder Associates Ltd.

The Water Act

- Water conservation strategies and water mastering: implications for various industries
- Status of water management consultations and potential impacts on regulation
- Use of water for product recovery in:
 - aging oil and gas fields
 - steam injection in heavy oil fields

The Fisheries Act

- Review of the changed mandate in Alberta
- Strategies for sustaining resources amid development
- Implications for industry and municipalities

**3:15 What You Need to Know About Waste
Management and Transportation of
Dangerous Goods and Hazardous Waste**

Waldemar (Wally) Braul
Lawyer, McCarthy Tétrault LLP

Edgar Ladouceur
*Acting Director General, Transportation
of Dangerous Goods, Transport Canada*

- Proposed changes to the *Transportation of Dangerous Goods Act* and what you will need to do to be compliant
- Guide 55 and 60: what you need to know about shipping and storing hazardous waste
- American regulation of hazardous waste shipment and amendments to export and import regulations: what Albertans should know
- New rules for inter-provincial and international shipments of hazardous waste
- Recyclable matter vs. waste: drawing the distinction between the two and the regulatory implications of that distinction

4:15 Refreshment Break

**4:30 Understanding the New
Approval Process for Intensive
Agricultural Operations**

Richard Neufeld
Partner, Fraser Milner Casgrain LLP

Brian Kennedy, P.Ag., P.Eng.
Principal, Kenlund Consulting Ltd.

- History, location and numbers of confined feeding operations (CFO's) in Alberta
- Review of the Agricultural Operation & Practice Act:
 - linkage of AOPA and Water Act processes for CFO's
 - odour, minimum distance separation (MDS) and science
 - manure collection, storage and treatment
 - manure nutrient management
- The Natural Resource Conservation Board's responsibilities regarding intensive livestock operations
- Relationship between NRCB, Alberta Agriculture, and Food and Rural Development
- The role of municipal government
- Assessing the environmental impact of large livestock operations on health, ground water and air quality
- What factors are being considered by the NRCB when granting approvals?

5:30 Conference Adjourns

Tuesday, October 7, 2002

8:30 Co-Chairs' Opening Remarks

Scott Rusty Miller, Senior Counsel, Petro-Canada
Ronald M. Kruhlak, Partner, McLennan Ross

**8:45 Air Quality: What Industry Needs to Know
About Emissions and Climate Change**

Brent Lakeman
*Senior Advisor, Provincial Coordination
Climate Change, Strategic Divisions
Alberta Environment*

- Managing facilities and managing airsheds
- Alberta's climate change action plan
- Canada's national climate change approach
- Emissions management in the electricity sector
- The role for emissions trading
- Greenhouse gas emissions: what must you measure and what targets are being set?
- Carbon sequestration: long term storage and potential legal liability
- Flaring and venting: proposed changes to regulation and updates on voluntary reduction
- Implications of the Kyoto Protocol for industry at present

**9:30 Electrical Deregulation:
Environmental Implications of
Increased Demand and Supply**

Richard C. Secord
Partner, Ackroyd, Piasta, Roth & Day

- Assessing the environmental impact of recent energy crises
- Understanding the environmental implications of surge in construction of power plants — and potential regulatory impacts
- Evaluating and balancing social, environmental and economic impacts of new energy projects: what criteria are the EUB granting weight to?
- Federal government attempts to intercede: what are their concerns?
- Long term implications of using 'second best' technology: should we be concerned?

10:15 Coffee Break

**10:30 Reclamation and Remediation
of Contaminated Sites:
Developments In Law and Practice**

Corbin Devlin, Lawyer, McLennan Ross

- Recent case law on liability and remediation standards for contaminated sites
- How Alberta Environment treats land reclamation and site remediation in:
 - transactions involving purchase and sale
 - landlord tenant matters
 - corporate merger and share issue situations

- Current issues in 'brownfield' development
- Recent Environmental Appeal Board decisions on contaminated sites and substance releases
- Reclamation certificates and release provisions: when are you safe?
- Remediation standards and criteria: EPEA and the common law
- Ground and surface water contamination: an update

**11:15 The Sustainable Business: Effective
Risk Management In Action**

*Andrew Gillam, Director, Global Risk Management
Solutions, PricewaterhouseCoopers LLP*

- The current sustainability landscape
- What is a Sustainable Business?
- How effective environmental risk management will help
- ISO management systems — the good, the bad and the ugly
- Avoiding the steel bracelets
- Defining 'due diligence' in the context of environmental regulation
- Regulatory compliance on an operational level

**12:00 Luncheon for
Delegates and Speakers**



**1:15 Navigating the Project
Approval and Permit Process**

Moderator

A.W. (Sandy) Carpenter
Partner, Lawson Lundell

Panelists

David Y.F. Ho, Ph.D., P.Eng.
Principal, AN-GEO Environmental Consultants Ltd.

Gilbert Van Ness
*General Counsel
Alberta Environmental Appeal Board*

Kirk Lambrecht, Q.C.
*General Counsel
Department of Justice*

Sue Lowell, P.Eng.
*Director, Project Approvals
Suncor Energy Inc., Oil Sands*

- Review of the regulators: who they are, what they do and how they interact with one another
- Update on criteria to meet for
 - Alberta Environment
 - Alberta Energy and Utility Board
 - Environment Canada
- How Alberta Environment is streamlining the approval process
- Strategies for addressing the Alberta Environment Appeal Board
- How to proceed when your project requires federal and provincial approval in light of the Millennium Application
- Environmental assessment for the multi-jurisdictional project
- Implications of the National Energy Board's March 4 Memorandum of Guidance

2:45 Refreshment Break

**3:00 Investigations and
Prosecutions: An Update**

Moderator

Ronald M. Kruhlak, Partner, McLennan Ross

Panelists

The Honourable Judge Allan A. Fradsham
The Provincial Court of Alberta

Lynda Jenkins
*Environment Prosecutor, Special Prosecutions
Alberta Ministry of Justice*

Tom Dickson
Acting Director of Enforcement, Alberta Environment

- Review of recent judicial interpretations
- Jurisdictional differences and review of procedures and penalties
- Proposed amendments to Alberta environmental legislation regarding administrative penalties and regulation of economic advantage fines
- Creative Sentencing and Economic Advantage
- Ben and Able computer models for determining extent of economic advantage: how useful and/or fair are they
- Creative sentencing — examples to date
- Burden of proof regarding economic advantage
- Can the accused company be forced to provide information regarding economic advantage
- Cost recovery for environmental investigations
- Review of recent judicial decisions regarding economic advantage

4:30 Conference Concludes

**A TOP-NOTCH ENVIRONMENTAL
UPDATE FOR:**

- **Manufacturing, oil and gas, other natural resource, transportation, chemical and petro-chemical industry managers**
- **In-house counsel**
- **Environmental lawyers in private practice and from the public sector**
- **Environmental engineers, planners and consultants**
- **Environmental specialists and service providers for large corporations**
- **Public sector environmental enforcement officers and managers**
- **Environmental emergency response, audit, control and compliance officials**
- **Environmental health and safety managers**
- **Dangerous materials shippers and supervisors**
- **Insurers and their agents**
- **Financiers of remediation sites development and corporate expansion**

"Excellent presenters and materials. Well run."

April Broughton
Health, Safety, Environmental Coordinator, BP Canada Energy Company
(7th Annual Environmental Law and Regulation in Alberta, September 2001)

*"Excellent conference. Very topical. Added good context.
Good highlights/heads up on changes and trends."*

John Rasmussen, Senior Environmental Advisor, TransAlta Utilities
(7th Annual Environmental Law and Regulation in Alberta, September 2001)