



Navigating Ontario's Environmental Protection Act and Building Code Act.

Moderator(s): Arnie Marsman

DATE: Tuesday, October 1st, 2024 TIME: 10:30 am

LOCATION: Salon H,J

GUEST SPEAKERS: Marc McAree - WWillms & Shier Environmental Lawyers LLP, Gerry Parrott - BlueFrog Environmental Consulting INC.

DESCRIPTION: In the Province of Ontario, addressing contaminated land involves legal obligations set out in the Environmental Protection Act (EPA) and the Building Code, 1992, and their associated regulations. Central to these obligations can be the requirement for a thorough environmental site assessment and submission of an electronic filing known as a Record of Site Condition (RSC) on the Environmental Site Registry. A RSC is a publicly available record that details the environmental condition of a property, the nature of contamination at a property, and contaminant remediation or risk management. Under the EPA, a Record of Site Condition is mandatory for contaminated sites where there is a change in land use from a less sensitive use to a more sensitive use and where specific municipally-issued permits are sought including a building permit. Chief Building Officials across Ontario play a pivotal role in ensuring compliance with these legal obligations within the building code permitting process.

BIOGRAPHY: Marc McAree, Partner

Noted for his perseverance, hands-on approach and pragmatism, Marc McAree goes the extra mile to deliver decisive results for clients.

He prioritizes building strong relationships with clear communications based on forthright legal advice. Marc enjoys building rapport with clients and this helps him learn the nuances and complexities associated with their businesses and environmental matters. Having now practiced environmental law for over 25 years, Marc knows what it takes to craft successful strategies and outcomes for clients.

As a Law Society of Ontario Certified Specialist in Environmental Law, Marc leads a litigation practice where he takes on civil lawsuits, judicial reviews, appeals of regulatory orders and approvals, and defence of regulatory prosecutions. He has and continues to represent clients at all levels of Ontario Courts and before administrative tribunals. When preferred by the litigants, Marc brings considerable experience to negotiating favourable settlements for clients.

In addition to litigation, Marc advises clients about various environmental matters involving contaminated land, excess soil, nuisances, discharges, spills, approvals, risk mitigation, insurance, day-to-day compliance, and due diligence. Marc helps clients navigate environmental aspects of land purchases and sales, share purchases and sales, asset purchases and sales, leases and financings. Uniquely, Marc has a subspecialty in

on-road vehicle emissions including compliance with U.S. Environmental Protection Agency (U.S. EPA) and California Air Resources Board (CARB) emission standards in Canada, and resulting regulatory investigations and enforcement actions.

A trusted and respected name in environmental law, Marc has earned a reputation for leaving no stone unturned as he helps clients achieve their objectives. He does not shy away from challenging issues, and he strives to deliver effective and commercially-reasonable solutions.

Marc has been celebrated for his work by being named for several years now by Lexpert as one of the Leading 500 Lawyers in Canada, and also has and continues to be honoured by his peers by being named one of the Best Lawyers in Canada for environmental law. Lexpert has specifically identified Marc as a top environmental lawyer in Canada.

BIOGRAPHY: Gerry Parrott, P.Geo.

Gerry Parrott has 30 years of experience in the environmental consulting industry. He is a licensed Professional Geoscientist (Ontario and Manitoba), and a recognized Qualified Person (QP) under Ontario Regulation 153/04 of the Environmental Protection Act. Gerry is BlueFrog's Founder and President.

Prior to starting BlueFrog, Gerry was responsible for managing and operating Hemmera's Ontario region office and prior to that, Parsons Ontario region office, providing oversight for technical projects and serving as senior report reviewer for projects in Ontario and throughout Canada. Gerry also functioned as the single point of contact for several large clients, including several well-regarded law firms, commercial/industrial clients, petroleum distributors, and one of the largest electricity distributors in Canada. In addition to his technical role, Gerry performed various financial and human resource management duties while growing and developing a first-class team in Ontario.

Gerry's principal expertise is evaluating the findings from site investigations and providing well-reasoned, practical guidance and advice to senior staff and clients. He provides guidance for standard to complex remedial plans, Ministry Orders, supports litigation and dispute resolution matters, has been qualified as an environmental contaminant expert in matters before the Ontario Superior Court of Justice, participates in the development and execution of practical risk management plans, and provides timely and critical advice during and after spills. In addition, Gerry has extensive experience undertaking work in support of filing Records of Site Condition (RSCs) in Ontario.