



**HEMMERA**

Wanted! No more Brownfields

Canadian Brownfields 2009

October 26, 2009

# Carrot or the stick... Carrot on a stick

## Overview

- Work by BC Chapter of NBA
  - Sponsored by BC MOE
- Two parts:
  - Liability transfer options
  - Contaminated site prevention approaches
- Next steps



# Background – origins of the work

- NBA BC Chapter identified **liability** as the critical Brownfield issue in it's 2008 strategic plan
- BC MAL & MOE launching the BC Brownfield Renewal strategy around the same time
- NBA proposed a liability transfer model
- MOE supported and added a piece to prevent future brownfields
- CCME Recommended Principles for Contaminated Site Liability, including the 14<sup>th</sup> principal (supported by BC MOE)



# Two Parts – integrated

## 1. Liability Transfer

- Joint, several, absolute, & retroactive
- An exemption or release or transfer suggests someone gets off the hook
- BC is concerned it could revert to government & there could be more cases

## 2. Contaminated Site Prevention

- Many examples of the latter
- How to prevent & not impact business



# Approach for the NBA study

- Interviews with BC government agencies (liability focussed)
- Focus groups with service providers, owners, developers (liability focussed)
- Literature review & data gap analysis
- Development of a model for a liability transfer entity
- Documentation



# Findings and Recommendations

- Liability Transfer
  - More mechanisms exist already than expected
  - Clarification & education needed
  
- 1. COCs should run with land not just current owner
- 2. Better use & understanding of private agreements possible
- 3. Remediation Liability Transfer entity proposed



# Findings and Recommendations

- Contaminated Site Prevention
  - Data gaps on the prevention side
    1. Point-source contamination prevention
    2. Financial incentives and security
    3. Follow-up/monitoring programs



# Data gaps in the prevention side

## 1. Point-source contamination prevention:

- Addressing contamination at the early stages to prevent future occurrences

## 2. Financial incentives and security:

- Funding provided to owners who take measures to prevent pollution
- Engaging other agencies to assist in implementing and mainstreaming policies
- **Assurance** of funding from owners for clean up or site remediation to avoid abandoned sites



# Data gaps in the prevention side

- 3.** Follow-up/monitoring programs including:
- Underground storage tank (UST) or above ground storage tank (AST) policies
  - Groundwater monitoring programs
  - Databases to track potential sources of pollution



# Other BC efforts

- Ministry of Agriculture and Lands
  - Funding for Brownfields, initially on assessment
  - Workshops with local governments
  - Case studies; guide book
  - Continued policy and legislation review
  - Another intake of the BCIT Program



# Wrap up

- Next steps – reports submitted to MOE
- Why discuss here –
  - Time is right for these changes
  - Generate discussion and dialogue – please feel free to drop by our booth or the poster
- Work with the BC Chapter to take the ideas & possibilities further



# No More Brownfields?

- NRTEE 2003 definition of Brownfields:  
“abandoned, vacant, derelict or underutilized commercial or industrial property where past actions have resulted in actual or perceived contamination and where there is an active potential for redevelopment”
- NBA observation:  
“A real estate transaction with environmental personality”
- Carrot or the stick... Carrot on a stick  
Is it a Risk or an **Opportunity**





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Thank You

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