



# Thunder Bay North Harbour

Public Advisory Committee Meeting  
April 18 2018





# Outline

- Governance context
- Federal Contaminated Sites Inventory (FCSI)
- Federal Contaminated Sites Action Plan (FCSAP)
- Next Steps



# Governance Context

- The Thunder Bay Port Authority (TBPA) was created by the *Canada Marine Act, 1997* (Letters Patent dated July 1, 1999).
- The Port of Thunder Bay is operated by the TBPA, a self-governing entity that operates at arm's length from the Crown. The TBPA has the legal responsibility to administer, manage and operate the port and associated real property (i.e. waterlots) in accordance with the *Canada Marine Act (CMA)* and the TBPA Letters Patent.



# Governance Context

- Under the CMA, port authorities can manage two types of properties: 1) federal real property under direct title of the Crown; and 2) real property owned directly by the port authority.
- The majority of North Harbour site, including the contaminated waterlot, is owned by Transport Canada (TC) and is under the administration and control of the TBPA.
- While independent entities, Canada Port Authorities (CPAs) may apply for contribution funds through Section 25 of the *Canada Marine Act*.
  - As Shared Government Corporations, CPAs are not eligible to receive FCSAP funding.
  - There are no other programs that can be accessed.



# Federal Contaminated Sites Inventory (FCSI)

- FCSI lists sites under the custodianship of federal departments, agencies and consolidated Crown corporations.
- FCSI 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.



# Federal Contaminated Sites Inventory (FCSI)

- Thunder Bay North Harbour is not listed on FCSI.
- Port authorities are not required to list their sites on FCSI because they are Shared Government Corporations (financially self-sufficient) and not a federal department, agency or consolidated Crown corporation.



# Federal Contaminated Sites Action Plan (FCSAP)

- FCSAP is a cost-shared program whose objective is i) to reduce environmental and human health risks from known federal contaminated sites, and ii) to reduce associated federal financial liabilities in the Public Accounts of Canada. Funding is only available to federal departments, agencies and consolidated Crown corporations.
- The site must be on lands owned or leased by the federal government, or must be on non-federal lands for which the federal government has accepted full responsibility for the contamination.
- In order for federal contaminated sites to be eligible for remediation funding they must:
  - Be a contaminated site under the Treasury Board definition;
  - Be classified as Class 1 site. Class 2 sites are also eligible if they had remediation expenditures prior to April 1, 2011; and
  - Have a financial liability associated with the site(s) reported in the Public Accounts of Canada and be recorded in the FCSI (ie. federal government has accepted responsibility).



# Federal Contaminated Sites Action Plan (FCSAP)

- Even though the North Harbour site is on federal lands:
  - It is under the administration and management of the port authority,
  - The port authority is not eligible for FCSAP funding,
  - TC has not accepted full responsibility for the site as it is not the polluter.
- FCSAP is currently in its third phase, sunseting in March 2020.



# Next Steps

- TC is not in a position to lead or provide funding to remediate the site.
- This project must be a partnership. We will be meeting with the Province, ECCC, the City, TBPA, Cascades and landowners to further the conversation.
- The discussions with partners will serve to shape the model used to move the project forward.
- Indigenous communities will also be re-engaged.



# Next Steps

- TC and ECCC will approach the Steering Committee members to revive the committee, with the objective of finalizing the Sediment Management Strategy and developing an implementation plan.
- TC will continue to work with ECCC (the department leading FCSAP), on program eligibility requirements post-2020, should the program be extended.
- TC intends to be engaged in an ongoing dialogue regarding this issue.