

# Alex G. MacWilliam

## Partner



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## Overview

Alex is Canada lead for the global Environment and Natural Resources group and the global Climate Change Strategies practice group.

He regularly advises Canadian and international clients on all legal issues relating to the environment. These include regulatory approvals, compliance, contaminated land, climate change, transportation of dangerous goods, dealing with regulatory agencies, responses to government policies and the development of internal environmental practices and systems. In 2015, Alex was appointed by the Government of Alberta to be the Chair of the Environmental Appeals Board.

Alex is widely regarded as one of the leading environmental law practitioners in Alberta.

He is recommended by Chambers Global as a leading lawyer in the area of Environmental Law, he is profiled in *The Expert American Lawyer Media Guide to the Leading 500 Lawyers in Canada*, *Who's Who Legal*, and in *Best Lawyers* and is rated by Practical Law Company as a recommended Environmental Lawyer. He has appeared before the Alberta Environmental Appeals Board, Alberta Energy Regulator, Natural Resources Conservation Board, Information and Privacy Commissioner, Federal Court of Canada and all levels of Court in Alberta.

Alex advises clients in respect of all matters of an environmental nature, including the management and minimization of liability arising from environmental risks, compliance, environmental management systems and other risk management tools. When environmental incidents do occur, Alex is experienced in the legal aspects of emergency response and crisis management and has extensive experience in resolving disputes arising from such incidents through negotiation, mediation, arbitration and litigation. Alex is a trained mediator and has applied his experience to facilitate the resolution of many environmental disputes. He is a member of the Canadian Centre for Environmental Arbitration and Mediation.

Alex is frequently involved in major national and cross-border transactions in respect of the environmental due diligence arising in asset and share transactions, public offerings and financings. He works closely with the M&A, banking and securities lawyers at Dentons to ensure that any environmental issues are identified and properly assessed.

# Experience

- **Enbridge:** Advising on its CA\$1.075 billion sale of its South Prairie Region Assets to Tundra Energy Marketing Limited.
- **World Fuel Services:** Led Canadian environmental due diligence advising this leading global fuel logistics company on its US\$260 million acquisition of ExxonMobil's aviation fueling business at 83 airports in Australia, Canada, Germany, Italy, New Zealand the UK.
- **Confidential client:** Advising major energy company on environmental and regulatory compliance requirements that apply to the importation and sale of jet fuel in British Columbia.
- **Confidential client:** Arbitration counsel to property developer on multi-million dollar dispute over environmental issues at Brownfield redevelopment site.
- **Confidential client:** Advising international chemical manufacturer on Canadian import and sales regulations.
- **Orkin Canada:** Defence counsel on prosecutions under federal and provincial environmental and pesticide legislation.
- **Binder Capital Corporation / Avmax Holdings Inc.:** Advising this Calgary-based international aviation product and service company on environmental issues in respect of its sale of Avmax Group Inc. to Sunward Intelligent Equipment, a Shenzhen-listed Chinese construction equipment manufacturer.
- **Confidential clients:** Acting as mediator of environmental disputes.
- **Noralta Lodge Ltd.:** : Advising on sale by Torgerson Family Trust and 989677 Alberta Ltd. of 100% of the equity interests of the company to Civeo Corporation for a total consideration of approximately CA\$367 million.
- **BP Canada:** Advising on the US\$1.67 billion sale of its Canadian natural gas liquids business to Plains Midstream Canada.
- **Hunting PLC:** Acting as Canadian counsel on the CA\$1.26 billion sale of its subsidiary Gibson Energy Holdings Inc. and its subsidiaries to Riverstone/Carlyle Global Energy and Power Fund.
- **Confidential client:** Acting as defence counsel in many multi-million dollar contaminated sites cases on behalf of major integrated petroleum companies.
- **Confidential clients:** Advising major energy companies on climate change and emissions management matters.
- **Confidential client:** Acting as environmental counsel to a major Canadian property and asset management corporation.
- **Confidential clients:** Acting as environmental counsel to multinational oilfield services companies.
- **Greyhound Canada Transportation Company:** Acting as regulatory counsel.
- **Confidential client:** Acting as defence counsel to a manufacturing company on charges brought under Environmental Protection and Enhancement Act.
- **Confidential client:** Acting as defence counsel to a petroleum company on charges brought under Fisheries Act and Environmental Protection and Enhancement Act.
- **Confidential client:** Acting for a major Canadian integrated oil and gas company in the resolution of disputes arising from contaminated property.
- **Confidential clients:** Advising clients on how to prepare for and participate in regulatory inspections of their facilities.

- **Confidential client:** Acting as counsel to a major Canadian integrated oil and gas company in the resolution of disputes arising from contaminated property.
- **Confidential client:** Acting as co-counsel to mining company in joint federal-provincial environment assessment review hearings.
- **Confidential client:** Acting as counsel in successful mediation of dispute arising from petroleum contamination on commercial property.
- **Confidential clients:** Leading the environmental due diligence associated with securities offerings, takeover bids, and mergers and acquisitions.
- **Confidential clients:** Advising land development companies on wetlands and Water Act matters.
- **Confidential client:** Advising project proponents in connection with Brownfield redevelopment.
- **Confidential clients:** Acting as counsel to transportation companies on legal matters, including regulatory compliance, carrier claims, dangerous goods and environmental issues.
- **Confidential clients:** Acting as litigation and arbitration counsel to energy clients involved in commercial disputes.
- **Confidential clients:** Acting in connection with freedom of information and protection of privacy matters.

## Recognition

- Recognized in *Chambers Global* as a leading lawyer in the area of Environment - Canada (2012-2019)
- Recognized in *Chambers Canada* as a leading lawyer in the area of Environment (2016-2020)
- Recognized in *The Legal 500 Canada* as a "Leading Lawyer" in the area of Environment (2019) and as a ranked lawyer in the areas of Transport – Other Transport (2017-2019) and Environment (2014-2018)
- Recognized in *The Best Lawyers in Canada* as one of Canada's leading lawyers in Environmental Law (2006-2020) and Transportation Law (2006-2020)
- Recognized in *The Canadian Legal Lexpert Directory* as one of Canada's leading lawyers in the areas of Environmental Law (2005-2019) and Transportation: Rail & Road (2005-2019)
- Recognized in *The Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada* in the area of Environmental Law (2008-2011, 2017-2019)
- Recognized in the *Lexpert Guide to US/Canada Cross-Border Lawyers in Canada* in the areas of Business Issues (2018) and Environment Law (2019)
- Recognized in the *Lexpert Special Edition – Canada's Leading Infrastructure Lawyers* (2017)
- Recognized in the *Lexpert Special Edition – Canada's Leading Energy Lawyers* (2013-2019)
- Recognized in *Who's Who Legal* as a leading lawyer in the area of Environment: Environment (2015, 2017)
- Recognized in *Who's Who Legal Canada* as a leading lawyer in the area of Environment (2010-2017)
- *Martindale-Hubbell* Distinguished BV Peer Review Rating.

## In the Media

- Quoted in the *CBA National magazine*, "Coping with foreseeable events" written by Dale Smith (September 16, 2019).
- Quoted in *Lexpert* article, "Environmental rules increasingly affecting energy development," written by Bev

Cline (October 30, 2015).

- Interviewed by Canadian Underwriter magazine on the topic of pollution liability risk management (August 1, 2015).
- Interviewed by *Calgary Herald* for feature on leading local lawyers (June 24, 2011).
- As a result of their recent legal analysis in U.S. Climate Change Litigation, John Goetz, Alex MacWilliam and Michael Kariya were cited in a *Globe and Mail* article, "Think Globally, Take Legal Action Locally?," written by Mark Hume (January 4, 2010).
- Interviewed in *The Metropolitan Corporate Counsel*, for "The Alberta-Texas Connection: Continuing To Thrive", New York, (September 2006).

## Insights

- Recognized in *Acritas* as an *Acritas Star™*(2019)
- "Pan-Canadian framework on climate change announced", *Dentons Insights*, December 16, 2016
- "Changing Climate: What the Paris Accord means for Canada" Law360, March 2016
- "The New North American Oil & Gas Picture: The Canadian Perspective" 3rd Institute for Energy Law and Mexican Association of Business Lawyers Mexican Energy Conference , Houston, Texas, May, 2014
- "Crude-by-Rail: Exploring Legal Risks and Potential Liability Issues" Infonex Crude-by-Rail Conference, Calgary, April 2014
- "Crisis Management: From Policy to Response", Association of Corporate Counsel Alberta Chapter, Calgary/Edmonton, March, 2014
- "Regulation of Hydraulic Fracturing" 4th Institute for Energy Law and International Bar Association Oil & Gas Law Conference, London, UK, December, 2013
- "Transporting Crude Oil by Rail: Temporary Option or Long Term Solution" Calgary Women in Energy, Calgary, November, 2013
- "Wetland management in Alberta and the new Alberta Wetland Policy", *Dentons Insights*, November 26, 2013
- Update on Hydraulic Fracturing: Preparing for Gasland 2 (Presentation), November 2012
- "New Alberta Bills Will Impact Coalbed Methane and Carbon Capture and Storage", Focus on Energy, November 2010
- "New British Columbia Oil and Gas Regulations", Focus on Energy, October 2010
- U.S. Climate Change Litigation, Focus on Climate Change, December 2009
- First Nations and Wind Projects in Canada: Risks and Opportunities, May 2009
- Focus on Climate Change: Bi-Lateral Policy Development Between Canada and the U.S., July 2007
- Focus on Climate Change and Emissions Regulation, July 2007
- "Investing in Canadian Tar Sands: Tenure, Fiscal, Commercial and Political Issues," The Institute for Energy Law 58th Annual Oil & Gas Law Conference, Houston, Texas, February 2007
- The Alberta-Texas Connection: Continuing To Thrive - interviewed in *The Metropolitan Corporate Counsel*, New York, September 2006

# Activities and Affiliations

- Member of Canadian Centre for Environmental Arbitration and Mediation
- Former Member of Advisory Board of The Institute for Energy Law and Chair of International Practice Committee, Plano, Texas
- Member of Environment, Energy & Resources Law Section of American Bar Association
- Past President of Calgary Bar Association
- Past President of Canadian Transport Lawyers' Association
- Member and past Co-Chair of Steering Committee of the Environmental Law Forum
- Member of the Rocky Mountain Mineral Law Foundation

## Community Involvement and Pro Bono

### Community Involvement

- Member of the Alberta Environmental Appeals Board since 2006
- Past President and current Member of Board of Directors, Alberta Theatre Projects
- Member of Board of Directors of Arts Commons
- Member of Board of Directors of Bridgeland-Riverside Community Association
- Past Member of Board of Directors of The Calgary International Film Festival
- Leader, United Way of Calgary and Area
- Recipient of Queen Elizabeth II Diamond Jubilee Medal in 2012 in recognition of contributions to Canada

### Pro Bono

- Counsel to local residents in respect of issues relating to development of large scale intensive livestock operation

### Other Interests

- Travel to over 45 countries in Europe, Asia, Africa and Oceania
- Mediocre golfer

### Teaching Roles

- Lecturer on Environmental Law at University of Calgary Schulich School of Engineering, 2003 to 2016
- Sessional Lecturer on Transportation Law at University of Calgary Faculty of Law, 2000 to 2009

## Presentations

- Presenter, "Director Liability for Environmental and Safety Matters in Canada", Dentons European

Environmental Law Academy, April, 2018

- Presenter, "Alberta Climate Leadership Plan: "Peaceful Easy Feeling" or "Heartache Tonight"?", Ontario Bar Association, Environmental Section, Toronto, January, 2017
- Presenter, "Crisis Management: Be Quick With the Facts and Slow With the Blame", Toronto, September, 2016 and Ottawa, November, 2017
- Presenter, "Interest Based Communications and Adjudicative Hearings: Not Two Ships Passing in the Night", Government of Alberta Dispute Resolution Network Conference, Edmonton, September, 2015
- Presenter, "Update on Public Lands Appeal Board", Canadian Bar Association Environmental, Energy and Resources Law Subsection, Edmonton, September, 2015
- Presenter, "Environmental Considerations in Commercial Real Estate Transactions: Keep Calm and Caveat Emptor", Legal Education Society of Alberta, Advanced Commercial Real Estate Conference, Calgary, May, 2015
- Presenter, "Crude-by-Rail: Recognizing and Reducing Legal and Regulatory Liability", Infonex Crude-by-Rail Conference, Calgary, April, 2015
- Presenter, "Expert Evidence in the Hearing Room", Canadian Bar Association National Environmental, Energy and Natural Resources Law Section Symposium on Evidentiary Issues in Environmental Prosecutions and Hearings, Calgary, March, 2015
- Presenter, "The New North American Oil and Gas Picture: The Canadian Perspective", Institute for Energy Law/Mexican National Association of Business Lawyers Annual Conference, Houston, TX, May, 2014
- Presenter, "Crude-by-Rail: Exploring Legal Risk and Potential Liability Issues", Infonex Crude-by-Rail Conference, Calgary, April, 2014
- Presenter, "Regulation of Hydraulic Fracturing in Canada", Institute for Energy Law, International Bar Association International Oil and Gas Law Conference, London, UK, December 2013
- Presenter, "Transporting Oil by Rail: A Temporary Option or a Long-Term Solution?", Calgary Women in Energy, Calgary, November 21, 2013
- Presenter, "Why a Little Fracking Knowledge is a Good Thing", Association of Corporate Counsel, Houston, Texas, June 2013
- Presenter, "Maintaining Control of Hearings", 4th Fair Hearing Conference, Federated Press, Calgary, April 2013
- Presenter, "Hydraulic Fracturing: The Canadian Perspective", American Bar Association Section of International Law, Spring Meeting, Washington, D.C., April 2013
- Presenter, "SAGD and the Environment: Recent Developments", Association of Professional Engineers and Geoscientists of Alberta SAGD Forum, Calgary, January 2013
- Presenter, "Update on Hydraulic Fracturing: Preparing for Gasland 2", Canadian Bar Association In-House Counsel Sub-section, Calgary, November 22, 2012
- Presenter, "Improving Governance and Management of the Petroleum Sector" conference sponsored by World Bank and Governments of Canada and Alberta. Topic of corporate social responsibility and environmental issues facing Canadian companies operating in developing countries, Calgary, March 2012
- Presenter, "Avoiding Frostbite: Top Considerations for Doing Business in Canada", Atlanta, GA, February 2012
- Presenter, "Realizing Opportunities for Brownfield Redevelopment", BLOOM Market Insight Conference, Calgary, November, 2011

- Presenter, "More Than Just Cold Air - Hot Topics for U.S. Companies Doing Business in Canada", Philadelphia, PA, May 3, 2011
- Presenter, "Regulation of Canadian Shale Gas Operations" Canadian Petroleum Law Foundation Conference, Kananaskis, Alberta, October 2010
- Presenter, "Critical Legal Developments in the Regulation and Clean-up of Contaminated Sites in Western Canada," Calgary, January 28-29, 2010
- Presenter, "Canadian Climate Change Legislation Update," Conference for the Association of Corporate Counsel Energy Committee, Boston, MA, March 2009
- Co-Chair and Presenter at the 5th Edition Western Canada Insight Information Conference on Contaminated Sites on the topic "Alberta Case Law on Contaminated Sites," Calgary, March 2009
- Chair and Presenter at annual conference on Environmental Law & Regulation in Alberta, 1995-2008
- Chair and Presenter at annual conference on Contaminated Sites, 2003-2008
- Presenter, "Investing in Canadian Tar Sands: Tenure, Fiscal, Commercial and Political Issues", The Institute for Energy Law 58th Annual Oil & Gas Law Conference, Houston, 2007
- Investing in Canadian Oil Sands; U.K. Trade and Investment Seminar, Houston, 2007
- Chair and Presenter at conference on Water Treatment & Distribution in Alberta, 2005
- Presenter at conference on Best Practices for Water Treatment in Alberta, 2004
- Presenter at numerous legal and energy industry seminars and conferences over the past 25 years

## Areas of focus

### Practices

- Clean Up of Contaminated Land (North America)
- Energy Litigation
- Environment and Natural Resources
- Environmental Litigation
- Environmental Regulation
- Environmental Transactional
- Real Estate

### Industry sectors

- Climate Change Strategies
- Energy
- Oil and Gas
- Oilfield Services and Equipment
- Roads
- Transportation

- Transportation Regulation
- Unconventional Oil and Gas
- Wastewater Treatment, Water Management, Desalination
- Chemicals and Petrochemicals

## Education

- University of British Columbia, 1985, LLB
- University of Calgary, 1978, BA (Economics)

## Admissions and qualifications

- Alberta, 1986

## Languages

- English