

**Cleaning up the Past, Building the Future:
A National Brownfield Redevelopment Strategy
for Canada**

***Review of the Recommendations of the National Round
Table on the Environment and Economy Report***

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1.0 Introduction

On February 25, 2004, the National Round Table on the Environment and Economy (NRTEE) held an information session on two recent publications dealing with the environmental quality of Canada's cities:

- *State of the Debate Report-Environmental Quality in Canadian Cities: The Federal Role*
- *Cleaning Up the Past, Building the Future: A National Brownfield Redevelopment Strategy for Canada*

This report provides an overview of the "*National Brownfield Redevelopment Strategy for Canada*" and its implications for Mississauga which includes an overview of status of Brownfields in Mississauga, the status of Provincial Regulations in Brownfields and a summary of the NRTEE report.

2.0 Brownfield Initiatives in Mississauga

When the Provincial Government downloaded its review function of potentially contaminated sites in 1996, the City responded by adopting a set of Corporate Policy and Procedures which dealt with development on Potentially Contaminated Lands to provide a consistent and fair procedure for applicants for lands which may be contaminated. The policies have been in use since September 1997, and were updated in September 2002 to deal with operating gas station sites.

On December 6, 1999, the Planning and Development Committee received a report titled "Overview of Brownfield Issues" which included: an overview of the issues surrounding brownfield redevelopment; an overview of some of the benefits; a review of the legislative framework, and a review of some of the best practices surrounding brownfield development.

As reported to Planning and Development Committee on October 1, 2001 in a report titled "Brownfield Successes", Mississauga has been involved with Brownfield development for a number of years, even prior to recent national and provincial initiatives. This report featured fourteen sites totalling 210 ha (515 ac) as samples of the variety of brownfields that have been successfully redeveloped in the City.

Most recently, staff from Planning and Building, Transportation and Works and Legal Services have participated in the Association of Municipalities of Ontario (AMO) Brownfields Committee responding to Bill 56 and the subsequent regulations under the *Brownfields Statute Law Amendment Act, 2001*. Details regarding the status of this work are found in the next section of this report.

Policies for contaminated sites were included in City Plan when it was adopted in 1997. The policies were updated in Mississauga Plan when it was approved in May 2003, including the ability to designate a contaminated site that requires remediation as a Community Improvement Area in order to utilize the provisions of *Brownfields Statute Law Amendment Act, 2001* which permit these provisions.

3.0 Ontario's Brownfield Legislation

The *Brownfields Statute Law Amendment Act, 2001* received Royal Assent on November 2, 2001. It has not been fully proclaimed. A summary of the provisions as described by the Province, and their status is summarized below:

Part I - Education Act Amendments

Part I of the Bill amends the *Education Act*. The amendments are complementary to the amendments made to the *Municipal Act* by Part III of the Bill.

Part II - Environmental Protection Act Amendments

Part II of the Bill amends the *Environmental Protection Act*. The amendments add two new Parts to the Act.

The proposed Part XV.1 of the Act provides for the establishment of an Environmental Site Registry. An owner of property may file a record of site condition in the Registry if specified criteria are met. An initial assessment (referred to as a "phase one environmental site assessment") is required to determine the likelihood that contaminants have affected the property. A more detailed assessment (referred to as a "phase two environmental site assessment") may be required to determine the location and concentration of contaminants on the property. If a phase two environmental site assessment is conducted in respect of any part of the property, a qualified person must certify in the record of site condition that the assessed property meets standards prescribed by regulation or that, in the case of specific contaminants, the assessed property meets standards specified in a risk assessment that has been accepted by the Director. If the Director accepts a risk assessment, he or she may also issue a certificate of property use that requires the owner to take actions specified in the certificate or to refrain from using the property for a use specified in the certificate or from constructing a building specified in the certificate.

If a record of site condition is filed in the Environmental Site Registry, the Bill provides that certain types of orders specified by the Bill cannot be made against the owner of the property and certain other persons, subject to specified exceptions.

The proposed Part XV.1 would also prohibit certain specified changes of property use (e.g. from industrial use to residential use) unless a record of site condition has been filed in the Environmental Site Registry.

Status: The above provisions have not come into force.

The proposed Part XV.2 of the Act contains special provisions that apply to municipalities, secured creditors, receivers, trustees in bankruptcy, fiduciaries and property investigators. These provisions provide protection to these persons from the making of orders under the Act, subject to limitations and exceptions specified in the Bill.

Most of the other amendments made to the Act are complementary to the new Parts XV.1 and XV.2.

Status: Part XV.2 came into force December 1, 2002 with implementing regulation 298/02.

Part III - *Municipal Act* Amendments

Part III of the Bill amends the *Municipal Act*. The amendments allow municipalities to pass by-laws providing for municipal tax assistance to assist with the cost of action taken to reduce the concentration of contaminants in order to meet the standards prescribed for filing a record of site condition in the Environmental Site Registry in accordance with the amendments made to the *Environmental Protection Act* by Part II of the Bill. With the approval of the Minister of Finance, these by-laws may also apply to school taxes.

Part IV - *Municipal Tax Sales Act* Amendments

Part IV of the Bill amends the *Municipal Tax Sales Act*. The amendments provide that, if a public tax sale of property fails to find a purchaser, the municipality may acquire the property, but is not required to do so. If the municipality does not acquire the property within one year after the tax sale, the tax arrears certificate is deemed to be cancelled, although this does not prevent the registration of a new tax arrears certificate or relieve the taxpayer of any liability to pay taxes. The amendments also provide that, if a public tax sale of property fails to find a purchaser, the municipality may enter the property and carry out an environmental site assessment for the purpose of assisting the municipality to determine whether it is desirable to acquire the property.

Status: Part IV came into force on December 1, 2002.

Part V - *Ontario Water Resources Act* Amendments

Part V of the Bill amends the *Ontario Water Resources Act*. The amendments are analogous to some of the amendments made to the *Environmental Protection Act* by Part II of the Bill.

Status: Part V came into force on December 1, 2002.

Part VI - *Pesticides Act* Amendments

Part VI of the Bill amends the *Pesticides Act*. The amendments are analogous to some of the amendments made to the *Environmental Protection Act* by Part II of the Bill.

Part VII - *Planning Act* Amendments

Part VII of the Bill amends the *Planning Act*. The amendments provide that municipalities may make grants or loans to tenants, as well as property owners, for the purpose of carrying out community improvement plans. The total of the grants and loans made in respect of property and the tax assistance provided to the property under the amendments made to the *Municipal Act* by Part III of the Bill cannot exceed the cost of rehabilitating the property. The amendments remove the requirement that the Minister of Municipal Affairs and Housing approve community improvement plans, although plans that provide for the making of grants or loans or the granting of tax assistance to businesses could not come into effect without the Minister's approval.

Status: Part VII came into effect on December 1, 2002. In May 2003, Mississauga Plan incorporated provisions which would allow the use of Community Improvement Area for site remediation.

Part VIII - Commencement and Short Title

Part VIII of the Bill provides that the Bill comes into force on a day to be named by proclamation and provides for the Bill's short title.

4.0 National Brownfield Redevelopment Strategy for Canada

4.1 Background

The National Round Table on the Environment and the Economy (NRTEE) is an organization created to "play the role of catalyst in identifying, explaining and promoting, in all sectors of Canadian society and in all regions of Canada, principles and practices of sustainable development". The agency consisting of members from across Canada, including representatives of business, academia, environmental groups, identifies issues that have both environmental and economic implications, explores these implications, and attempts to identify actions that will balance economic prosperity with environmental preservation.

In December 2001, the federal budget mandated NRTEE to prepare a National Brownfield Redevelopment Strategy. NRTEE convened a multi-stakeholder task force consisting of representatives from across the country, three levels of government, the private sector and the environmental community. The work of the stakeholder group is summarized in the publication titled "*Cleaning up the Past, Building the Future*" released in 2003. It builds on work previously underway by Canadian communities and provinces and makes a number of recommendations to assist in the redevelopment of brownfields.

NRTEE stressed that in order for a national strategy to be successful all participants in the brownfield redevelopment process, both public and private sector must participate, and further at

financial and insurance communities are essential partners.

4.2 NRTEE Brownfield Classifications

The report categorized brownfields into three tiers.

- The top tier consists of those sites whose market value greatly exceeds the cost of remediation (approximately 15-20 percent). These require no special attention or outside assistance.
- The bottom tier is another 15-20 percent where the cost of clean up far exceeds the value of the land after remediation. The high clean up costs and uncertainty far outrun any market interest. These tend to be in rural or remote areas with no realistic prospects for redevelopment in the near future.
- The middle tier, 60-70 percent of Canada's contaminated sites where the cleanup costs are high for these sites, but also is the potential for redevelopment. According to NRTEE, these brownfields are likely to be in established urban areas and along transportation corridors where municipal services are readily available. The market value of the land itself, once cleaned up, may be slightly above or slightly below the combined cost of land and clean up. These sites sit idle because they face too many hurdles for conventional market forces to overcome. They will continue to sit in limbo unless there is some strategic intervention to address the barriers to redevelopment.

4.3 Major Issues Identified by NRTEE

1. **Financial:** Brownfield redevelopment is hindered by lack of access to capital from traditional sources. NRTEE noted that lenders are reluctant to lend money on brownfields due to concerns for the ability to liquidate a property if they are holding it for security or lending on the property. Also there are fears that they may be exposing themselves to regulatory and civil liability in the event they come into possession of an unremediated site.

Compounding these issues is that the rates of return on brownfields may not be as great as compared to greenfields due to the lengthy turn around times. Even though many brownfield sites are fully serviced, there are time delays and expenses incurred prior to development to undertake soil investigations to determine the nature and extent of contaminants and then undertake the necessary site clean up. These are considered to be pre-project, upfront costs which can make these sites undesirable.

2. **Liability:** Under current provincial and federal legislation, owners of contaminated sites or any proponents of the redevelopment may have on going liability even if a site is remediated to the current standards of the day. According to NRTEE, "each participant is exposed to potential joint and several regulatory and civil liabilities. Each

could be individually exposed to the total of all the liability that might emerge when land use changes from vacant or idle to active and occupied".

This concern for liability affects existing owners because they will always be held responsible if standards change in the future or if another owner remediates the property. Under the existing legislation it is not possible to transfer the liability. Lenders may be unwilling to finance such ventures. Municipalities feel compelled to impose strict environmental requirements as the approval agency and require indemnities to reduce liability. Finally, ultimate end users may be reluctant to purchase the project due to concerns that they will share in the liability.

NRTEE notes that the liability issue arose out of the principle known as "polluter pays". It is aimed at addressing contamination resulting from current industrial activity. It also ensures that a polluter does not simply "walk away" in the event of an action that results in an "adverse impact" on the environment. The difficulty with brownfield sites is that many of the activities that caused the contamination happened over a century ago and the polluters are long gone. In the absence of the original polluter, the polluter-pays principle results in any future parties involved in the site may be assigned liability. NRTEE feels there needs to be a resolution of this for parties who clean up sites or for other parties who become owners of sites, such as municipalities, through non-payment of taxes or lenders who have to foreclose.

In Ontario, as noted in Section 2 of this report, the Province is working through the *Brownfields Statute Law Amendment Act, 2001* to resolve these issues.

- 3. Regulatory Framework:** NRTEE has noted that often provincial and municipal approvals require that brownfields meet generic clean up standards when a site specific risk assessment (SSRA) would be appropriate adding additional requirements. In Ontario, the *Guidelines for Use at Contaminated Sites* allow for the use of SSRA and in the City of Mississauga, the Corporate Policy and Procedures for Development on Potentially Contaminated Lands, September 1997 allows for the use of SSRA on a case by case basis. NRTEE, also noted that in some areas there is a duplication of government review and inconsistent requirements. This has not arisen as an issue in Mississauga as the Province does not review Environmental Site Assessments or approve clean up plans.

4.4 NRTEE Strategic Directions

Based on successful projects in Ontario, British Columbia, Quebec and the Maritime

provinces, NRTEE developed a set of strategic directions to transform brownfields into vibrant communities. Attached as Appendix I is a table summarizing NRTEE's National Strategy Recommendations. Not every strategy applies equally to every provincial or municipal government, as many jurisdictions have implemented measures consistent with the objectives.

4.4.1 Applying Strategic Public Investments To Address Upfront Costs

The recommendations contained under these strategic directions are aimed at reducing some of the financial barriers to brownfield redevelopment. It is seeking to remove tax impediments, and providing loans, grants and mortgage guarantees, to lever private capital and also to establish an effective mechanism through which the federal, provincial/territorial and municipal governments can provide financial incentive to qualifying brownfield redevelopments. The financial incentives recommended are the following:

1. Implement Tax System Changes to Promote Brownfield Redevelopment

Recommendation: That the federal government amend the *Income Tax Act* to allow remediation expenses to be treated as a deductible expense in computing income for federal and provincial income tax.

This would, among other things, bring greater certainty in the funding and reduce the costs of remediation. Under current tax provisions, funds spent on remediation at brownfield sites typically have to be treated as an upfront capital cost rather than an expense deductible against current annual income. Under the proposed incentive, any party incurring qualifying remediation expenditures would be entitled to deduct these amounts as expenses in computing income. Another recommended option is creating a Brownfield Redevelopment Current Deduction and Investment Tax Credit to allow remediation costs to be classified as deductible business expenses which could be carried forward and would be eligible for an investment tax credit.

NRTEE states that specific criteria will have to be developed in order to ascertain qualified brownfields so that the tax deductions would be directed towards the middle tier sites and not the upper tier sites.

2. Remove Liens and Tax Arrears Against Qualifying Brownfield Sites

Recommendations: That the federal and provincial governments jointly develop principles and criteria for removing federal and provincial liens and tax arrears in specific situations; that the federal and provincial governments amend their applicable bankruptcy and corporations legislation to ensure that when a trustee in bankruptcy quitclaims a

property owned by a bankrupt company, then the property vests in the Crown; if the company is incorporated under the *Canada Business Corporations Act*, the property be vested in the Crown in right of Canada; if the company is provincially incorporated, the property will vest in the province.

The first recommendation is directed towards those brownfield sites that are delinquent in property tax payments. When they are subject to a municipal tax sale, they are difficult to sell because of the perceived liabilities associated with them. These sites are also encumbered by outstanding Crown liens which cannot be cancelled through a municipal tax sale. These debts can be a deciding factor in the financial viability of a brownfield project. NRTEE is recommending that clear and consistent criteria and processes be established across all governmental jurisdictions so that developers and purchasers would know whether a particular site was eligible for lien removal.

The second recommendation deals with bringing greater control of a site when a trustee in bankruptcy quitclaims a property so that it does not become an orphaned site. Rather, the site would become vested in either the Crown in right of Canada or the province, depending under which legislation the company was incorporated.

3. Provide Mortgage Guarantees for Qualifying Brownfield Sites

Recommendation: That the Canada Mortgage and Housing Corporation (CMHC) provide, under its current mandate, mortgage guarantees for brownfield redevelopment projects providing housing. That the federal government expand the mandate of the CMHC to allow the corporation to provide mortgage insurance for residential, commercial or industrial development for qualifying brownfield sites.

4. Provide Revolving Loan to Qualifying Brownfield Sites

Recommendation: That the federal, provincial, and municipal governments establish brownfield revolving loan fund programs to make low-interest loans available to both private and public parties. That all levels of government establish qualifying criteria to target loan to brownfield redevelopment projects that contribute positively to the economic, social and environment benefit of the local community and to its revitalization.

The revolving funds, in which loan repayments are used to make new loans for the same authorized purpose, would provide modest financial assistance to the middle tier projects. Also, there is potential to use these funds when financial institutions refuse to finance remediation costs. NRTEE states the loan programs could be administered by the Federation of Canadian Municipalities, CMHC, the Business Development Bank of

Canada, or qualifying provincial or municipal agencies.

5. Provide Grants for Qualifying Brownfield Sites

Recommendation: That the federal, provincial and municipal governments cooperate to provide a comprehensive grant funding program for qualifying brownfield sites. That all levels of government jointly establish qualifying criteria to target grants to brownfield redevelopment projects that contribute positively to the economic, social and environmental benefit of the local community and to its revitalization. That grant funding be available only to municipalities and non-profit organizations.

NRTEE noted that criteria should limit the availability of grant to municipalities and non-profit organizations to target those sites where remediation is not market-driven such as the creation of a city park. However, NRTEE also noted the possibility of allowing grant funding to flow through a municipalities or non-profit organization to eligible private sector projects.

4.4.2 Establishing an Effective Public Policy Regime for Environmental Liability and Risk Management

The recommended actions seek to provide all participants in brownfield redevelopment with a clear, fair consistent public policy regime to bring greater certainty and efficiency to question of liability and risk management and to promote a co-ordinated effort on liability and risk management among all levels of government. None of the recommendations except one (the use of SSRA) fall within the responsibility of municipalities.

1. Allow Binding Contractual Allocation of Liability

Recommendation: That provinces and territories establish legislation permitting binding contractual allocation of regulatory and civil liability among parties relevant to a brownfield site, upon filing of adequate financial assurances to cover site remediation costs.

This would allow an owner to transfer liability to a purchaser, if that purchaser is at arm's length from the owner and has the financial ability to resolve any legitimate claims that come forward. This would address those sites where an owner does not put a property on the market because of fears for future liability.

2. Provide for Termination of Regulatory Liability

Recommendation: That provinces and territories establish legislation providing for clear and unequivocal termination of all on-site and off-site regulatory liabilities upon issuance of regulatory liabilities upon issuance of regulatory approval of remediation, subject only to specified reopeners or fraud. That applicable federal environmental protection be

amended to provide for federal government acceptance of the approval process implemented by a province or territory, thereby exempting the property from federal liability. That provinces and territories establish legislation providing for the registration on title of any right to regulatory liability termination or allocation.

Enacting this legislation would prevent parties who remediate in accordance with the regulations and standards of the day from being found liable in the future if the standards change. This would allow the risks of remediation to be better quantified. Complimenting this would be a registration on title of any right to regulatory liability termination or allocation. This would provide future purchasers with sufficient information on the environmental history of the site.

3. Provide for Termination of Civil Liability After a Limitation Period

Recommendation: That provinces and territories establish legislation providing for termination of civil liability after the expiry of an applicable limitation period. That provinces and territories establish legislation providing for the registration on title of any right to civil liability termination or allocation.

These recommendations compliment those in item 2 dealing with regulatory liability. Based on an approval by a regulatory approval authority, there would be a limitation period for civil liability. Upon expiry of the limitation period, the defendant would no longer be that party to perform the clean up but instead an insurance fund entity.

NRTEE states that this would bring more controlled framework for future civil risk, enabling developers to better quantify the financial implications and to spread risk through the usual mechanisms of insurance and thereby lowering the costs of development.

4. Create an Insurance Fund for Post-Liability Termination of Claims

Recommendation: That provinces and territories that agree to post remediation termination of regulatory and civil liability establish legislation setting up an insurance fund for liabilities falling to the province or territory after exhaustion of the term of post-remediation private insurance. That the federal government work with these provinces and territories to assist in initial funding and establishment of the most efficient and cost effective means of running the insurance fund.

To address the issue of open-ended regulatory and civil liability, the private insurance industry has developed a number of products but it does not offer open-ended coverage in perpetuity. It is suggested that private firms cover the first 15 years to answer any future legitimate claims in the event of any termination of liability to protect innocent third parties.

Following the termination of private insurance, liability for new claims would be the responsibility of the respective provinces. Claims would be paid from a fund built up by premium payments paid by the developer.

5. Apply Site-Specific Assessment and Approval Regimes

Recommendation: That provinces, or regions consisting of several provinces, establish effective, scientifically current assessment regimes, with protocol and sufficient human and technical resources to enable site-specific assessment of the commonly occurring contaminants of concerns in brownfields in an expeditious and cost effective manner; that provincial governments establish a system for approval of risk assessment-based remediation; that the federal government negotiate memoranda of agreement with provinces to accept provincially approved assessment for the purpose of federal environment enforcement, and to provide a covenant not to sue were provincial approval has been provided; that municipal governments, where applicable, streamline their approval process for brownfields and refrain from substituting their own standards for those of provinces through the municipal approval and permitting process.

The *Guidelines for Use at Contaminated Sites* allow for the use of Site Specific Risk Assessment (SSRA) as does the City's Corporate Policy and Procedure for Development on Contaminated Lands. Landowners have been reluctant to use the provisions due to the concerns raised for regulatory and civil liability. The City's Corporate Policy and Procedure for Development on Contaminated Lands also relies on the provincial standards as set out in The Guidelines for Use at Contaminated Sites.

6. Provide for Regulatory Approval of Remediation

Recommendation: That provinces and territories establish legislation providing for regulatory approval and confirmation of the acceptability of remediation efforts.

Ontario has this regulatory framework.

4.4.3 Building Capacity for a Community Awareness of Brownfield Redevelopment

The strategies in these recommendations seek to build awareness around the benefits and challenges of Brownfields, build shared objectives and forage partnerships.

1. Increase Capacity to Undertake Brownfield Redevelopment Projects

Recommendation: That federal, provincial and municipal governments seek to make better use of existing brownfield redevelopment expertise in Canada through information networks and exchanges. That all levels of governments cooperate with the private and not-for-profit sectors to establish a National Brownfield Association to coordinate efforts to build Canadian Capacity to undertake the redevelopment of brownfields. That all participants in brownfield redevelopment identify training requirements and provide appropriate training opportunities for their staff, members or clients.

The Canadian Brownfields Network (CBN) was officially launched on March 1, 2004 in response to the above recommendations. There is a website www.canadianbrownfieldsnetwork.ca where a sharing of information can occur.

2. Facilitate the Demonstration of Innovative Environmental Technologies and Remediation Processes

Recommendations: That the federal government work with the provincial regulatory agencies responsible for issuing technology demonstration permits to develop and implement a temporary certificate of approval system; the system would focus on the expedient approval for demonstration of near-market or commercial remediation technologies on designated brownfield site throughout Canada. That Industry Canada's Technology partnerships Canada program be extended to include funding for the demonstration of remediation technologies on designated brownfield sites in Canada.

NRTEE has stated that this would support efforts to bring to market made-in-Canada environmental Technologies and remediation processes and would provide a wider range of options for remedial methods for developers in Canada.

3. Raise Awareness of the Benefits of Brownfield Redevelopment

Recommendation: That all levels of government cooperate to develop and implement an integrated communications and education strategy to raise awareness among key groups about the economic, social and environmental benefits for brownfields redevelopment.

NRTEE suggests a number of initiatives to promote brownfields and to educate stakeholders on the benefits of redeveloping brownfields such as: declaring a "National Brownfields Week", sponsoring a national conference, distributing a guide on best practices in brownfield remediation. Many of these initiatives have already occurred in Ontario. The Canadian Urban Development Institute organizes a yearly brownfields conference. The Ministry of Municipal Affairs published in 2000, "Brownfields Showcase" profiling a number of successful brownfield redevelopments. Mississauga published the

“Brownfields Redevelopment Successes in 2001 to assist in education of Brownfield issues in Mississauga.

5.0 NRTEE Recommended Next Steps

NRTEE recognizes while the success of brownfields will require support from all levels of government, federal leadership will be critical to ensure the success of a national brownfield redevelopment strategy. Many of the financial incentives are tied to federal legislation such as the federal tax law. Also, federal funding can act as an incentive for many of the recommendations. It also notes the need for governments to lead by example by remediating their own lands such as military sites, railways or ports. It also suggested that when governments are looking to purchase land for their own use they should consider policies which would encourage the redevelopment of brownfield sites over purchasing greenfield sites.

The report recommends that governments at all levels should look to those actions that can be undertaken relatively quickly and easily such as demonstrating success stories, promote awareness, provide the foundation for longer-term redevelopment of more brownfields through the application of an expanded range of policy instruments, then move onto the longer term recommendations that could take some time to complete such as changes in legislation relating to liability.

6.0 Implications for Mississauga

Mississauga has been actively working with brownfields since 1996. Many of the NRTEE recommendations have been implemented by Mississauga or are being monitored through the provincial *Brownfields Statute Law Amendment Act, 2001*. One area that the City has not investigated in detail are the financial incentives recommended by NRTEE. Unlike other municipalities such as Hamilton or areas of Toronto, our brownfields have been what NRTEE classifies as “upper tier”, those whose market value greatly exceed the cost of remediation. In the future, there may be sites that present themselves as middle tier, contaminated sites where the cleanup costs are high for these sites, but also is the potential for redevelopment. These sites may need to take advantage of Community Improvement programs or grants in order to be financially viable. While NRTEE, supports the use of these programs, it also stresses the need for stringent criteria be set “to reduce the likelihood of publicly funded financial benefits going to brownfields in the top tier, which would have been developed in any event”. “Appropriate control would need to be introduced to ensure that financially viable projects do not benefit unduly from using the incentive as a subsidy”.

Notwithstanding that all of the brownfields redeveloped to date in Mississauga are part of the upper tier brownfield sites, in the future there may be sites come forward that are identified as the middle tier as identified by NTREE and may require strategic intervention by one or many levels of government. In order to ensure that any intervention is fair, transparent and uses the City's resources effectively, the use of the tools advocated by the NTREE report such as Tax Increment Financing should be investigated to determine the feasibility and advisability of using within the City and further if it is found desirable to utilize such financing tools that a comprehensive review process be established and endorsed by City Council. In order to do this a working committee with representatives from each of the City's departments should be established and a report brought forward for City Council's consideration.

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Appendix I

NRTEE's Summary of National Strategy Recommendations

Strategic Direction	Recommendations	Responsibility
1. Applying strategic public investments to address upfront costs	1.1 Implement tax system changes to promote brownfield redevelopment	Federal Provincial/Territorial Municipal
	1.2 Remove liens and tax arrears against qualifying brownfield sites	Federal Provincial/Territorial Municipal
	1.3 Provide mortgage guarantees for qualifying brownfield sites	Federal
	1.4 Provide revolving loans for qualifying brownfield sites.	Federal, Provincial/Territorial, Municipal
	1.5 Provide grants for qualifying brownfield sites	Federal, Provincial/Territorial, Municipal
2. Establishing an effective public policy regime for environmental liability and risk management	2.1 Allow binding contractual allocation of liability	Provincial/Territorial
	2.2 Provide for termination of regulatory liability	Provincial/Territorial
	2.3 Provide for termination of civil liability after a limitation period	Federal, Provincial/Territorial
	2.4 Create an insurance fund for post - liability termination	Federal, Provincial/Territorial
	2.5 Apply site -specific assessment and approval regime	Federal, Provincial/Territorial
	2.6 Provide for regulatory approvals of remediation	Provincial/Territorial
3. Building capacity for and community awareness of brownfield redevelopment	3.1 Increase capacity to undertake brownfield redevelopment projects	Federal, Provincial/Territorial, Municipal
	3.2 Facilitate the demonstration of innovative environmental technologies and remediation processes	Federal Provincial/Territorial, Municipal
	3.3 Raise awareness of the benefits of brownfield redevelopment	Federal, Provincial/Territorial

Adapted Table 1 from "Cleaning up the Past, Building the Future: A National Brownfield Redevelopment Strategy for Canada"