Environmental

Environmental laws impact every industry. With regulatory requirements constantly evolving, it is essential to have a skilled legal team that understands your operations and how to navigate complex environmental issues as, or even before, they arise.

With decades of experience, and cross-sectional practices that incorporate disputes, advisory and transactional work across the country, our national team consistently helps clients address whatever environmental issues they are facing. We offer strategic advice and practical solutions tailored to our clients' needs to avoid and mitigate legal risk.

BLG's national team of environmental lawyers is ready to assist you with your environmental law issues throughout Canada. As a national, full-service law firm, BLG's team of environmental lawyers regularly collaborate with all our other client service groups across the country, including Banking & Financial Services, Corporate Markets, Commercial Real Estate, Construction, Indigenous Law, Insolvency & Restructuring, Labour & Employment, Mergers & Acquisitions and Municipal & Land Use Planning, to deliver informed, practical and responsive advice.

Our experience in the environmental realm is broad and clients across industries rely on us for practical, strategic guidance. Our team of environmental lawyers actively advise private sector clients, federal and provincial crown corporations and other public bodies on a wide range of environmental matters. We negotiate and draft contracts that address environmental issues. We also help clients secure initial approvals and operating permits for projects regulated by federal, provincial, territorial and municipal environmental laws. We also guide clients through environmental assessments and conduct due diligence for projects and transactions. Additionally, we develop environmental management systems, advise on climate change risk and reporting, guide brownfield redevelopment and closure planning, oversee remediation projects and counsel on Environmental, Social and Governance (ESG) initiatives.

When disputes arise, we represent clients in high-stakes civil and regulatory matters, including environmental class actions, contaminated site litigation, environmental prosecutions, judicial reviews, appeals and other proceedings before various administrative bodies.

Stay compliant and reduce risk. Connect with our environmental lawyers for practical, strategic support.

Experience

- **Environmental disputes**
    - Major energy supplier in successfully defending against three separate Federal Court judicial review challenges – all dismissed.

- Commercial, industrial and residential waste company in successfully defending against a Notice Prior to Determination of Administrative Penalty issued by the B.C. Ministry of Environment and Parks.
- Developer on the successful appeal of conviction under *Endangered Species Act* (Ontario).
- Engineering firm in charges under *Environmental Protection Act*.
- Major terminal owner and operator in Environmental Appeal Board proceedings challenging the constitutionality of provincial environmental laws as applied to a federally regulated grain elevator and marine terminal.
- Ontario school board in defending against a Ministry of Environment remediation order, municipal cost recovery order and related civil claims tied to a historic fuel oil spill.
- Canadian province in defending a major action by a First Nation seeking to block industrial development across 40,000 sq. km in one of North America's largest natural gas regions.
- Canadian city in defending against challenges to its Municipal Class Environmental Assessment process for collector roads through a greenbelt area.
- World class multi-commodity bulk export terminal in a Federal Court judicial review challenging a port authority's refusal to process its regulatory request for a liquefied petroleum gas export facility.

- **Environmental prosecutions and regulatory inspections/investigations**
  - Tank barge operator in regulatory and civil proceedings arising from the grounding of a tugboat and a bunker fuel spill off British Columbia's coast.
  - Major intermodal shipping terminal in defending *Fisheries Act* prosecution proceedings tied to a C$200 million port expansion project.
  - Defendant in an environmental class action arising from a jet fuel spill incident.
  - Major forestry company in responding to an environmental order involving mercury contamination monitoring, facility assessments, reporting obligations, and financial assurances.
  - Oil and gas companies in defending regulatory enforcement proceedings brought by the British Columbia Energy Regulator related to operational compliance.
- **Contaminated sites and development**
  - Canadian integrated energy company in a dispute arising out of alleged recontamination of property remediated by Suncor in exchange for a release.
  - Leading Canadian private equity real estate investment firm in a dispute relating to contaminated soil impacting real estate development.
  - Major automotive manufacturer in defending a claim seeking damages for alleged migration of contamination involving multiple property owners and operators.
  - Property owner in advancing novel cost recovery claims for remediation efforts and protection against re-contamination in a contaminated sites action.
  - Canadian municipality in defending against claims that expropriated lands for a roadway project re-contaminated adjacent developer property with petroleum hydrocarbons.
  - Global real estate leader, developer and operator of shopping centres in defending against claims for damages related to the migration of chlorinated solvents to its shopping centre property.
- **Toxic substances and emerging contaminants**
  - Canadian charity organization in its intervention before the Federal Court of Appeal challenging the designation of single-use plastics as toxic substances.

- Manufacturers, distributors and suppliers in providing insurance coverage opinions and policy advice related to PFAS and other emerging contaminants.
- Domestic, multinational and international companies in advising on mandatory reporting obligations under the Chemicals Management Plan, including for BPA, PFAS and other emerging substances.
- Local governments in advising on liability risks tied to waste management and the evolving regulation of emerging environmental contaminants.

- **Environmental transactions**
  - U.S. Hospitality company in advising on environmental due diligence and Indigenous consultation matters for its acquisition of a Canadian Helicopter Skiing business.
  - Subsidiary of a major oil & gas producer on environmental matters in a US$1.1 billion acquisition.
  - International technology group in advising on environmental matters related to a carve-out transaction and the sale of its powersport business.
- **Environmental compliance**
  - Major Canadian energy supplier in advising on federal and provincial regulatory matters
  - Canadian energy supplier in advising on environmental assessment processes, regulatory strategy, and First Nations consultation in connection with its LNG project.
  - Clients across major infrastructure projects in advising on First Nations consultation requirements within environmental assessment processes and submissions relating to Aboriginal rights and title.
  - Major project proponents in navigating environmental permitting and regulatory approvals.
  - Major energy supplier on environmental and regulatory compliance for its C$1.6 billion processing and export facility and marine terminal.

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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