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## July 2011 Newsletter

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Contents this issue:

- Welcome
  - General Update from CBN
  - Of Interest
  - Government Relations Update
  - Finance & Update
  - Technical Advisory Update
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### Welcome

Hello Everyone,

Greetings from the Communications Committee!

We have been very busy over the last couple of months coordinating with the other Committees who are advancing CBN interests. While CBN membership is strong, we want to continue to grow and have a membership drive underway.

We have updates from our Government Relations Committee, our Finance & Insurance Committee and our Technical Advisory Committee so you know what they have been working on.

With all these efforts and much more coming in the near future, the Canadian Brownfields Network will continue to work on behalf of our members to advance site remediation across the country. We ask that you encourage your colleagues, clients and business associates to become members of the CBN as well.

Thank you,  
Jamie Ross - Chairperson, CBN Communications Committee

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### General Update from CBN

The CBN have been represented at a number of events across Canada including RemEast, the Brownfields Marketplace Summit Series and OCETA/FCM's Brownfield Workshops (see the Technical Advisory Update for more information on this). We are set to take part in a number of additional events in 2011, including a CBN workshop at the CUI's [Making Great Places: Canadian Brownfields 2011](#) on October 3-4 in Toronto.

Also in Toronto on November 3-4, the CBN will be hosting a pavilion with DFAIT (the Department of Foreign Affairs and International Trade) at the inaugural [International Sites & Spills Expo](#). This pavilion's theme is international environmental business, presentations on potential links for one-on-one meetings. CBN will help coordinate the available opportunities with its members and DFAIT.

We have also participated in the preliminary consultation initiated by the Ontario Ministry of the Environment on "Soil Management - A Guide to Best Management Practices". This effort is designed to provide guidance and best-practices around the beneficial re-use of excess soils, and to encourage this re-use in a manner promoting sustainability and the protection of the natural environment. This will be going for public consultation soon and we will keep you informed.

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## Of Interest

### Report on Regulatory Roadblocks to Brownfields Redevelopment

Despite recent legislative and regulatory reforms to encourage redevelopment of brownfield sites in Ontario, a number of policy obstacles remain. CIELAP's new report [Policy Obstacles to Brownfield Redevelopment in Ontario](#), authored by CIELAP intern Natalie Antonowicz, identifies and discusses six of these common concerns.

- liability and financing
- municipal election structures
- perverse subsidies and tax barriers
- ownership constraints
- Land-use planning limitations; and
- leapfrogging to regions outside the GTA

The report also compares Ontario's policy framework to those of the United States, United Kingdom and the province of Québec to explore strategies that have been adopted by other jurisdictions. The report makes several recommendations for Ontario to consider implementing to ensure that more of its brownfields are redeveloped.

Download [Policy Obstacles to Brownfield Redevelopment in Ontario](#).

### Mapping the Path to Brownfields Remediation

Municipalities with brownfields in their communities have identified three key barriers to remediating these sites:

- unclear provincial legislation
- uncertainty about the brownfield remediation process in general
- a lack of knowledge about available funding programs

To address these concerns, the Federation of Canadian Municipalities (FCM) has produced a series of provincial [Brownfield Roadmaps](#) to guide municipalities and their partners through the remediation process.

Each Roadmap features an easy-to-follow path through the relevant provincial legislation, generic brownfield steps, and available funding opportunities. Developed in close consultation with provincial and territorial governments, the Roadmaps explain the brownfield remediation and redevelopment processes for stakeholders, partners, and municipal teams. Roadmaps for B.C., Alberta, Ontario and Quebec are now online, and will soon be available for other provinces and territories.

The Roadmaps were launched this spring in conjunction with OCETA'S successful Practical Workshops for Brownfield Redevelopment. Sponsored by FCM, this five-part national workshop series provided an opportunity for brownfield stakeholders from different sectors to build capacity, identify key issues, connect with other stakeholders, and discover new approaches and solutions. The workshops focused on municipal incentive strategies, working with the private sector, liability concerns, and new tools and resources. Participants gained valuable expert insights from public and private sector speakers, and got updates on funding programs and capacity building tools.

Learn more about how communities are putting their brownfields to work in FCM's [upcoming](#)

Learn more about how communities are putting their brownfields to work in FCM's [upcoming brownfields webinars](#).

### 2011 Brownie Award Nominations Open

The Canadian Urban Institute has announced that it is now accepting nominations for the 2011 Brownie awards. These awards recognize leadership, innovation and sustainability in brownfield redevelopment across Canada. The winners will be announced at the Institute's Annual Conference in October. To learn more or to nominate a project/policy/program for an award, visit the [Brownie Awards information page](#).

### OCETA Becomes Bloom Centre for Sustainability

After almost two decades, OCETA (Ontario Centre for Environmental Technology Advancement) is changing its name to The Bloom Centre for Sustainability (BLOOM). The change reflects the organization's focus on promoting the widespread market adoption of existing sustainable technologies, products and solutions. "We are standing on a foundation built by decades of commitment, inspiration and money invested into sustainability by both the public and private sectors," said Kevin Jones, President and CEO of BLOOM. "It is time that we begin to harvest a return on these investments – reaping the tangible economic, social and environmental benefits achievable through informed sustainability strategies."

In recent years, BLOOM shifted its focus to the demand-side of the market, working with end-users and other stakeholders to integrate clean technologies and sustainability practices into their core businesses. The organization supports established businesses to get started on the path to sustainability, identify market opportunities and potential partnerships, and how to ultimately measure meaningful success.

"We are supporting our clients' efforts to realize a pay-off from their sustainability efforts," said Michael Fagan, Senior Vice President of BLOOM. "We view sustainability through a pragmatic 'best use, best return' lens in order to reframe what is currently viewed as a cost or regulatory burden and transform it into a value-returning investment."

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### CBN Government Relations Committee Update

The government relations committee continues to work on the Property Taxes and Brownfields file. The CBN, along with the Ontario Real Estate Association and the Ontario Home Builders Association, met with MPAC and the Province of Ontario in April to discuss aspects of the proposal. Dialogue is continuing to find a workable solution toward balancing property tax issues around brownfields in the Province.

The Federation of Canadian Municipalities has embarked on a study to analyze property tax implications for brownfields in other provinces. This research will help to determine any need for policy development activities in other provinces. If you are interested in participating in this research, please contact Dr. Harry Cleghorn, Cleghorn & Associates Ltd., at 613-384-0169 or at [harry1@cogeco.ca](mailto:harry1@cogeco.ca).

Bonnie Prior - Chairperson, CBN Government Relations Committee

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### CBN Finance & Insurance Committee Update

Just a couple of updates to bring to members:

1. **Expensing or capitalizing remediation expenses.** A Freedom of Information request was sent to the Department of Finance and normally responses are supposed to be sent within a 30-day statutory limit. In this instance, the Department has advised that they need an extension of up to 120 days in order to contact other departments. Assuming that no further delays take place, a response should be received by the end of July. Once the information is received, we will decide on future steps.

2. **Financing contaminated real estate.** James Evans of RBC has updated his backgrounder on pointers and pitfalls in obtaining financing for brownfields. The full paper will shortly be made available on the CBN website.

Still in the works:

1. Insurers and financial lending institutions are being asked to provide informally their responses to the phase-in of the new Ontario Regulations which took effect on July 1<sup>st</sup>. While it is clear that the intent of allowing current projects to qualify under the old Regulations was laudable, did it work in practice?
2. Ontario MPAC assessment of brownfield value for land transfer tax purposes - we will be initiating a review of other provincial definitions to see if Ontario is an outlier or if there is a standard format across provinces.
3. Future projects: joint and several liability issues; innocent 3<sup>rd</sup> party exposures; liability transfer; offsite liability.

Angus Ross- Chairperson, CBN Finance & Insurance Committee

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### **CBN Technical Advisory Committee**

The CBN Technical Advisory Committee (TAC), over the past six months, has undergone some Committee membership changes as two original members have stepped down and three new members have joined. The three new members are Ontario based, to provide more focus on CBN priority issues related to "dig and dump" practices for excess soils in Ontario.

In support of these priority issues, the Committee has strengthened working relationships and developed networks with other brownfield stakeholder groups, including ONEIA, RCCAO, and OCETA (now Bloom). TAC has also established linkages with other progressive brownfield-related parties in the United States, the Netherlands, Belgium and the United Kingdom, primarily as part of a jurisdictional review of current and developing practices dealing with the sustainable management of excess soils.

The Committee has held four group conference calls to date and established committee proceedings in the new CBN virtual boardroom, to facilitate capture and access to relevant documentation. TAC has also identified a number of other brownfield technical-related areas and redevelopment barrier issues where Committee expertise has been engaged. These interface areas, among others, include the following:

- Technical engagement and input to draft Nova Scotia Contaminated Sites Regulations
- Engagement with Saskatchewan Ministry of the Environment in developing contaminated site guidance documents and protocols
- Input and implementation support to new [Federation of Canadian Municipalities \(FCM\) brownfield provincial roadmaps](#) as a link to future technical guidance protocols
- Ontario Brownfield Stakeholder Group (BSG) engagement
- Ontario Centres of Excellence (OCE) remediation technology project evaluations
- Participation in Soil Vapour Intrusion Toronto workshops in support of risk assessment and mitigation regulatory protocol improvements
- The Committee continues to focus on sustainable technical work processes and regulatory barriers to brownfield development. It is recognized that pure innovative remediation technologies will not be developed or commercialized until the regulatory process barriers are addressed.

Alan J. Durand - Chairperson, CBN Technical Advisory Committee