

The Sustainable Development Commissioner, Mr. Paul Lanoie, issues the conclusions of his performance audit concerning contaminated land rehabilitation – Press Release no. 3

Québec, May 31, 2017 – Today, Ms. Guylaine Leclerc makes public the Spring 2017 Volume. In **Chapter 3**, the Sustainable Development Commissioner, Mr. Paul Lanoie, makes known the results of his audit concerning contaminated land rehabilitation carried out at the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC).

The MDDELCC is late in proposing the necessary regulatory amendments and making the appropriate corrections to guidance documents. The Department monitors advances in knowledge and good practices. However, regulations and guidance documents relating to contaminated land rehabilitation are not always up to date with the Department's current knowledge.

The measures taken are not sufficient to ensure land's characterization within the time prescribed upon the permanent cessation of an activity designated by regulation. However, it is based on the results of this characterization that the Department will know whether the person responsible for a site must rehabilitate it.

Once the characterization study is received, the analysis and control mechanisms implemented by the MDDELCC are not consistent and do not make it possible to ensure that the land rehabilitation process is conducted in accordance with regulations. In particular, delays have been observed in applying for registration of contamination notices in the land register, carrying out rehabilitation work and transmitting experts' certificates on this work to the Department.

The Department does not properly manage the expert certificate mechanism. Yet, the network of experts created under the *Environment Quality Act* is an important resource that ensures the quality of the contaminated land rehabilitation process. Furthermore, for two thirds of the certificates we examined, the expert certified the compliance of their own work. There are therefore conflicts of interest that raise doubts about the conclusions of these certificates.

For the cases that do not meet the requirements of the *Environment Quality Act* that we noted in the examined files, the Department has submitted few notices of non-compliance and has not imposed any monetary administrative penalties.

The Highlights are available at www.vgq.qc.ca. The full report and a video summarizing the audit are available only in French.