

## ORAL QUESTION—KEVIN O'REILLY, MLA FRAME LAKE

### QUESTION 397-18(2): REMEDIATION AND ENVIRONMENTAL LIABILITIES AT CON MINE SITE COMMUNITIES

October 27, 2016

**MR. O'REILLY:** Merci, monsieur le President. Earlier today I spoke of the apparent failure of the Department of Lands to respond to questions around contaminated lands adjacent to the Con Mine, namely lot 33C, group 964, plan 553, otherwise known as the Imperial Oil Tank Farm. Can the Minister of Lands tell this House who is responsible for remediation of that property, and when will it happen? Mahsi, Mr. Speaker.

**MR. SPEAKER:** Masi. Minister of Lands.

**HON. LOUIS SEBERT:** Mr. Speaker, Lands has really no role in this issue. As these are privately owned lands, they are under private fee simple title, I understand. I would expect that the owners of those lands are responsible for the remediation. Thank you, Mr. Speaker.

**MR. O'REILLY:** Now that we've got that clear, can the Minister of Lands indicate what is the general regime for remediation of contaminated sites that are on privately owned lands in the Northwest Territories?

**HON. LOUIS SEBERT:** I understand, with respect to situations in which there are water licenses, it's ENR's responsibility to inspect. The terms and conditions are set by the various boards and ENR then inspects to ensure compliance.

**MR. O'REILLY:** Well, I can assure the Minister that this site does not have a water license. There's no land use permit for this site. It's privately owned lands. I'd like to know who is actually responsible for cleaning it up and what our general regime is. But two and a half years after devolution, I'm not aware of any specific changes to policy, regulations, or laws to ensure that we have a proper system in place for preventing and managing contaminated sites. When can we expect to have a proper system in place?

**HON. LOUIS SEBERT:** In the situation described by the Member opposite, I think it would be the responsibility of the private owner to remediate. However, I do understand that this is a very important issue arising out of our mandate, in which we stated to develop an integrated, comprehensive approach to the management of contaminated sites, including prioritizing, sharing of responsibilities in collaboration with other governments, monitoring any sound financial security system to prevent public liability. So this is a live issue with this government and with this Cabinet, and I understand that currently ENR and Lands are working together to develop a policy.

**MR. SPEAKER:** Masi. Oral questions. Member for Frame Lake.

**MR. O'REILLY:** Mahsi, Mr. Speaker. I appreciate the response from the Minister, but I continue to make these Member's statements, raise questions around where is our system, and I just keep hearing these same sorts of answers. So I hope I'm not going to be here two years from now, asking the same questions over and over again. I keep giving the other side of the House some hints about some ways to look at how to improve our current system, but there doesn't seem to be much uptake.

In my Member's statement, I mentioned the Institutional Control Program in Saskatchewan, where mining sites are returned to the Crown with appropriate payments into two funds to cover

monitoring and maintenance costs and then unforeseen events. Can the Minister tell this House whether his department has studied this program in Saskatchewan and whether it might be applied to the Northwest Territories? Mahsi, Mr. Speaker.

**HON. LOUIS SEBERT:** Mr. Speaker, I only became aware of this program very recently. I have no idea whether the department has had the opportunity to look into this program, which may be a model that we should follow. As I mentioned in my response to an earlier question, this is a very important issue that is important to this Cabinet and this government, as brought out in the mandate. So certainly we will look at that model, amongst others. Thank you, Mr. Speaker.