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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

June 10, 2022

Marie-Andrée Vézina
Director
Contaminated Sites Branch
Ministère de l'Environnement et de la Lutte contre les changements climatiques
675 René-Lévesque Blvd. East, 9th Floor, Box 71
Quebec City QC G1R 5V7

Subject: Draft 2022–2027 action plan for contaminated soil under the Soil Protection and Contaminated Sites Rehabilitation Program and draft *Regulation respecting Charges to Promote the Treatment and Reclamation of Excavated Contaminated Soils*

Dear Madam:

The Kativik Environmental Advisory Committee (KEAC) was recently made aware of work on the part of the Ministère de l'Environnement et de la Lutte contre les changements climatiques (the environment and the fight against climate change, MELCC) to prepare the new 2022–2027 action plan under the Soil Protection and Contaminated Sites Rehabilitation Program. Much to the KEAC's disappointment, this information was received through a third party.

By way of a reminder, pursuant to Section 23 of the *James Bay and Northern Québec Agreement* (JBNQA), the KEAC is the preferential and official forum for the governments of Canada and Québec, the Kativik Regional Government (KRG), and the northern villages whenever laws, regulations and policies applicable north of the 55th parallel are developed or updated.

Our disappointment is all the more poignant given that the KEAC previously provided feedback on the preparation of the action plan in a letter dated July 2021 and in which the KEAC asked to be kept informed of developments in this file.

The KEAC considers spill and contaminated soil management in Nunavik to be a significant and complex issue that justifies the following opinion on the need for in-depth planning and adequate funding for the region.

Draft 2022–2027 action plan for contaminated soil under the Soil Protection and Contaminated Sites Rehabilitation Program

The MELCC table enclosed with this letter includes KEAC feedback and questions about the various objectives and actions contained in the draft 2022–2027 action plan. In addition, the KEAC would like to

reiterate a few important facts regarding contaminated sites and contaminated soil treatment in Nunavik:

- In 2021, the source of contamination of 99.9% of the 94 contaminated sites observed or reported in Nunavik communities were related to petroleum-product spills;
- The main causes of petroleum-product spills are leaks, overfilling, equipment breakdowns (failure) and human error;
- It is only possible to rehabilitate sites where the contaminated soil to be excavated is easily accessible;
- Contingent on the level of contamination and municipal approval, certain contaminated soil once excavated may be used as covering material at local landfills;
- When the level of contamination and quantities permit, contaminated soil may be heaped in piles and treated using biopile technology;
- There is only one authorized contaminated soil treatment centre in Nunavik. It is based at Kuujuaq and managed by Englobe. However, the centre is only able to treat contaminated soil from Kuujuaq as no roads connect any of the region's communities.
- Most excavated contaminated soil must be transported by ship in bulk bags (Quatrex) from Nunavik to treatment centres located in the Montreal region, increasing the complexity and costs of rehabilitation projects.

Draft Regulation respecting Charges to Promote the Treatment and Reclamation of Excavated Contaminated Soils

Generally speaking, the KEAC is in support of regulation for the treatment and reclamation of contaminated soil excavated in a sustainable manner. It also agrees that the use of contaminated soil to cover residual waste after its disposal should be reduced.

The KEAC noted that, under the draft regulation, the charges levied will in particular be used to fund the Programme de redistribution aux centres de traitement de sols contaminés du Québec (redistribution program for contaminated soil treatment centres) and various financial assistance programs for the rehabilitation of contaminated sites. The KEAC furthermore understands that a specific program for Aboriginal and northern communities is planned and will include eligibility for the KRG and the 14 northern villages.

This new funding is key to improving and increasing the percentage of contaminated soil treated in Nunavik. In the opinion of the KEAC, too much contaminated soil is currently being left untreated in the northern villages due to inadequate funding, expertise, equipment and follow-up on the part of local and regional authorities.

Yet despite this new funding, the draft regulation may be difficult to implement in the north. For example, disposal costs range from \$150–\$200/tonne for contaminated soil disposed of in local landfills to \$250–\$300/tonne for biopile treatment and \$400–\$550/tonne for transportation to and disposal in southern Québec. It must also not be forgotten that these costs do not include decontamination work, travel by qualified workers, materials, heavy equipment or samples. In this context, financial support is crucial to increase the quantities of contaminated soils that can be treated in northern communities.

As is the case with costs, logistical issues related to management and actual decontamination work are very different in the north than in southern Québec. For example, section 8 of the draft regulation requires that soil must be weighed on arrival at receiving sites using a device that must be calibrated annually. Such devices are generally not available in the northern villages and furthermore require specialized maintenance services that are not readily accessible anywhere in the region.

In light of these substantial financial and technical obstacles, the KEAC believes that full application of the draft regulation in Nunavik represents a major burden for the northern villages and will place them at risk of non-compliance due to their lack of resources.

The KEAC is of the opinion that, in addition to regulatory amendments, a solution fully adapted to the region would also permit the improvement of contaminated soil management in Nunavik. The proposed regulatory amendments should therefore be approached as an opportunity to identify, develop and apply innovative solutions for northern and remote sites.

Finally, it is important to note that, further to its mandate set out in the JBNQA, the KEAC intends to continue monitoring implementation of the action plan and regulations applicable in Nunavik. To this end, you are respectfully urged to keep the KEAC directly informed of developments regarding these matters.

Sincerely,

Alexandre-Guy Côté
Chairperson

c.c. Véronique Gilbert, KRG