



House of Commons  
CANADA

## Standing Committee on Fisheries and Oceans

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FOPO • NUMBER 034 • 1st SESSION • 39th PARLIAMENT

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EVIDENCE

**Tuesday, January 30, 2007**

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**Chair**

Mr. Gerald Keddy

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Tuesday, January 30, 2007

•(1110)

[English]

**The Chair (Mr. Gerald Keddy (South Shore—St. Margaret's, CPC)):** Order. We do have quorum.

Pursuant to Standing Order 108(2), for the study of Bennett Environmental Inc. incinerator in Belledune, New Brunswick, I welcome our witnesses here.

Just before we go to our witnesses, I'd like to welcome everyone back from their break. I'm sure they're rested and invigorated and ready to start again. I certainly welcome back as well our research people, our clerk, and everyone else who assists us to do our job.

I will report, before we hear our first witness, that although Mr. McSweeney and the Belledune group sent their information in ahead of time and it went to translation, it didn't get translated, so we apologize for that.

There is a video, and translation will be provided for the video.

I'd like to welcome Mr. Michael McSweeney, vice-president of environmental affairs and public affairs for Bennett Environmental Inc., and Flavio Campagnaro, engineer, with the same group.

Welcome, gentlemen. Please proceed.

**Mr. Michael McSweeney (Vice-President, Environmental Affairs and Public Affairs, Bennett Environmental Inc.):** Thank you very much, Mr. Chairman and committee members.

I'd like to thank the committee for providing us with an opportunity to make a presentation today on Bennett Environmental and its facility in Belledune, New Brunswick.

I'll begin with a brief description of our company and the process it followed in New Brunswick, and then I have a short video to show you so that you can see firsthand the size, scope, science, and technology of this facility.

Bennett Environmental is a publicly traded company on the TSX and has four facilities: Kirkland Lake, Ontario; Cornwall, Ontario; Saint-Ambroise, Quebec; and Belledune, New Brunswick.

Two of our facilities use high-temperature thermal oxidation. Many people don't know what this term means and they immediately jump to visions of incinerators with fire and brimstone that they've seen on TV, or if you happen to have lived in a city that has some of those old municipal incinerators. But let me explain to you clearly that Bennett uses high-temperature thermal oxidation to remove dangerous contaminants from soils, and we destroy these contaminants with a subsequent thermal action.

As I mentioned, the term “incineration” always conjures up fire, but you all know that in a forest fire, soil doesn't burn. Grasses burn, trees burn, structures burn, but soils don't burn. So when we treat the soil, we don't burn the soil. We heat it to high temperatures so we can break down and oxidize the harmful contaminants within the soil.

We have a long track record operating these high-temperature oxidizers, having operated our facility in Saint-Ambroise, Quebec, for the past 10 years. The facility remediates contaminated soils created by industry and governments alike. Organic contaminants such as petroleum hydrocarbons, PCBs, dioxins, furans, pesticides, PAHs, wood preservatives, and creosote are all contaminants that we can treat. We use what the U.S. EPA has called the “best demonstrated available technology”.

In addition, our plant in Saint-Ambroise chose to be audited by a third party, and subsequently achieved registration to the international environmental management standard, ISO 14000, the world's leading environmental standard and accreditation.

Our facility in Saint-Ambroise has successfully completed big and little projects—many projects for the Canadian government; the U.S. EPA; the U.S. Centers for Disease Control and Prevention; the U.S. Army Corps of Engineers; and large corporations in Canada such as Dufferin Construction Company and General Electric Canada. We've even destroyed controlled substances for the RCMP and dangerous chemical components of crystal meth production.

Let me assure you, given the fact that there are only a few facilities licensed in Canada that can remediate these types of contaminants and substances, our Saint-Ambroise facility is under extremely high scrutiny in the province of Quebec with all stakeholders. Each and every year, the Quebec Ministry of Sustainable Development, Environment and Parks audits the facility to ensure that it complies with Quebec's rigorous environmental laws, and each and every year we get better and better at what we do.

Bennett's Belledune facility is the latest generation facility, and as such includes state-of-the-art emission controls, continuous equipment monitoring and automation, and the latest generation in continuous emission measurement right at the emission stack. We monitor carbon monoxide, total hydrocarbons, HCl, sulphur dioxide, nitrogen oxides, arsenic, and other contaminants.

In order to ensure that there are no fugitive emissions from contaminated soil being released into the atmosphere, all material is handled inside a building and under negative pressure. In order to ensure that no contaminants enter the local groundwater, the facility has a liner built under the building. We are state-of-the-art. In fact, we have spent \$12 million alone on the emissions control system.

As for the history of the project, it began in 2002. Working with the New Brunswick Department of Environment, Bennett began to follow a thorough regulatory process in order to properly obtain all its permits.

Briefly, the process started with an application for determination to the Department of the Environment and Local Government, as it was called at the time, in compliance with that province's environmental impact assessment regulation.

Following a thorough review of the project, the Department of the Environment approved the project under its EIA regulation. The provincial minister's determination to allow the project to proceed included 24 substantive conditions that we had to meet before we got a permit to construct the facility. Those requirements or conditions included completion of an air dispersion modelling study and a human health risk assessment, along with several other studies.

As part of this rigorous process, the information on Bennett was sent to various federal departments that were part of the province's new review committee, including the Department of Fisheries and Oceans and the Department of the Environment. Subsequently, and following substantive public pressure, the federal departments of Environment, Fisheries and Oceans, Health, and Indian Affairs and Northern Development undertook an intensive review of the documentation that was generated for this project as part of the provincial environmental impact assessment. That was done to determine whether or not the federal Minister of the Environment should refer the Belledune facility to the review panel under CEAA.

Each of these departments spent time reviewing Bennett's application to determine the potential environmental impacts of the proposed facility, and whether there were any triggers under CEAA that would automatically put this application into federal environmental assessment. The federal departments, after consultations and much study, determined that the Belledune project would have negligible impact on the environment, and therefore a federal environmental assessment was not required.

Notwithstanding this determination by the federal government, and at a cost of well over \$1 million, Bennett Environmental undertook a number of other studies that, when we consider them in their totality, largely replicated the studies that might have been required under a federal environmental assessment. The studies included a human health risk assessment and an air dispersion modelling study. We did everything we could to remain within the constraints of both the New Brunswick and the federal government regulation.

If I leave you with one thought today, it is to ask you to remember that facilities such as Bennett Environmental are remediation facilities. We are part of the solution to cleaning up man-made problems. We are not a problem. Our facilities take contaminants that are currently in the environment, contaminants that are currently

at risk to men, women, and children in the air and water they consume; we take those soils, safely handle them, and permanently destroy the organic contaminants.

Finally, there are a number of issues I'd like to clarify after having read the notes of a previous witness you heard from in November. In my opinion there were very many errors, but because of time constraints I will only focus on a few. I read with interest that you were told that over three tonnes of PCBs and over ten tonnes of chlorinated hydrocarbons could be allowed to be treated in Belledune. I can assure you that these numbers were generated only as a scare tactic, and are indeed very misleading.

The truth of the matter is that Belledune facility's draft permit to operate limits it to treating soils with PCB concentrations of up to 33 parts per million. At first blush, some of you may think this is high, but I'd like to draw to your attention what the Canadian environmental quality guidelines suggest as acceptable limits for PCBs in commercial soils and industrial sites: 33 parts per million. In other words, the guidelines that the Government of Canada has adopted imply that it is acceptable to build an office building or a grocery store on soil contaminated with 33 parts per million of PCB. That, ladies and gentlemen, is a fact today.

Additionally, PCB material up to 50 parts per million is acceptable to be put in a landfill today. In other words, soil with 50 parts per million—that's 17 parts per million more than I'm allowed to treat—can simply be put in a dump, a dump that doesn't have any emission control systems to deal with PCB emissions that may be dispersed by the wind as the soil is unloaded and moved around.

•(1115)

I ask you to imagine the potential impacts of this soil being dumped on a regular basis, not far from a river, not far from a stream, not far from the ocean, and I'd like you to compare this to the extensive fugitive emission controls and monitoring systems that our company has spent \$12 million on in Belledune. I ask you to draw your own conclusions to the fact that you can legally dispose of higher PCB concentrations than I'm allowed to treat in a dump.

Now let me get back to the comments the other witnesses made about us taking 3,000 tonnes of PCBs. Let me tell you, in order for that to happen, each and every tonne of soil we would procure would have to contain 33 parts per million of PCBs—theoretically achievable, but highly improbable.

Another thing I'd like you to know is that it would be ludicrous for us to chase this kind of soil, because you can put in a landfill PCBs that are contaminated with 50 parts per million. Landfills charge \$30 a tonne. Our process charges 15 to 20 times more than \$30 a tonne, so you're not going to see me and our sales team out there chasing around soils that have 33 parts per million of PCB contamination.

With regard to dioxins and furans and the contentions made about our facility in Saint-Ambroise, that we were the source of dioxins and furans in the environment, this is simply and demonstrably not true: lies, lies, and more lies. Monitoring of dioxins and furans in the air and soil around the facility demonstrates that our facility in Saint-Ambroise is not adversely affecting the area and not polluting it with dioxins and furans. In our effort to be among the best environmental citizens and to differentiate ourselves from our competitors, in December 2005 we voluntarily agreed to dioxin and furan limits in Quebec of 60 femtograms TEQ per cubic metre. Just so you know, your own criteria, the federal government's criteria, for dioxins and furans is 5,000 femtograms. We agreed to be below 60 femtograms. Your own criteria is 5,000 femtograms. Our system is 80 times more stringent.

In order for you to have a good understanding of what this means, I'd like to use an analogy of a grain of salt. If dioxin and furan emissions were compared to a grain of salt, your Canada-wide standard would permit stack emissions of six grains of salt a week, or 280 grains of salt a year. We do better than that. We are less than one grain of salt a week, or less than 52 grains of salt a year.

Continuous air monitoring around the facility demonstrates that the Saint-Ambroise facility meets this extremely stringent voluntary criterion. We are the only plant in Quebec that has voluntarily signed on to this standard. As a result of our technology and experience and track record, we are one of the only facilities in the world that has the proven capability to safely and effectively treat soil contaminated with dioxins and furans. Because of this fact, in January 2006 the Quebec Ministry of Sustainable Development, Environment and Parks gave us an upgrade to our permit to treat soils contaminated with dioxins and furans. The contamination can be unlimited dioxin and furan in the soil.

With regard to any potential impact that we would have in Belledune, I want to point out that the facility is located more than a kilometre and a half away from Baie-des-Chaleurs. All of our emissions dispersion models demonstrate that we would have negligible impact on land. Again, I want to stress that emissions from the facility are required to meet extremely stringent criteria established by federal and provincial governments.

As I wrap up, Mr. Chair and committee members, I would like to take the opportunity to show you this quick, short video. As they say, a picture paints a thousand words. It was shot in April of this year and really does demonstrate the size and scope of our facility. It gives you a firsthand look at emission control systems that can ensure 99.9999% destruction removal efficiency.

At the close of the video I would be happy to answer your questions.

- (1120)

[*Video Presentation*]

- (1125)
- (1130)

**The Chair:** Thank you very much, gentlemen.

We'll move along to our first questioner.

Mr. MacAulay, welcome back.

**Hon. Lawrence MacAulay (Cardigan, Lib.):** Thank you very much, Mr. Chairman, it's good to be back.

Welcome to our representatives. Thank you for coming and for giving us a good explanation.

This is what I'd like you to do. In Saint-Ambroise, Quebec, there was some difficulty and the plant was closed down. Could you elaborate on what happened there and that these problems are not something we would have to deal with here?

I know you're doing your very best to make everything right, but when there are environmental problems, at any time, it's serious. In this day and age, it is a very important issue and should be a very important issue. The committee and Canadians want to hear your view of what happened there and why it won't happen here.

**Mr. Michael McSweeney:** Thank you.

The plant was never closed down in Quebec. That, again, is a misstatement.

About two and a half years ago, the Quebec environment minister gave notice of a pre-order that he would issue after study, if the study determined there was a problem with dioxins and furans. Once the study was undertaken, it was determined that it was not our facility in Saint-Ambroise that was polluting the environment but a neighbour, a wood-treating facility. They were drying wood in a kiln, and that facility produced the dioxins and furans. It was located right next door.

We spent a year and an awful lot of money working with the Ministry of Environment in Quebec and with the community in order to demonstrate that it was not Récupère Sol in Saint-Ambroise but was in fact the neighbour that was polluting.

The minister then withdrew the pre-order in December 2005. The order was never issued because it was determined that we were not the culprits.

**Hon. Lawrence MacAulay:** Thank you very much.

I think it's important, and I'm sure you appreciate the question, because you want to....

Was the plant that caused the problem shut down?

**Mr. Michael McSweeney:** It burned to the ground and has not reopened. Unfortunately it burned to the ground. So the problem was solved.

**Hon. Lawrence MacAulay:** Okay. It's good to hear that the issue—

**Mr. Michael McSweeney:** I can tell you, Mr. MacAulay, that the ambient air around our plant has lower dioxins and furans in the air than does the town of Saint-Ambroise, one and a half kilometres away. We are in the industrial region in the Saguenay. Alcan operates four or five smelters within 20 miles. I can't say who is responsible for the high dioxins and furans in the town of Saint-Ambroise, but it's lower at our plant than it is in the town.

**Hon. Lawrence MacAulay:** So if there's one thing you're telling us, it's that it's not you.

**Mr. Michael McSweeney:** It's not us.

**Hon. Lawrence MacAulay:** Thank you very much.

**The Chair:** Mr. Simms.

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Wind-  
sor, Lib.):** Here's a good question: who audits this? You put out a lot of numbers on the parts per million and that sort of thing. Does the provincial government in New Brunswick audit what you do on a fairly regular basis?

**Mr. Michael McSweeney:** In Quebec and in Belledune and at our facilities in Ontario, the permits of operation require you to have compliance audits every year.

**Mr. Scott Simms:** Once a year.

**Mr. Michael McSweeney:** Once a year there's a compliance audit, where they actually come out. But all of the emissions are monitored 24 hours a day, 7 days a week, 365 days of the year. Every year the government requires you to undergo a third-party compliance audit.

We hire many different engineering firms. In Belledune we've hired Jacques Whitford, because they're the pre-eminent engineering firm in Atlantic Canada. In Quebec we have somebody else. In Ontario we use Conestoga-Rovers.

So they come out and conduct the compliance test, witnessed by officials from the Ministry of the Environment in Quebec or wherever our facility is, and then they compile the results. The results are then sent to the ministry and checked against the permit to ensure that you are actually doing what the permit says you can do.

• (1135)

**Mr. Scott Simms:** Was this private third party able to ascertain where the flume was coming from, or that the contaminants were coming from the property next door?

**Mr. Michael McSweeney:** Yes.

**Mr. Scott Simms:** And they definitively said that in their study?

**Mr. Michael McSweeney:** I'm pretty sure, yes.

**Mr. Scott Simms:** Yes you're sure.

**Mr. Michael McSweeney:** I am fairly confident, yes.

**Mr. Scott Simms:** Okay. Thank you.

**The Chair:** Any further questions?

*Monsieur Blais, s'il vous plaît.*

[Translation]

**Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ):** Thank you very much.

Good day, gentleman. I have a number of questions and comments for you. I represent the Gaspé region and the Magdalen Islands. I'm originally from Port-Daniel, a community located close to Chaleur Bay. If memory serves me well, in August 2003, I signed a petition calling on the federal government to conduct an independent environmental assessment in connection with the planned facilities at Belledune, New Brunswick. Unfortunately, I did not receive any kind of response from you, either in my capacity as a politician or as a member of the general public.

I'm quite prepared to place my trust in you, but I cannot do so fully, and that's totally natural. To begin with, you are businessmen. You develop contaminated sites and you plan to develop additional

sites down the road, which could have an impact on the environment. Given that this is the Fisheries Committee, I'm especially concerned about marine resources in Chaleur Bay.

You haven't reassured me enough. You sponsored the study submitted for analysis. I'd like to see an independent study done. I'm speaking for concerning members of the public in the Quebec and New Brunswick communities along Chaleur Bay. If everything that you have said thus far was the gospel truth, then no one would be concerned. Unfortunately, people are concerned.

In the past, other companies have claimed to be part of the solution, not part of the problem. We could give you examples of proposed solutions that ultimately created public health and environmental problems. In this case, we have marine resources to consider as well.

For that reason, I have to ask why you are opposed to an independent environmental assessment, one worthy of its name?

[English]

**Mr. Michael McSweeney:** I've only been with the company for two years, and I can tell members that everybody who was there in the past is gone, except for Flavio Campagnaro; he's been there for eight or nine years. We have a completely new management team. So I can't answer for the people in the past, but I would have to say that it was the federal government recommendation that this should not have a full environmental impact assessment.

It really is up to the Government of Canada to request an environmental assessment, and the Government of Canada said no to an environmental impact assessment. The minister at the time, Mr. Anderson, chose to disregard his own colleagues and ordered an environmental impact assessment. The court overturned the minister and said, no, there would not be an environmental impact. Then the new minister, Mr. Dion, challenged, and appealed the decision of the court, and the Federal Court of Canada said no environmental assessment.

So gentlemen, it's not up to me, it is up to the government to say that you will have an environmental assessment. If the government doesn't say it, then it won't happen. And it was not required.

• (1140)

[Translation]

**Mr. Raynald Blais:** Mr. McSweeney, I'd like to speak the truth and nothing but the truth.

The request to set up an environmental commission came late, in my estimation. That's how the judge ruled. This initiative is no longer in the project stage, it has become a reality. The request needed to be submitted earlier.

As far as substance is concerned, we didn't find an answer. However, a request was submitted by the then minister. It arrived several days before the elections. That's also a fact. Mindful that this was a very important issue in the Gaspé region, the announcement came only several days before the elections. It could have come six months, or even a year earlier, but it didn't. The truth needs to be stated. You weren't there, but I was, and I can attest to these facts.

Given the potential impact on the environment in general and on marine resources, I wonder if you would be open to an independent environmental assessment.

[English]

**Mr. Michael McSweeney:** Just to set the record straight as well, I want to point out that construction of the building really didn't start until very late in the winter of 2003. So there was ample time for the federal Minister of the Environment to call for an environmental impact assessment.

Perhaps the federal Minister of the Environment at the time dragged his feet. I don't know why he did not call. By the time he called for it, the building was substantially complete—not our fault. If the minister dragged his feet and did not call for an environmental impact assessment, that is not the fault of a Canadian taxpayer.

[Translation]

**Mr. Raynald Blais:** I'm not asking you to answer for the minister. I'm asking you to respond to this simple question as a representative of Bennett Environmental Inc. Are you in favour of an independent environmental assessment? Yes or no?

[English]

**Mr. Michael McSweeney:** At this point in time I would say no, because with all of the information we've gathered, all of the studies we've done, and the millions of dollars we've spent, this project has been overstudied. We have met every regulation.

At this point in time I would say it is highly inappropriate to have an environmental impact assessment on a \$33-million building that is up and ready to start to work.

**The Chair:** Thank you, Monsieur Blais.

[Translation]

**Mr. Raynald Blais:** I'll come back to this question later. I'm not about to give up.

[English]

**The Chair:** You'll be back.

Mr. Stoffer.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Chairman, thank you.

Thank you to our witnesses for appearing today.

I've heard other companies in the past say that they meet provincial and federal regulations, but in a lot of people's eyes that's not necessarily something to hang your hat on, because many of us don't think that provincial and federal regulations are strong enough or stringent enough. I know that my colleague Yvon Godin had raised concerns about this, as one of the representatives out there. I know a fair number of people were opposed, on both sides of the Baie-des-Chaleurs, on this issue.

I've always indicated that if everything you've said—you're a very good representative of your company, and I give you credit for that—is absolutely bang-on...and I'm not a scientist or a regulator in any way. I can't really say you're wrong or you're right. But to allay the fears of the people in the surrounding area—ignore what the federal government says about whether it requires a federal

assessment or it doesn't—why wouldn't the company or you say today to the people, “Look, we know that technically we don't have to have a federal independent assessment, but to allay the fears of people in the surrounding communities, we will go ahead and do one?” Why wouldn't you do that to put to rest the fears?

Most people don't trust government. Most people don't trust big business. But they will trust information if it comes from an independent, non-biased third party. As my colleague Mr. Blais said, why wouldn't your company ask to do just that?

● (1145)

**Mr. Michael McSweeney:** You know, Mr. Stoffer, I would like to say we've done it. We've done it according to the New Brunswick Department of Environment, and we have followed their environmental impact assessment criteria. We have studied. We've paid close to \$2 million for studies by an independent third party, by Jacques Whitford, and by other consultants. It's been done.

You're right, people think that the standards government puts in place are not strict enough. That's why I wanted to make the point to you today that with respect to the standards that the federal government has, we are 80 times better than the minimum standards that the federal government—that you, representing the people of Canada—has set.

You are the regulator. If you don't like the standards, set new standards. We will meet them. We're meeting them voluntarily, 80 times better than what you say today. I can't do any more than 80 times better.

**Mr. Peter Stoffer:** You've just indicated that you've met the provincial assessment standards?

**Mr. Michael McSweeney:** Canada-wide, the Canadian Council of Ministers of the Environment, and the Canada-wide emissions standards; we are 80 times better than the Canada-wide emissions standards.

**Mr. Peter Stoffer:** Okay.

The other thing is that we just recently in Cape Breton announced a project for the tar ponds. Is the technology that you have in your Belledune plant capable of dealing with the tar ponds issue, or is that a different thing altogether?

**Mr. Michael McSweeney:** I was very fortunate this morning to fly up from Toronto with Elizabeth May, for whom I have a great deal of respect and with whom I worked very closely in the eighties. I'm just devastated for the people of Cape Breton. I would like to quote Elizabeth May that...when she says the latest proposal to sprinkle fairy dust or cement on top of the tar ponds means they're going to rely on unproven technology that poses a risk to the public's health: “Even if it works, we're building a concrete sarcophagus in the middle of Sydney that will forever hold the risk of leeching toxic waste. It's not a cleanup, it's a cover-up.”

I agree with Elizabeth May. I can tell you that there are so many hot spots of PCBs in the Sydney tar ponds that...

You cannot put PCBs in a landfill if they have more than 50 parts per million. There are spots that have 1,000 ppm of PCBs in the tar ponds, yet Environment Canada came in and dodged, and weaved, and could never really answer the question, but told the full panel review that they thought they could sprinkle cement over the tar ponds and create a sarcophagus.

I think what's happening down there is very short-sighted. To think that we've spent probably almost a billion dollars in 25 years....

I started working for a Nova Scotian MP in 1980, and this was on the agenda in 1980.

**Mr. Peter Stoffer:** Did your company deal with it, though?

**Mr. Michael McSweeney:** Absolutely. We were down there. I made a presentation. I've worked very closely for the last four years with the Sydney Tar Ponds Agency. I met with the deputy premier and minister of public works in Nova Scotia.

I mean, this is a problem. Why are we turning the middle of Sydney, Nova Scotia, into a permanent concrete dump when we could open that up and make it a natural harbour again? Somebody said to me yesterday, there's lots of water down there. Where there's no vision, the people perish. We should be thinking of a thousand years from now and not thinking so short-sightedly and building a dump. You couldn't do it in Sarnia; you can't do it at Horizon's landfill in the Trois-Rivières region. Why are we going to allow it to happen in Nova Scotia?

• (1150)

**The Chair:** Mr. Stoffer, that took the remainder of your time.

I think the discussion today is about Belledune. If we'd like to discuss the Sydney tar ponds at another date, I'm sure the committee could agree to do that.

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** Is there going to be time, though?

**The Chair:** You know what? We have lots of time to ask questions.

Mr. Stoffer, very quickly.

**Mr. Peter Stoffer:** I have a point of order, Mr. Chair.

I just want to be clear on the technology they have for treating the soils. Can it also relate to something as watery as, for example, the tar ponds? I just want to have that information, that's all.

**Mr. Michael McSweeney:** I'll send you an e-mail.

**Mr. Peter Stoffer:** Thank you.

**The Chair:** I'm not going to comment on that, because it's really a comment for another day.

Our next questioner is Mr. Kamp.

**Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC):** Thank you, Mr. Chair.

Thank you, gentlemen, for appearing. I too wouldn't mind a comment or two on the tar ponds, but I will resist the temptation.

You said you had plants in addition to the one in Quebec and to the proposed one that's built but not operating in New Brunswick, and in Ontario as well. Is it the same technology in Ontario?

**Mr. Michael McSweeney:** The one in Cornwall, Ontario, is the same technology.

**Mr. Randy Kamp:** What sort of issues have you had in Cornwall with respect to its environmental record, etc.?

**Mr. Michael McSweeney:** Very few issues. We've owned that plant for close to five years now. We just had Conestoga-Rovers in as a consultant to do a third-party assessment and a five-year review for the Ministry of the Environment in Ontario, and there were absolutely no issues with that plant there. And that's a plant that doesn't handle soil, it handles debris—capacitors, ballasts, transformers.

**Mr. Randy Kamp:** Same technology, though?

**Mr. Michael McSweeney:** It's the same technology. It's a furnace, a car-bottom furnace, as they call it there, not a rotary kiln.

**Mr. Randy Kamp:** Is it the fact that you're handling soil in the New Brunswick plant that does concern people...that don't concern people in Cornwall?

**Mr. Michael McSweeney:** Well, I think when you look at it, Mr. Kamp, there are only three incinerators in Canada that handle this, one in Alberta at Swan Hills, owned by the Government of Alberta, but managed by Earth Tech; and our two facilities. That's it for hazardous waste material.

Whenever you say "incinerator", it scares people. I think it will be a very long time before we see incinerators being permitted again—unless you see energy from waste incinerators, which some of the municipalities are looking at.

**Mr. Randy Kamp:** I think one of the fears related to this committee on the part of the witnesses is that you've got this smokestack, stuff goes up the smokestack and is going to come down in the water, and, due to the geography of the bay and so on, we're going to make a bad situation worse.

Your company had nothing to do with the smelter, I assume?

**Mr. Michael McSweeney:** Or the power plant.

**Mr. Randy Kamp:** Yes. So how do you respond to that?

**Mr. Michael McSweeney:** In our studies undertaken there, we looked at the maximum point of impingement. The maximum point of impingement is on the land, and it was negligible. The impact was negligible.

We also studied the wetlands area and the Belledune River, which would feed the bay. We took a worst-case scenario and modelled it there, in the middle of the wetlands, and found that it was negligible. That would have been based on a farmer or an aboriginal or a tourist catching a rainbow trout and eating the trout: what would the risk be? That's the level of detail we got down to studying, and the results were negligible, non-detectable.

**The Chair:** Go ahead, Mr. Lunney.

**Mr. James Lunney (Nanaimo—Alberni, CPC):** Thank you, Mr. Chair.

It's a very interesting discussion today. Thank you for your presentation, Mr. McSweeney.

My background is zoology and chemistry going back a number of years ago, back to my university days. I know this about furans and PCBs, that as organic compounds they are very resistant to breaking down in the environment under normal environmental conditions. But we know that what will break them down is high temperature. I think the problem you have, whether it's in Belledune or also, in discussions that other people want to mention, related to the tar ponds, is that the people themselves are intrinsically suspicious. They're confusing solutions with problems, because you're dealing with the same terrible names of compounds there that nobody really wants in their neighbourhood. So we've got NIMBY going on in a big way.

In fact, and maybe Mr. Cuzner would correct us on this as he gets an opportunity in a moment to respond, it seems to me that the people in Sydney did not want to hear about incineration or burning I think because of this intrinsic mistrust of what in the past created some of the problems. So we have a huge public relations problem for a company like yours that is trying to present a solution when it involves incineration. Somehow we need to come up with another word or concept to help people get past this, because there is such resistance with the public to hearing the word "incineration", which everybody regards as bad.

Frankly, looking at what's going on around the world, you mentioned just a moment ago something to do with incineration in response to Mr. Kamp's question about whether it's a waste incinerator. All over the world, particularly in Europe, there are high-tech solutions to garbage problems. There's a big problem for us now too in just accumulating household garbage and so on. It seems to me that high-temperature oxidizers, if we want to use another word, is the way to deal with landfill problems and getting rid of things that are toxic. These new smokestacks are able to eliminate all the toxic elements that people are concerned about, and recycle them into the things that are harmless.

But we have a huge relations problem in trying to help people understand these technologies. It seems to me there probably is a way the government can help, but of course we're accused then of being in collaboration with you.

Mr. McSweeney, you're a big business guy here; we've seen you come in with your biceps. There's a public relations problem for government, too, if we're seen to be supporting industry with something that people mistrust. So we have to find a way to deal with this.

Our former environment critic, Bob Mills, is a big fan. He's been to Europe and he's been to Vienna, and he's been to these places planted right in the middle of cities with these high-tech oxidizers, high-temperature processing of waste materials. It's just a concept that in Canada I guess we're a little slower to embrace. I'm not sure how we can help you with that.

Personally, in response to Mr. Stoffer's question about why wouldn't you be in favour of a study if you spent \$1 million, going on \$2 million, to satisfy our own standards. There are some people who, with their current understanding, would not be satisfied no matter what you do, no matter who provides the money, it seems. I don't know how we're going to get there, but we need to work

together somehow to overcome these problems. Maybe I'll just leave that as a comment.

I could ask you this question, though, on something that's not clear to me. I heard that the plant was delayed and so on. When your plant was constructed in 2003, when did the plant actually become operational?

• (1155)

**Mr. Michael McSweeney:** We finished our compliance test this past April 2006 and sent the results of the compliance test to the ministry at the end of June. The results are still with the environment minister in New Brunswick. I guess my predecessors at Bennett, if they didn't like the way government was doing things, would go sit on the doorstep of the minister and pound their fist and yell and scream. I'm not that kind of person. They had a change of government in New Brunswick. I'm letting the new minister, who also comes from the Belledune area, take time to assess the situation and then he'll make his pronouncement.

But I can tell you that we have done all the studies that would be required under environmental assessment. I can tell you that there are very few people opposed to this facility in New Brunswick. This past October I sat through 13 days of public hearings on the Belledune building permit for this facility. There were 13 days of public hearings that cost us over \$250,000 and 10 people showed up. In Belledune, New Brunswick, and the four municipalities that form the Baie-des-Chaleurs, they have written a letter imploring the Premier of New Brunswick to get this facility working.

As you said, Mr. Lunney, there will always be people who are afraid. There will always be the naysayers. But by and large, when you sit through a 13-day hearing and only 10 people show up—not the mayor, not the MLA, not the city councillors, not the deputy mayor, only 10 rank and file citizens—and then you have the political leadership in the municipality imploring the premier to get this process moving, that's the state of where we are today in Belledune, New Brunswick.

• (1200)

**Mr. James Lunney:** For clarification, then, the video implied that the plant is operational now, but you're saying the plant is not yet operating.

**Mr. Michael McSweeney:** No, we are waiting to get our operating permit.

**Mr. James Lunney:** So the trucks dumping and conveyor belts going in the video, that's Saint-Ambroise?

**Mr. Michael McSweeney:** No, that's Belledune. We shot that video during the compliance test this April.

**Mr. James Lunney:** Okay. Thank you.

**The Chair:** Thank you, Mr. Lunney.

Gentlemen, we are out of time. I would like to allow one more round of questions for each party, for two minutes. I'm going to be very strict about the time.

Before we do that, I have a question.

I hesitate...and I know that Mr. Cuzner is going to mention some of the challenges of the Sydney tar ponds. But as Mr. Lunney has already mentioned, the great difficulty is that something needed to be done there. Probably the alternative to incinerate wasn't an option. The people of Sydney very clearly said that. And if we know one thing as politicians, it's that we have to listen to public opinion.

My question for you, Mr. McSweeney, is this. You stated to Mr. Stoffer that you could burn the PCBs out of the Sydney tar ponds. I assume you meant that the technology is out there, you didn't mean the Belledune incinerator. If you're restricted to 30 parts per million of PCBs, and there are 1,000 parts per million of PCBs in the tar ponds, how could you do that?

**Mr. Michael McSweeney:** We would have been delighted to undertake that project. You have to look at—

**The Chair:** My question is not about the tar ponds. I'm asking how you can go over 30 parts per million.

**Mr. Michael McSweeney:** You have to look at the tar ponds and see where the hot spots are. When you dig the material out of the tar ponds and put it on land, it does get diluted. When it gets diluted when you're digging it, and you put it through a filter press, then it could have been shipped to Belledune.

**The Chair:** I think that raises a very important point, and that's where my question was headed to begin with. I really think we need a straight answer.

In Belledune, if you're restricted to 30 parts per million, is there any ability for corporations or companies that want to get rid of this restricted material to blend their material before it goes to you? They could actually take material that had 1,000 parts per million of PCBs in it, dilute it down with other soil, and then bring it to your facility.

**Mr. Michael McSweeney:** The basic rule in Canada is that you cannot dilute, but when you're digging—

**The Chair:** Where's the restriction? Is it federal government? Is it Environment Canada?

**Mr. Michael McSweeney:** I think it's federal government.

When you dig, you're naturally diluting.

**The Chair:** I understand that.

**Mr. Michael McSweeney:** If you're naturally diluting, I think that's okay, but you cannot take a tonne of clean soil and mix it with a tonne of contaminated soil. It is against the regulations.

**The Chair:** Thank you. That was the clarification I was looking for.

Mr. Cuzner, for two minutes.

**Mr. Rodger Cuzner:** My comments will be brief.

Really, all I want to do is reassure you, Mr. McSweeney, because you seemed to be a little concerned about the cleanup in Sydney. You talk about your project being studied? You're only a piker when it comes to the Sydney tar ponds. You guys have the study starter-kit when you talk about the Sydney tar ponds. It's been studied and overstudied and gone through so many...

Know this, though: going forward with what the government announced, I thought it was a kick in the teeth that they said nothing had been done for 13 years. That community has given its soul

towards the cleanup, through the joint action group and the processes after that. They've popped their guts out, and they are very comfortable and confident with this cleanup process.

I commend the government for following the recommendations that were put forward by the full panel review that nobody else wanted. Stéphane Dion called that full panel review, it was done, and the recommendations came forward.

Now, for Elizabeth May to say that they're sprinkling fairy dust.... That's a pretty good quote from her. I think maybe *she* was sprinkled with fairy dust, because the technologies she's been putting forward have all failed.

On soil washing, there's a residue with soil washing. What are you going to do with the residue? You're going to have to burn it, and those things will be emitted into the atmosphere as well.

The people of Cape Breton are ready for this cleanup technology and for what's going forward. They're comfortable with this. Let's get on with it.

As far as the big concrete block, I've seen remediated sites before. When we look at Moncton, a fourplex arena, ball fields, and soccer fields are all over the former CN rail yard.

Sydney will come to terms with that and there will be something productive there. We're turning the page as a community. It's easy to look over the fence and say we could have done this or we could have done that. But through the process that's going forward, we'll have a great community, a big blight in the middle of our community will be cleaned up, and we'll go forward.

So I just wanted to put your mind at ease.

•(1205)

**The Chair:** I appreciate your passion, Mr. Cuzner. I did leave you a few seconds overtime.

Mr. McSweeney.

**Mr. Michael McSweeney:** I just want to make it clear that it wasn't Elizabeth May who said "sprinkle fairy dust". She did not say that. My colleague came up with that line this morning. I used that line. I read out what Elizabeth May said from the *Globe*.

I think it would be fair to say, Mr. Cuzner, there are factions in the community that would support high-temperature thermal oxidation and factions that wouldn't. At the end of the day you're not going to have ball fields or golf courses, because you cannot do that with the solution that has been put forward. It'll be fenced off and that's it.

**The Chair:** Thank you, Mr. McSweeney.

Monsieur Blais on Belledune, please.

[*Translation*]

**Mr. Raynald Blais:** I'm always asking questions about Belledune, but that's quite alright with me.

Is it in fact true that the Canada Pension Plan purchased one million dollars worth of Bennett Environmental shares in Belledune at a cost of \$24 per share in early 2001-2002? True or false?

[*English*]

**Mr. Michael McSweeney:** I have no idea.

[Translation]

**Mr. Raynald Blais:** Did you in fact serve as Executive Director of the Standards Council of Canada from 1992 to 1998?

[English]

**Mr. Michael McSweeney:** Yes.

[Translation]

**Mr. Raynald Blais:** Is it true that when your company proposed the Belledune incinerator project, it also had contracts with New Jersey?

[English]

**Mr. Michael McSweeney:** I can't comment. I wasn't there.

[Translation]

**Mr. Raynald Blais:** By the way, this never came to pass, even though that's what the company claimed at the time. As our Chair so rightly stated, we represent the voters. When they are concerned, we are concerned. Therefore, I can't accept you're saying that opportunity for consultations presented themselves, but that no one came forward and that the public isn't concerned. I represent the people of the Gaspé region and I know for a fact that they have been concerned for quite some time. To alleviate some of this concern, I'm asking you again to agree to an independent environmental impact assessment. You seem to be telling us that everything is going well, that your process is the best there is and that environmental waste doesn't pose any kind of problem. If everything is as good as you claim, then why not agree to a proper study so that our many concerns can be addressed and dispelled?

[English]

**Mr. Michael McSweeney:** The plant is ready. The provincial government is considering the permit. I don't think there is a need. I can tell you that after 13 days of public hearings, 10 people showed up. The five mayors of that region have implored the Premier of New Brunswick to get this plant moving. They represent the people of Belledune, Bathurst, Petit-Rocher, and Beresford. Those are the people I'm interested in.

[Translation]

**Mr. Raynald Blais:** Mr. McSweeney, I can list all of the municipalities in the Gaspé region that asked to...

[English]

**Mr. Michael McSweeney:** Well, they were not there. They did not show themselves.

[Translation]

**Mr. Raynald Blais:** That's precisely the problem, Mr. McSweeney.

[English]

**The Chair:** We appreciate your comments, Mr. McSweeney. Thank you.

Mr. Stoffer.

**Mr. Peter Stoffer:** Thank you, Mr. Chairman.

You showed how you treat the soils there, but how do you treat your water that becomes contaminated?

**Mr. Flavio Campagnaro (Process Engineer, Bennett Environmental Inc.):** We have an on-site collection system. The entire building is drained to a common sump, and from that sump it's pumped into storage tanks. We have an on-site water treatment system with coagulants, flocculence, activated carbon, etc., that treats the water. Then it goes into treated water storage tanks. Those tanks are tested to make sure the water's clean. If it's clean we reuse that water in our process. If it's not clean, we re-treat it through the system. It's an enclosed system.

● (1210)

**Mr. Peter Stoffer:** Thank you.

**The Chair:** Thank you.

Mr. Kamp? Mr. Lunney? Mr. Manning? Last chance....

We do have another issue that we have to get to today, so I'd like to thank our witnesses for appearing today. We certainly appreciated the comments.

[Proceedings continue in camera]





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