Brownfields Modernization - Proposed Path Forward

Modernization of Approvals Stakeholder Roundtable Meeting

September 11, 2013

Purpose

- Provincial Brownfields program background

- Modernization to date

- Current state of the Brownfields approvals program

- Continuous improvement to date

- To describe the path forward on the Brownfields modernization initiative

- Next Steps

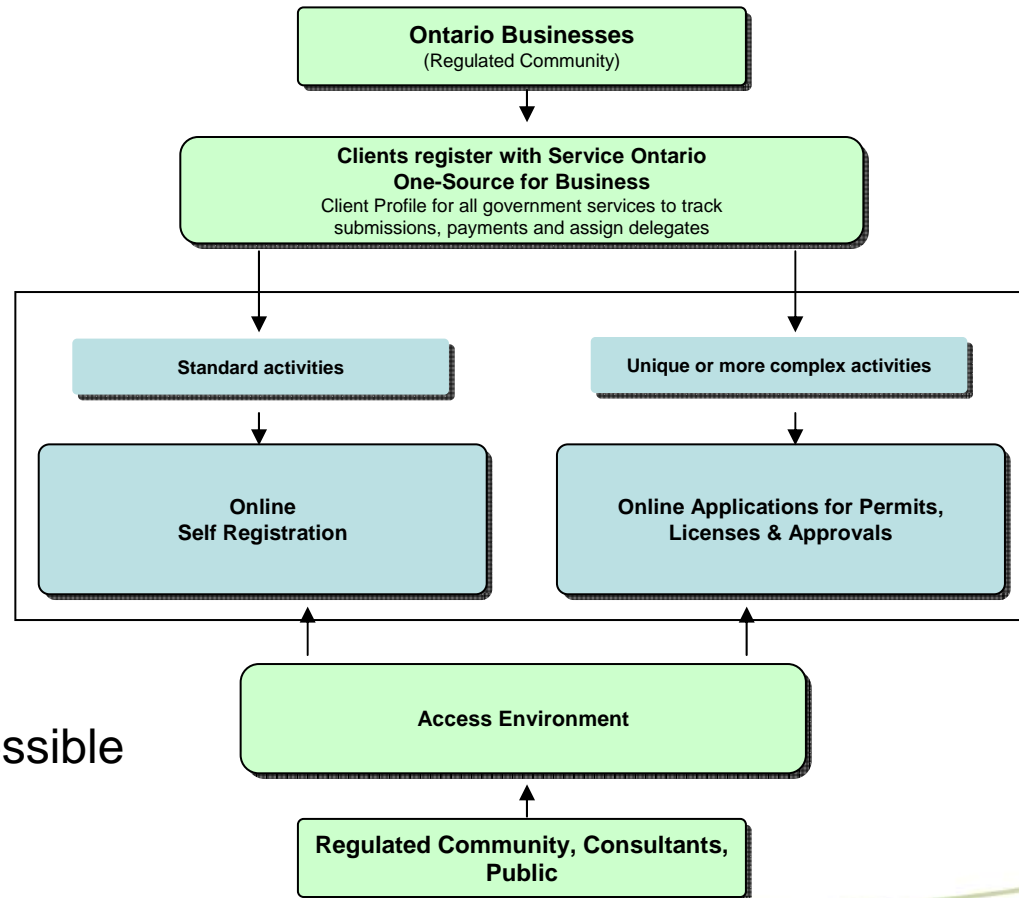Ontario

Provincial Brownfields Program

- Brownfields are usually former industrial/commercial lands that are now abandoned, vacant or underutilized and may be contaminated due to past or present activities (e.g. closed factories, gas stations; waterfront lands)

- The Ministry encourages economic reinvestment in Brownfield sites to redevelop land in ways that create sustainable land uses that improve both economic opportunities and environmental conditions in the area.

- There are a number of financial incentives and tools available to municipalities and property owners to support good urban design and help focus development to Brownfield sites. For example:

    o **Community Improvement Plans (CIPs)** allow municipalities to set out the municipal policy framework and programs to support the rehabilitation and revitalization of targeted areas. Through CIPs municipalities may introduce incentive-based programs that offer grants or loans for rehabilitation or energy efficiency and/or property tax assistance for environmental remediation.

    o **Brownfield Financial Tax Incentive Program (BFTIP)** supports the clean-up of contaminated sites through proportionally matching municipal tax assistance with relief from the provincial education portion of property taxes for eligible brownfield properties.

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Service Delivery Model for Environmental Approvals

Client Centred

Risk based approach to protecting the environment

Online - Transparent, Accessible

Ontario Businesses
(Regulated Community)

Clients register with Service Ontario One-Source for Business
Client Profile for all government services to track submissions, payments and assign delegates

Standard activities

Unique or more complex activities

Online Self Registration

Online Applications for Permits, Licenses & Approvals

Access Environment

Regulated Community, Consultants, Public

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Current State

- Growing appetite in the Ontario marketplace for Record of Site Condition (RSC) protection
    - RSC is considered a key document required in many commercial real estate transaction involving contaminated lands
- Ministry processes over 650 Brownfield submissions per year
    - 300-500 Record of Site Condition submissions/year
    - ~175 Risk Assessment submissions/year (40-60 new files per year)
    - ~50 Certificate's of Property Use issued/year
    - ~60 new Qualified Person submissions per year (manage inventory of over 900 profiles)
- When properties are unable to meet generic standards and remediation is not feasible, property owners may undertake a Risk Assessment to establish property specific standards in order to submit a RSC
- Risk Assessments have been viewed as an expensive, time-consuming and uncertain means of achieving a remediated status

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Current State [Cont'd]

- Inconsistent soil movement/storage requirements throughout the province
  - o Some allow no fill into their jurisdictions, while others have no rules in place relating to soil quality or volume
- Increased demand for the safe re-use of soil fill, diversion from landfill, and the preservation of soil as a resource
- Increased demand to keep pace with technology advancements, encourage opportunities for innovation, and streamline government-to-business services to support redevelopment of contaminated sites in Ontario

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Continuous Improvement to Date

- Development of the Modified Generic Risk Assessment [MGRA] (i.e. Tier 2) became available in July 2011
  - Allows proponents to develop Property Specific Standards by inputting site specific characteristics (such as distance to the nearest surface water body), and by opting into pathway modifiers (such as a "hard cap" risk management measure)
  - Risk Management Measures are published as part of the MGRA, and are included in a Certificate of Property Use (CPU) for the risk assessment property.
- This streamlined risk assessment process reduces review timelines and saves owners and government time and money
- Great example of collaboration between the MOE and the Brownfields risk assessment community.

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Project Scope at a Glance

In Scope

- Brownfields Services
  - Detailed understanding of current approvals processes
  - Analysis of environmental and municipal/business outcomes with linkages to compliance assistance to ensure process/policy integration
  - Create a transparent, electronic, and client-centred approvals approach
  - Legislative/regulatory review and amendments required for service delivery changes
  - Develop guidance and internal training to support transition
- Soil Movement and Storage
  - Off-site movement of soil, temporary soil storage and receiving site management
  - Consideration of possible effects to Brownfield regulation and amendments to waste related regulations

Out of Scope

- Brownfields Services
  - Changes to and the development of new technical standards or technical policy
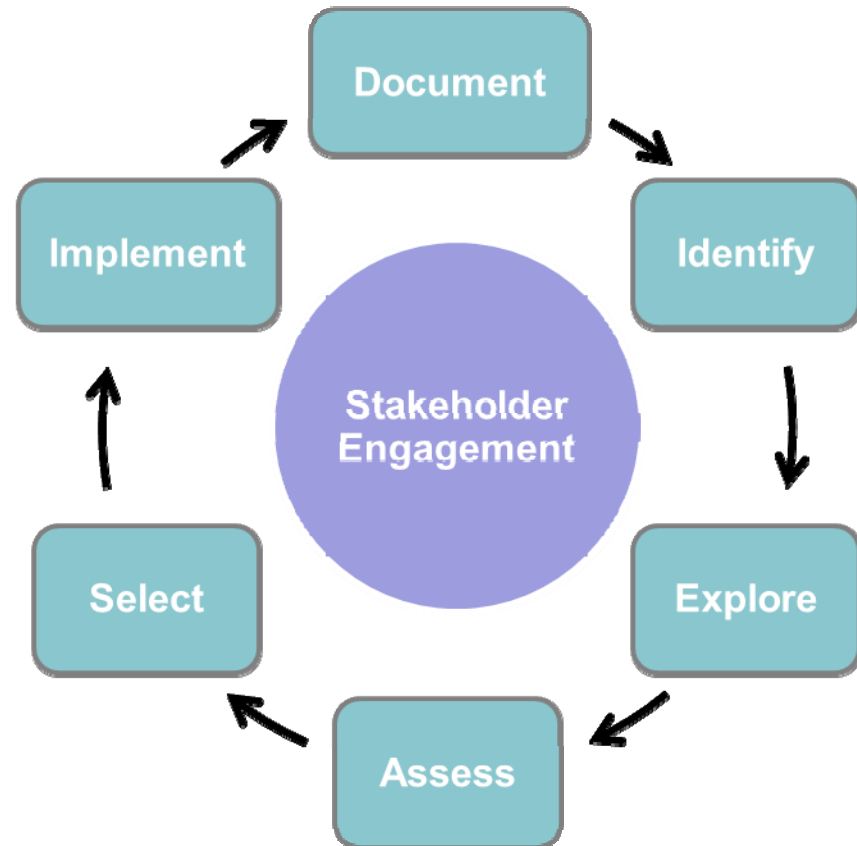- Soil Movement and Storage
  - Direction on the management of top soil, peat, compost and mulch
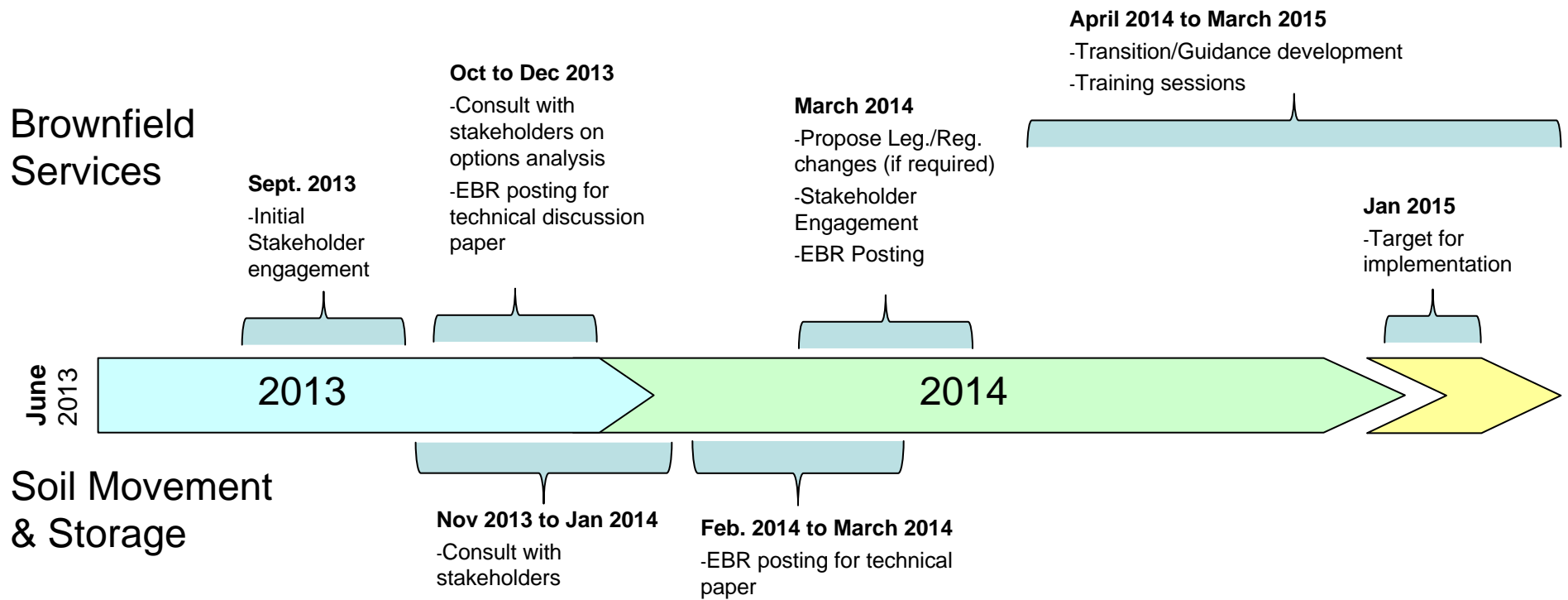 - On-site agricultural use of soil

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Modernization Approach

1. **Document** existing service delivery model

2. **Identify** areas for improvement

3. **Explore** ways to make the program more client-focussed, risk-based, and transparent while maintaining environmental standards

   – Alternative service delivery options

4. **Assess** options against select criteria to determine viability

   – Analyze and address risks

5. **Select** solution(s) to implement in everyday business

6. **Implement**

   – Re-use and expand MofA IT platform – Enterprise Focused

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Modernization of the Brownfields Approvals Program: Proposed Path Forward

Brownfield Services

April 2014 to March 2015
-Transition/Guidance development
-Training sessions

Oct to Dec 2013
-Consult with stakeholders on options analysis
-EBR posting for technical discussion paper

March 2014
-Propose Leg./Reg. changes (if required)
-Stakeholder Engagement
-EBR Posting

Sept. 2013
-Initial Stakeholder engagement

Jan 2015
-Target for implementation

June 2013

2013

2014

Soil Movement & Storage

Nov 2013 to Jan 2014
-Consult with stakeholders

Feb. 2014 to March 2014
-EBR posting for technical paper

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Next Steps

- Engage external stakeholders to raise awareness of the Brownfields modernization initiative and to solicit feedback in identify areas for improvement for the various brownfield services performed by the Ministry

- Consult with stakeholders on research (including jurisdictional scans) and analysis on service delivery options to guide decision making.

- Leverage the Brownfield Stakeholder Group established through the Ministry of Municipal Affairs and Housing (MMAH)
  - First meeting is planned for October 2013

- Potential EBR posting(s) for Technical Discussion Paper(s) targeted for Winter 2014 for Soil Movement and Storage

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Questions?

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