



Atlantic PIRI - Brownfield Initiative



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Outline

- ➔ History of Contaminated Sites Management in the Atlantic Region
 - ➔ Atlantic PIRI Committee/RBCA (Benefits/Challenges)
 - ➔ What has been accomplished to date?
 - ➔ Brownfield Strategy

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THE PAST

HOW DID THIS ALL START?

- ➔ 100 years of use of petroleum, heating oil and a wide range of hydrocarbons
- ➔ Common practice to dump waste motor oils, old gasoline over the hill
- ➔ Common practice to store new product in aboveground & underground steel tanks.
- ➔ Little awareness of the environment and health implications prior to the 1970's

Single Wall Steel Tanks



“What else needs to be said?”



Contaminated Sites Management

- 1970s - Departments of Environment with responsibility created
- 1980's - we were aware of a large number of impacted sites- contaminated wells, residences, commercial explosions
- governments implemented Petroleum Storage and Handling Legislation.
- The mission – stop the bleeding – remove leaking tanks – not decontaminate
- More than 18,000 underground tanks have been removed/ inspected/replaced.
- Clean ups were completed to the discretion of regional staff

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Program History

- Responsible parties wanted direction on clean up levels
- A Ministerial Order presented numbers for soils, and groundwater clean ups
- Atlantic 4 Provinces = 4 sets of Generic Criteria
- By 1995 we recognized difficulties with generic approach - no technology available to achieve generic levels
- In 1996 the Atlantic Provinces began meetings aimed at harmonizing clean up requirements –level the playing field

Introduction to Risk Based Corrective Action - RBCA

- Risk Based Corrective Action (“Rebecca”) approach was introduced in 1996.
- Risk is the exposure to and intake of chemicals that has the potential to cause human & ecological health effects, **not** just the presence of these chemicals.
- RBCA recognizes the differences between sites – Residential & Commercial
- It allows for the utilization of site specific clean-up numbers.

Partners in Rebecca Implementation - The Birth of “PIRI”

Atlantic PIRI is a multi-stakeholder group that includes:

- the four Provinces,
- the petroleum industry through representatives of the Canadian Petroleum Products Institute (CPPI) and Irving Oil Limited, and
- regional environmental consulting firms
- Gives Provincial regulators access to experts in the fields of toxicology, hydrogeology, risk assessment, engineering and a variety of other skill sets
- The mandate for Atlantic PIRI comes from the 4 Provinces

Atlantic PIRI - MOU

MEMORANDUM OF UNDERSTANDING

ON

An Atlantic Partnership in Risk-Based Corrective Action (RBCA) Implementation (Atlantic PIRI)

BETWEEN:

**THE NEW BRUNSWICK DEPARTMENT OF THE ENVIRONMENT AND LOCAL
GOVERNMENT**

THE NOVA SCOTIA DEPARTMENT OF ENVIRONMENT AND LABOUR

THE NEWFOUNDLAND AND LABRADOR DEPARTMENT OF ENVIRONMENT

**THE PRINCE EDWARD ISLAND DEPARTMENT OF FISHERIES, AQUACULTURE AND
ENVIRONMENT**

The Role & Value of the Atlantic PIRI Committee

- The committee provides each Atlantic jurisdiction with access to technical expertise that is not resident in any Atlantic Province.
- It provides a forum for discussion and debate on technical issues between Government and Industry.
- It provides highly efficient and cost-effective participation to each jurisdiction.
- Creation of the Committee generated a synergy.

The Role & Value of the Atlantic PIRI Committee

- In our first 7 years the committee has focused largely on technical issues – the development of the technical tool.
- The committee of the whole is subdivided into 3 Working Groups:
 1. Technical
 2. Communications
 3. Program Development
- We now see the need to move to examination of issues i.e. Regulatory & Lender liability.
- We are working to harmonize our Guidelines to the greatest extent possible.

The Continuing Role of Atlantic PIRI

- For those interested in influencing or participating in initiatives related to Contaminated Sites Management and Brownfield development it is important to realize that **the Atlantic PIRI Committee is the appropriate forum for discussion.**
- We intend to provide opportunities to utilize expertise from Stakeholders, including participation on Task Groups
- Please feel free to contact any member of the committee or visit the Atlantic PIRI website www.atlanticrbca.com

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Timeline

1997 – Establishment of Atlantic PIRI Committee

June 1999 - Software tool Version 1.0 released.

1999 to 2000 - Provincial Guidelines – in NB uses Minister's ability to issue orders

November 2001 – Harmonization to meet or exceed CCME Canada-Wide Standards for Petroleum Hydrocarbons in Soil

March 2002 - Second MOU to further the development and implementation of RBCA

May 2003 - Version 2.0 of software tool

Fall 2003 to 2004 - Version 2.0 of Provincial Guidelines

Atlantic PIRI → Atlantic RBCA

Atlantic RBCA includes:

1. A technical tool (Computer model)
2. It is a set of management process (Provincial Guidelines)
3. It is a philosophy which promotes utilization of science & innovative thinking to provide rationale for the clean-up of contaminated sites.
4. PIRI is the Gov/Industry committee which furthers RBCA thinking & implementation in Atlantic Canada



Atlantic RBCA works!

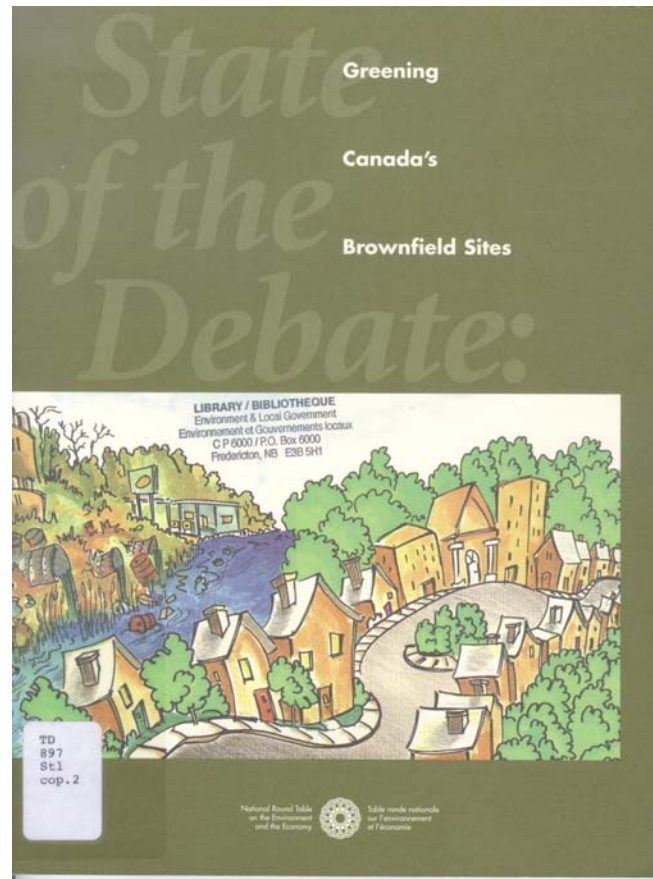
- Dating back to 1999, 660 files have been closed using RBCA in New Brunswick.
- Prior to 1999, our records indicate approximately 50 files were closed.

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The Objective

National Round Table on the Environment and the Economy



Atlantic PIRI Brownfield Initiative

- In reviewing the work of the NRTEE the PIRI Committee supports the identification of a single Atlantic jurisdiction for the purposes of exploring options for implementation.
- New Brunswick has been identified as the best positioned jurisdiction to explore implementation options with respect to Brownfields.
- In taking the lead role NB will report back on all developments through the PIRI forum to ensure all information is provided to the Atlantic jurisdictions.

New Brunswick's Proposed Brownfield Approach

Why Support Brownfield thinking?

- We see great potential for both environmental & business opportunities within Brownfield thinking. A win win situation.
- As a jurisdiction we have had significant involvement with Brownfield projects. CN Shops, CFB Chatham.
- We have legislation that permits us to provide this information to the public.

Elements required for Effective Management of Contaminated Sites

We Have:

- a Technical Tool – Atlantic RBCA
- a Management Process
- Data Systems for tracking sites & providing information to public & businesses

We Need

- articulation of policy on liability issues in a stakeholder process.

These elements in combination will allow us to develop effective legislation.

New Brunswick's Remediation Branch Work Plan

- A. Develop a response to the National Round Table report ELG action plan for furthering brownfield management. (October 2003)
- B. Develop a proposal for a Voluntary Remediation Program. (October 2003)
- C. Explore options for policy articulation on issues related to limited liability, exemptions from responsible party status, extinguishing regulatory liability, through an interface with business.
- D. Assigned the lead in developing Contaminated Sites Management Legislation, working with our Policy Analysts & Justice over a 2-3 year window.

A. Review of the NRTEE Strategy

- Staff of DELG Remediation Branch and Policy & Public Affairs Branch developed a response to the NRTEE documentation and submitted that for consideration of the Department's Senior Management Committee in August 2003.
- The document was well received and we have been instructed to provide details of our suggested approach in October 2003.

B. Voluntary Remediation

Objective

- The Atlantic Provinces wish to introduce an additional management tool to their Risk Based Corrective Action (RBCA) programs.
- The Atlantic Voluntary Remediation Program is intended to promote the voluntary clean up of contaminated properties.
- The program is intended to create a streamlined non-punitive remediation process.
- The program provides an opportunity for participants to work cooperatively with the provincial regulators in a cooperative partnership without fear of legal action.

Voluntary Remediation cont'd

- Formulation of agreements will provide the opportunity for the Department to examine in depth issues related to liability and responsibility for clean-up.
- Draft proposal is currently being reviewed by NB Justice.

C. Business/Environment Interface

- The NRTEE documentation recognizes the Brownfields thinking was developed through the office of the Federal Minister of Finance, not the Minister of Environment.
- In New Brunswick, we too see this as a venture best led by business interests.
- The role of ELG is to serve as a catalyst in bringing together stakeholders in the business community and stakeholders in the field of environmental consulting.

Business /Environment Interface cont'd

- As part of its mandate, Business New Brunswick (the Provincial Economic Development Agency) has already made contact with Jacques Whitford Environment Ltd and asked how they might be of service to the company in further developing its business.
- JWEL conveyed a wish to convene a meeting involving representatives of the private sector with BNB and ELG to discuss working with Government to implement the Brownfield approach.
- We are hopeful this initial meeting will set the stage for additional meetings involving representatives from other Provincial Agencies with economic development responsibilities.

Business /Environment Interface cont'd

- We are hopeful this initial meeting will set the stage for additional meetings involving representatives from other Provincial Agencies with economic development responsibilities.
- ELG, which has responsibility for local governance as well as environment, will be reaching out to the Federation of Canadian Municipalities in developing our Brownfield Initiative

D. Contaminated Sites Legislation

Chapter 1
Brownfields

Chapter 2
Voluntary
Remediation

Chapter 3
Ordered
Remediation



Contaminated Sites Legislation

- Our wish to move forward will require that we examine our current positions with respect to issues of liability.
- The measure of success we hope to achieve will be influenced by our ability to allay fears in the business, lending, and legal sectors with respect to liability related issues.

Where Our Legislation is Now

- Diane Saxe, Moncton Conference 2002 – Drove home the notion that policies & guidelines don't cut it in court.
- Reasonable decision/findings can only be assured where legislation clearly lay out requirements & roles.
- Through the Atlantic PIRI forum we have engaged Mr. Bernie Miller, McInnes Cooper to identify elements of our current legislation which may serve as obstacles to our implementation of the Brownfield Approach.
- This critique will provide guidance with respect to needed legislative change.

The New Brunswick Experience

The Present / The Future

A Mix of Older Legislation / New Guidelines /
Policies

Reg. 87-97 PSS&H

Clean Env. Act
Section 5 (1)

Water Quality Reg.



Reg. 2002-1

Auditing

Voluntary
Remediation

Version 2.0 RBCA

Management
Guideline

Brownfields

NBDELG Property-Based Environmental Information

**Unlocking the Door to Environmental Property
Information**



Service New Brunswick Pilot Project

- A prototype is being developed involving SNB, CARIS & Department of Environment & Local Government
- Objective: to provide current & accurate Environmental Notices on the Land Gazette system .
- Pilot will use information from the Beaubassin Planning Region
- Prototype target date December 1, 2003
- Evaluation process with implementation in February 2004

New Brunswick - A Partner within Atlantic PIRI

- As we advance with the NB Brownfield Initiative we will count on the continued support of the Atlantic PIRI Committee
- NB will in turn provide the Committee with all information we obtain in our approach.
- Each of these things is taking us further down the path to the development of legislation for the Management of Contaminated Sites for each province in Atlantic Canada
- In summary we feel we have the foundation necessary to move to consideration of issues directly related to Brownfield Redevelopment

Questions

