

## Summary of Thunder Bay north harbour sediment management project questions from June 7, 2017 PAC Meeting

|               | Question   | Notes/response  |
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| <b>Status</b> |  |   |
| 1.            | What is the current status of the project, especially of the recommended option of building a containment facility on or near the old paper mill property? | The sediment management options developed and consulted on by the sediment technical team in 2014 are still valid options. The input collected from the community on the options has not been discounted. However, the actual plan that is implemented will ultimately be the decision of the responsible parties. No implementation plan can be confirmed until those parties are confirmed.   |
|               | <b>Federal Contaminated Sites List</b>   |   |
| 2.            | What is preventing the Thunder Bay North Harbour from being listed on the Federally Contaminated Sites list?   | <p>The Federal Contaminated Sites Inventory includes information on all known federal contaminated sites under the custodianship of departments, agencies and consolidated Crown corporations as well as those that are being or have been investigated to determine whether they have contamination arising from past use that could pose a risk to human health or the environment.</p> <p>The inventory also includes non-federal contaminated sites for which the Government of Canada has accepted some or all financial responsibility. It does not include sites where contamination has been caused by, and which are under the control of, enterprise Crown corporations, private individuals, firms or other levels of government.</p> <p>As the property owner, or custodian, Transport Canada is the organization that would identify this site for the FCSI.</p> |
| 3.            | Is the Port Authority fully aware of all the potential implications of being on the Federally Contaminated Sites list?                                     | This is a question for TBPA   |
| 4.            | What are the health implications of fishing and other uses of the North Harbour area?  | The 2013 Franz Environmental Inc. Report - Human Health and Ecological Risk Assessment (presented to the PAC April 10 2013) identified sediment management areas  |

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|    |   | <p>to ensure the protection of humans and ecological receptors. The human health risk assessment focused on total mercury and methylmercury, and identified potentially unacceptable risks from exposure to hypothetical future residents, construction workers, recreational users and fishermen. The risk to ecological receptors (not humans) in the area is greater than the risk to humans, particularly with predator species who regularly hunt in the area. The Risk Assessment for the site shows that levels of mercury are high enough to have an effect on fish consumption guidelines</p> <p>In plain language this means there is some longterm risk to those who work and play at this site or those who consume fish from it. It also means that the site does not provide healthy habitat for species that consume the bugs and worms that spend part of all of their life cycles at the lake bottom. This site may be contributing to elevated fish consumption advisories for the inner harbour, work is planned to try and answer that question.</p> |
| 5. | How is the contaminated sediment and solutions for North Harbour different than those for the Northern Wood Preservers (NOWPARC) project? | <p>The main contaminants of concern for NOWPARC were creosote residues, PAHs, chlorophenols, dioxins and furans. For North Harbour the primary contaminants are enriched organic sediments, mercury and resin acids.</p> <p>Comparable solutions were evaluated for both sites that included environmental dredging, capping and containment of contaminated sediments.</p>  |
|    | <b>Partnerships</b>   |  |
| 6. | Is Cascades involved in remediation discussions as an industrial partner?   | <p>To date, Cascades has contributed willingly to the project and they have publicly stated they are committed to supporting remediation; however, they are seeking a formal agreement regarding the value of their financial contribution. In February 2014, Cascades wrote to the MOECC and ECCC stating that they were withdrawing from</p>   |

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|    |  | <p>the project until such time that agreement was reached on this matter. A project lead must be established before an agreement with Cascades can be negotiated.</p>   |
| 7. | <p>Abitibi as an entity has evolved to become part of Resolute Forest Products; what are Abitibi's environmental responsibilities?</p> | <p>During restructuring, a court decision was handed down on the consequences of Abitibi's environmental responsibilities in respect of formerly owned properties. Abitibi agreed that its emerging entity (Resolute) would be responsible for environmental liabilities in respect of properties it retained (still owned). This did <u>not</u> include the Superior Fine Papers mill property given that Abitibi Price Inc. sold the mill in 1993. (Note: the Port authority identified a claim for remediation costs of the north harbour to the court through the CCAA process; however, they did not pursue as the court advised that the claim was a duplicate of others filed.)</p> <p>Also, in May 2010, as part of it's restructuring under CCAA, Abitibi withdrew from the north harbour project and feasibility study.</p> <p>Abitibi and its subsidiaries emerged from CCAA protection in December 2010 as a restructured company (Abitibi ceased to exist). The restructured company, Resolute Forest Products Inc., has no current or former ownership of the Superior Fine Papers mill property, and</p> |

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|     |  | therefore does not have any associated environmental responsibilities with the site.  |
| 8.  | At some time there was a North Harbour Steering Committee which included Cascades, as well as Provincial and Federal partners; why was the PAC and, nearby business owners with a substantial financial stake in the outcomes, not included? | There was a sediment remediation steering committee that was responsible for the development of the management plan for this project. The committee hired Confederation College and later EcoSuperior to engage the PAC, nearby business owners, first nations, Metis Nations of Ontario, and other stakeholders to obtain their advice (2009 to 2014).   |
| 9.  | Out of respect for the Robinson-Superior Treaty, what is the involvement of the PAC with the Fort William First Nation?  | The crown has particular and well documented obligations to Canada's indigenous people. In the Thunder Bay Area of Concern, ECCC has sought to engage FWFN in the RAP through the RAP Implementation Committee and through targeted meetings of mutual interest. As the PAC considers their own good governance obligations and ideals with respect to the area's indigenous peoples, including FWFN, ECCC is please to support you where possible. |
| 10. | Is there the possibility that the Public Advisory Committee or one of the subcommittee's could assist by facilitating discussions amongst key stakeholders?  | If the PAC plans a discussion on their possible contributions at a future meeting, an ECCC representative will attend if possible to provide a federal perspective on the PAC's suggested activities.   |
| 11. | Are the PAC Terms of Reference available on the InfoSuperior website (www.infosuperior.com)?   | Terms of Reference for the Public Advisory Committee to the Thunder Bay Remedial Action Plan are accessible via the following link: <a href="http://rap.infosuperior.com/thunder-bay/">http://rap.infosuperior.com/thunder-bay/</a>   |
| 12. | Is it worthwhile to form a smaller group, or subcommittee, to act on some of these suggestions?  | If the PAC plans a discussion on their possible contributions at a future meeting, an ECCC representative will attend if possible to provide a federal perspective on the PAC's suggested activities.   |
| 13. | Can we ask that a Transport Canada representative attend a future PAC meeting?   | As the federal lead for the AOC ECCC will help to identify a suitable contact at TC if the PAC decides to pursue this. The contact identified at TC is Heather Osborne.   |
|     | <b>Jurisdictional Challenges</b>   |   |
| 14. | Is the Ministry of Environment and Climate Change (MOECC) responsible if there is  | No, as the site is not a Crown property. There is still a current and viable owner responsible for the site. If an offsite  |

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|     | contaminated groundwater leaking into the harbour? (i.e., is this the Province's responsibility?)                      | impact was found to be occurring, the MOECC, as the regulator, would require the current owner and any existing previous owners who may have had care and control of the property to undertake the necessary work to delineate and remediate any environmental impacts, and prevent an ongoing impact to the natural environment. Regulatory orders under the Environmental Protection Act and/or the Ontario Water Resources Act would be issued if required  |
| 15. | How did the issue of water contamination within the harbour become a separate issue from the land-based contamination? | <p>The two sites fall under different jurisdictions. The contaminated sediment within the north harbour is located on a water lot which falls under federal jurisdiction. On the other hand, the former Superior Fine Papers mill site is located on private property which is under the jurisdiction of the provincial government.</p> <p>The contamination in the harbour is the result of historic mill operations involving use of mercury and PCB's. The company that owned the mill site during the time of operations that led to contamination of the harbour no longer exists. Various mill owners, including Cascades and Abitibi (prior to 2009), have been at the table with ECCC and MOECC on the proposed clean-up of the harbour. The harbour itself is not owned by the mill owner; it is a federal water lot administered by the Thunder Bay Port Authority on the behalf of Transport Canada. (Note that Abitibi and withdrew from proposed clean-up project and the feasibility study due to its restructuring under CCAA in May 2010.)</p> |

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|     |   | Measures to address the environmental concerns on the mill site (a known industrial property) are ongoing as part of an Environmental Review Tribunal (ERT) endorsed settlement agreement that was negotiated with the current owner. This settlement agreement was negotiated after the MOECC issued an order to the previous owners, which was appealed to the Tribunal. There is no evidence of an ongoing off site impact/discharge from the mill site to the lake. |
| 16. | A coordinated effort to identify a lead would be beneficial.  | We agree that a coordinated approach is beneficial. However, as the waterlots in question are owned by TC and administered by the TBPA, we suggest that questions on this issue be directed to the Port Authority as they administer the lands on a day to day basis  |
| 17. | Will the funding be the same scheme as other Great Lakes cleanup projects (i.e. one-third Province, one-third Federal, and one-third industry). | The cost sharing scenario at Hamilton Harbour's Randel Reef site was a 1/3 cost share between, the federal government, the province and local governments and industry. However, the governments preferred approach to managing contaminated sites is that the polluter should pay and only when the polluter cannot be found or no longer exists will a different cost sharing model be pursued. This would be negotiated to reflect the site specific circumstances.  |
|     | <b>Ongoing Work</b>   |   |
| 18. | Are the recommendations of this Public Advisory Committee to be considered once a project lead has been identified?                             | The RAP coordinating committee values the input that the PAC provides and the department considers this input when making decisions. We will encourage our partners and colleagues in this project to do the same.  |
| 19. | If filling the knowledge gaps will not impact the outcome at all, then is it worth working on filling in these gaps?                            | It is for this reason that RAP organizations have no additional data collection planned for this project at this time. The PAC is invited to make their own assessment of these needs and provide their recommendations to the coordinating committee representatives.  |
| 20. | Do we know what studies on mercury, or the North Harbour, are currently being undertaken or anticipated?  | No such work has been undertaken for this project since 2014.<br>A list of previous work in support of this project is available from Jim   |

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|     |   | RAP implementation committee members have no planned work to collect additional data for this project, other than inviting LU to consider ideas for innovative approaches, until events indicate a need for additional data to move the project forward. |
| 21. | Are there any potential research opportunities for the North Harbour area such as phytoremediation options or alternative solutions?  | Academics from several departments at Lakehead University have met about North Harbour and also toured the sit by boat. Several believe there is a great deal of potential for research.   |
| 22. | Earthcare representative Rena Viehbeck also noted that the EarthCare Advisory Board would be bringing a resolution to Thunder Bay City Council seeking formal resolution for action on North Harbour. | Note that the RAP coordinating committee supports this in principle and will provide whatever resources are available to enable this, as appropriate.  |