

CBN Agenda and Discussion Points

To: Minister's Office – Ontario Ministry of the Environment
From: Canadian Brownfields Network (CBN)
Date: April 27, 2009
Subject: Meeting with the Minister of the Environment – Honourable John Gerretsen

Introduction: Overview of the CBN today and how this organization could assist the MOE and its brownfield objectives

Agenda Items and Discussion Points:

1) The CBN technical committee and MOE working groups supporting amendments to the proposed brownfield legislation

- our appreciation for the MOE's acknowledgement of the CBN submission to the recent EBR posting and recognition of the meaningful results achieved by the Tier 2 working group

Consideration: *applying the revised Tier 2 risk assessment process on actual Brownfield sites that allow a better understanding on what assumptions in the MOE models are driving standards and there sensitivities (i.e. CBN support for the MOE proposal release on April 23, 2009)*

- CBN technical committee represents technical expertise across Canada and could be a valuable group in further working group initiatives (e.g. soil vapour and qualified persons)

Consideration: *opportunities to evaluate soil management and re-use, an important consideration to move away from the traditional "dig and dump" approach in Ontario*

Question: *Who is the MOE Champion for brownfields and a possible CBN contact, person or committee (Adam Leus)?*

2) Promoting innovation in site remediation and moving away from traditional "dig and dump"

- policies in the province that promote soil treatment and on-site re-use would assist in supporting this innovation (e.g. Quebec)

Note: *new standards will increase the quantities of soils and ground water that are considered impacted and require remediation*

- MOE and CBN representatives are collaborating with OCE to investigate how we encourage and support innovation
- through the CBN network identify remediation technologies and policies that have been successful in other provinces

3) Today's financial considerations and effects on brownfield redevelopment

- certainty of regulatory process
 - i. risk assessments and timelines – we encourage continued performance measurement by the MOE and revisions of Tier 2 and 3 processes

Note: more risk assessments will likely mean more MOE resources to support the process

- ii. RSC site closure documentation and process has been significantly enhanced by amended legislation
- iii. off-site regulatory policies continue to be a struggle especially with the revised regulatory standards

Note: encourage the off-site liability working group, planes of compliance project and efforts of Terri Bulman - de-coupling of on-site and off-site related polices within the MOE regulatory framework

- real estate market and demands
 - i. market has decreased significantly since 4th quarter of 2008 and it will take longer for a site to return to the market even after site clean-up (negative impact to financing)
 - ii. bank financing is challenging for any development site and those with environmental impacts are more difficult than ever before

4) Taxation and incentives for brownfield redevelopment

- TIFs may be underutilized because they are difficult to monetize by developers
- expensing of site remediation costs
- land transfer tax and site remediation costs
- MPAC assessment of Brownfield sites

Close: How can the CBN engage with MOE – more focus group interaction?