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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

Kuujuuaq, October 20th 2022

Ms. Astrid Télasco
Director
Division de la réduction et de la gestion des déchets
Environnement et Changement Climatique Canada
351, boulevard Saint-Joseph
Gatineau, Québec, J8Y 3Z5

Subject: KEAC and KRG comments on the consultation on amendments to the Storage of Petroleum Products and Allied Petroleum Products Regulations

Ms. Télasco,

On behalf of the members of the Kativik Environmental Advisory Committee (KEAC), I would like to thank Environment and Climate change Canada for contacting us regarding the planned amendments to the *Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations*. We appreciate being consulted in advance of the amendments so we can share with you the realities of Nunavik communities regarding the challenges associated with storage tank systems.

The Kativik Environmental Advisory Committee (KEAC) was created in 1975 under Section 23 of the James Bay and Northern Quebec Agreement (JBNQA). It is an advisory body on environmental and social protection in Nunavik to the responsible governments. It is the privileged and official forum of the governments of Canada and Quebec as well as of the Kativik Regional Government (KRG) and the Northern villages.

In Nunavik, the KRG provides technical assistance to the 14 northern villages in the areas of environment, environmental compliance and spill response. It is responsible for the operation, maintenance and management of the 14 northern airports, including the storage facilities for petroleum products and related products, as well as the maintenance of the marine infrastructure.

Below are comments on the main issues raised by the discussion paper provided as part of the planned amendment. They were formulated in collaboration with the KRG.

Multiple legislations

In Nunavik, few petroleum product storage tanks are located on federal lands or operated by a federal entity. However, there are sites in the region that are managed by multiple jurisdictions. Furthermore, petroleum storage tank systems in Quebec, including Nunavik, are governed by the *Building Code* and the *Safety Code of the Building Safety Act*, in addition to the standards and regulations that apply to the location of these systems, such as an airport or marine infrastructure. It is therefore critical to ensure that changes to the regulations, as well as any documentation that is requested as part of the regulations, are consistent with the requirements of other jurisdictions.



Maintenance of storage systems and associated elements

Corrosion monitoring, oil-water separators, storage tanks, leak detection and all associated components of maintaining a petroleum storage system face major challenges in the region, such as the lack of a skilled workforce. Any additional criteria or changes to current standards will only be effective if adequate funding to train, hire and retain specialized staff is available, or if specific funding is available to move a qualified staff member to regulated sites when required.

Containment Areas

As mentioned in your discussion paper, secondary containment areas are indeed a particular issue in northern environments. Accumulation of snow, ice or other precipitation can compromise the proper functioning of these facilities, and overflows are possible. Given the physical properties of the barriers used as secondary confinement, overflows represent a real risk for soil and water contamination, since petroleum products are found at the surface of the water and are therefore the first to leak in the event of overflows. Drainage methods are not always effective, and monitoring these structures requires personnel who are not always available and who are heavily burdened with other priority tasks. Most of the maintenance staff working in the Nunavik region are on a rotating schedule and their presence at each site can be several weeks apart.

Delivery of petroleum and allied products

Delivery of petroleum and allied products can sometimes result in spills that can represent a source of environmental contamination. However, the addition of a qualified observer to supervise transfer activities is not a realistic solution in the northern context. First, qualified personnel are scarce and difficult to retain in Nunavik communities. In addition, the transfer activities are very time consuming. It is not uncommon for the transfer of petroleum products to take more than an hour. Even trained employees may have to leave their posts during the transfer to protect themselves from adverse weather conditions. Therefore, this measure would not necessarily reduce the number of spills.

The development of a standard operating procedure could be beneficial if it is simple, easy to understand, and adapted to northern facilities and realities. Regular training sessions adapted to the environment would also increase the awareness of employees in charge of deliveries.

Simplification of terms

The KEAC and its collaborators strongly support any planned changes to the *Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations*, and other federal legislation, to simplify the language and concepts used. The people who must enforce these regulations in northern communities generally have a variety of roles that require them to apply a multitude of laws and regulations from many different legislations and dealing with a wide variety of subjects. They are rarely experts on a single regulation and the highly technical legislative language sometimes hinders their understanding of the various documents. Precise definitions, simple terms, clear requirements, and less incorporation by reference are therefore, in our view, good ways to make the regulation more accessible, and thus easier



to implement. As mentioned earlier, the multiple jurisdictions that apply to the storage of petroleum products in Nunavik can easily lead to confusion. Ensuring that federal requirements are harmonized with applicable provincial and regional regulations or policies, and that the vocabulary is coherent between the different documents, would facilitate the implementation of the regulation.

Workforce training

The need for customized training has been mentioned a few times in this letter, but we feel it is necessary to stress its importance. The availability of training in English, Inuktitut and French would allow enforcement personnel to better understand the most important elements of the regulations, but also to better identify the actions to be taken in case of non-compliance as well as identify the entities responsible to respond to a spill. As previously mentioned, Nunavik is a territory with overlapping and duplicate jurisdictions, and it is difficult for the teams to master all of the applicable regulations on their own, particularly in the area of environmental protection. For documents and forms required by the regulations, such as the emergency plan and logs, it would be useful to provide templates or tools to facilitate the creation of these documents.

Finally, we would like to point out that the administration of petroleum and allied products in Nunavik is managed by a multitude of stakeholders, each with their own field of expertise. For the purposes of the current notice, the KEAC was unfortunately unable to obtain comments from the Fédération des Coopératives du Nouveau-Québec (FCNQ), who is the main stakeholder on the petroleum issue in Nunavik. The KEAC strongly encourages you to contact them to determine how the technical requirements can realistically be applied in a northern environment and what impact the proposed changes will have on their facilities.

Sincerely,

Alexandre-Guy Côté
Chairperson

c.c. Véronique Gilbert & Édith Sénéchal, KRG