SEM-26-003

HAZARDOUS WASTE DISPOSAL IN BLAINVILLE

COMMUNICATION ON ENFORCEMENT ISSUES

Art. 24.27(2)(a) and (b) CUSMA;

Dossier	SEM-26-003
Deposit Type	Revised submission — response to the Secretariat's decision of 3 June 2026
Date	July 16, 2026
Party concerned	CANADA
Submitter	William Tristan Logan Théo Guindon
Privacy	Consent to the disclosure of the full name (CCE decision of 3 June 2026). Personal contact details to be redacted before any publication.
Language	English
Status	A person residing in the territory of a Party (Canada) within the meaning of Art. Article 24.27 CUSMA.
Representative	None — the submitter acts autonomously.
Applicable Legislation	Fisheries Act · Species at Risk Act · Migratory Birds Convention Act, 1994 · Migratory Birds Regulations, 2022 · Canadian Environmental Protection Act, 1999 Complementary Normative Framework: Impact Assessment Act, S.C. 2019, c. 28, s. 1
Recipient	CEC Secretariat — sem@cec.org — 1001 Robert-Bourassa Boulevard, Montreal, Quebec, H3B 4L4

[CONCORDANCE LINK WITH THE APPENDIX (SUPPORTING INFORMATION - 102 PAGES)] • Appendix section (102 p.): Section 1 (GENERAL INFORMATION), subsections 1.1 to 1.3 • Exact pagination in the Appendix: pp. 5–7 • Supporting documents (Series): Main file and affidavit • Summary of the link and relevance: Complete identification of the author (minor Canadian citizen born on 2011), demonstration of direct interest in action for the protection of the wetlands of the Grande Tourbière de Blainville, confidentiality status and autonomy of legal representation.

Filed pursuant to Article 24.27 of the Canada-United States-Mexico Agreement (CUSMA)

NOTE TO THE SECRETARIAT — STRUCTURE OF THIS COMMUNICATION

In accordance with Article 3.3 of the Guidelines (2012), this submission is 15 pages long, excluding supporting information. The full analytical version — including all legal analyses, hydraulic calculations, expert opinions, data tables and documented sources — is provided as SUPPORTING INFORMATION (hereinafter "the Support", 102 pages), to which each section expressly refers. The Secretariat is respectfully invited to read the two documents together.

This translation was automatically generated by word processing software and has not been reviewed by a language professional. In the event of any discrepancy, the original signed French version shall prevail. Dated November 9, 2026.

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GENERAL NOTE OF INTERPRETATION AND GOOD FAITH

This submission is filed in good faith, in an individual capacity, in accordance with the eligibility criteria of Articles 24.27 and 24.28 of CUSMA. It presents a *prima facie sufficient* factual record that raises a serious question as to the effective enforcement of the federal environmental laws in question. The use of terms such as "omission", "failure", "release" or "contamination" qualifies as strict *allegations of fact and law* subject to objective verification by the Secretariat, and not as final findings of liability. The submitter, a minor citizen, is inherently devoid of state investigative prerogatives or access to confidential internal documents of the operator and public authorities. This submission is exclusively concerned with the procedure for establishing a factual record by the CEC Secretariat.

[CONCORDANCE LINK TO THE APPENDIX (SUPPORTING INFORMATION - 102 PAGES)] • Appendix Section (102 pp.): Introduction and Disclaimer • Accurate pagination in the Appendix: pp. 1–5 • Supporting Exhibits (Series): Main Record SEM-26-003 • Synthesis of Relationship and Relevance: Explicit compliance with Article 3.3 of the CEC Guidelines (15-page limit for revised submission) and formal articulation with the 102-page analytical record submitted jointly as Supporting Information.

1. IDENTIFICATION OF THE AUTHOR AND FORMAL CRITERIA

Formal identification criteria: All the information required relating to the submitter's identity, contact details, legal autonomy status and direct interest in bringing proceedings is fully detailed in the identification table on the first page (p. 1) of this Communication, as well as on pages 5 to 7 of the Annex (*Supporting Information*).

2. COVERED PARTY, GEOGRAPHIC CONTEXT AND CENTRAL CLAIM

2.1 Affected Party and Location of Alleged Omissions

Affected party: the Government of CANADA. Location: the Grande Tourbière de Blainville, Quebec, a wetland housing the landfill cell No. 6 of Stablex Canada Inc. ("Stablex"), a subsidiary of Republic Services and US Ecology (United States), on lot 6 695 053 of the cadastre of Quebec (Blainville). This land was expropriated from the City of Blainville by Bill 93 (S.Q. 2025, c. 7).

2.2 Central Claim

The submitter alleges that the Government of Canada is FAILING TO EFFECTIVELY ENFORCE four federal environmental statutes — the Fisheries Act (mainstream), the Species at Risk Act, the Migratory Birds Regulations and, in the alternative, CEPA 1999 — in relation to the activities of Stablex Cell No. 6, despite a converging set of documented regulatory, scientific and physical signals.

The Proposer specifies that all references to decrees, laws (in particular Bill 93) or notices of non-compliance of the Government of Quebec are submitted exclusively as a factual framework and as physical evidence demonstrating the existence of industrial activities, releases and contamination. This communication is strictly and solely concerned with the failure of the Government of CANADA to apply its own federal laws.

2.3 Impact on Trade and Investment (CUSMA Article 24.4)

The Submitter submits that the alleged omission is in a context that is crediblely connected to cross-border trade and investment, within the meaning of Art. 24.4 of CUSMA:

a) Cross-border inputs — Stablex receives hazardous materials from several Canadian provinces and the United States. According to the reported data, U.S.-origin inputs can reach a ceiling of 38.52% (in 2026) of the volume processed, accounting for approximately 50% (according to the director of Stablex, in 2025) of the company's revenue;

(b) Foreign ownership — Stablex Canada Inc. is a subsidiary of U.S.-based Republic Services Inc. and US Ecology; the operation of Cell 6 is a cross-border investment within the meaning of Chapter 14 of CUSMA;

(c) Undue competitive advantage — the alleged inadequate enforcement of federal laws relating to the discharge of deleterious substances, the protection of fish habitat and species at risk reduces the operator's environmental compliance costs, creating a competitive advantage at the expense of more stringent hazardous waste treatment facilities elsewhere in the Parties' territory;

(d) Sustained and recurrent nature — this conduct is not an isolated incident, but is part of a documented sequence (see Section 12), satisfying the criterion of "sustained or recurring inaction" in art. 24.4.

The submitter points out that at the stage of art. 24.27, the applicable threshold is not the demonstration of a contravention, but the existence of a serious question justifying a response from the Party concerned.

[CONCORDANCE LINK WITH THE APPENDIX (SUPPORTING INFORMATION - 102 PAGES)] • Appendix section (102 p.): Section 1 (GENERAL INFORMATION), subsections 1.4 and 1.5 • Exact pagination in the Appendix: pp. 7–8 • Supporting documents (Series): Series A01–A03 (Maps, cadastre of Quebec, plans of the Stablex cell 6 construction site in Blainville) • Summary of the link and relevance: Precise location of the industrial facility in Blainville, description of the highly sensitive hydrogeological context (clay soils of the Champlain Sea prone to gullying) and summary of the central allegation of federal omission.

3. FACTUAL ELEMENTS AND LACK OF APPLICATION (INSPECTION REPORT NO. 402462402) This analysis is based on the observations recorded in Inspection Report No. 402462402 (April 2025) concerning the Stablex Cell 6 project in Blainville. The facts identified identify clear disparities in the application of environmental protection measures. *3.1 Management of riparian and aquatic habitats* The inspection report documents a discrepancy in the protection of riparian buffers. While the mitigation measures provided for a 10 m protection zone for the unnamed watercourse, the inspection revealed that: The marking of this zone was not in place. Heavy machinery traffic was observed approximately 5 m from the watercourse. These facts are in contradiction with the requirements for the protection of aquatic habitats, directly increasing the risk of sediment input into the Lockhead Creek watershed. ***3.2 Measures to control invasive alien species*** *(IAS)* The report notes several points described as "non-compliant" by the inspector regarding the management of the European Common Reed (Phragmite), including: The lack of marking of areas colonized by IAS to restrict vehicle access. The failure to systematically clean machinery before leaving contaminated work areas. These observations indicate a severe deficiency in biosecurity protocols to protect adjacent wetlands, whose ecological value is recognized as high in the impact statement. ***3.3 Administrative follow-up of the non-compliance*** The analysis of the report's conclusion (Section 15) shows that despite the identification of five (5) separate breaches of the conditions of the Order: The intervention was closed with the recommendation of a simple notice of non-compliance. The reasons given to justify this closure (short length of shoreline affected, site already disturbed) contrast sharply with the recent analyses of 2026 which report cadmium concentrations exceeding the regulatory thresholds in the sector. **Summary of facts:** The examination of the file highlights persistent discrepancies between the environmental authorization conditions and actual practices in the field. The evidence collected suggests a flagrant limit in the effectiveness of the Party's monitoring and follow-up mechanisms to ensure the integrity of natural environments protected by federal fisheries and species at risk acts. \ *CONCORDANCE LINK WITH APPENDIX]* • Appendix Section: Appendix E (all exhibits in this document)

2.4 Territorial and Constitutional Framework (Two-Way Wampum) **Ancestral Stewardship:** The Great Blainville Bog is located on the traditional unceded territory of the Kanien'kehá:ka (*Tiotiahke*) Nation, the historic custodian and protector of these wetlands. **Overriding Obligation:** The original Two-Way Wampum Treaty, constitutionally protected by section 35 of the *Constitution Act, 1982*, has historical precedence and imposes a supreme fiduciary duty on Canada to preserve the environment. **Link to federal omission:** The exploitation of hazardous materials (Stablex Cell 6) in the vicinity of Kahnawake and Kanesatake violates this treaty. Canada's failure to enforce the *Fisheries Act* and the *Species at Risk Act* in this sensitive area is a direct breach of this overarching constitutional framework, which should guide the Secretariat's assessment.

3. ENVIRONMENTAL LAWS COVERED AND NORMATIVE FRAMEWORK

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Article 24.27(2) ACEUM

The five statutes invoked meet the definition of "environmental law" within the meaning of Article 24.1 of CUSMA: their primary purpose is the protection of the environment by preventing the release of polluting substances, the control of hazardous wastes, and the protection of wild fauna and flora. Article 24.4 of CUSMA prohibits sustained or recurring inaction that affects trade. At the stage of art. 24.27, the threshold is that of serious question.

The presence of provincial authorizations (Order in Council 515-2025) does not exempt Canada from its autonomous federal obligations. On the contrary, the existence of provincial compensation commitments confirms that the infringements were anticipated and real.

3.1 Fisheries Act, R.S.C., 1985, c. F-14
ss. 34.4 (fish mortality), 35 (harmful alteration, disruption or destruction of habitat), 36(3) (deleterious substances), 37 and 38 (powers of investigation). – MAIN FOCUS.

3.2 Species at Risk Act, S.C. 2002, c. 29
ss. 32, 33, 58, 73, 79 – prohibitions relating to individuals and critical habitat, exemption permits, project assessments.

3.3 Migratory Birds Convention Act, 1994, S.C. 1994, c. 22, and Migratory Birds Regulations, 2022, SOR/2022-105
– MBCA s. 5: Except in accordance with the regulations, no person shall, without valid excuse, possess or trade in a migratory bird or its nest.
– MBCA s. 5.1(1): "No person or vessel shall deposit or permit to be deposited a substance that is harmful to migratory birds in any water or area frequented by migratory birds or in any other place from which the substance may enter such waters or area."
– MBR s. 5(1)(a)(b)(c): prohibited, except as permitted, to harass or harm a migratory bird, to destroy or disturb an egg, and to damage, destroy, remove or disturb a nest.
Section 5 of the MBCA provides the enabling basis for the MBR prohibitions, s. 5(1). Section 5.1(1) MBCA is invoked in conjunction with s. 36(3) of the Fisheries Act for the deposit of documented deleterious substances (cadmium, chromium, suspended solids).

3.4 Canadian Environmental Protection Act, 1999, S.C. 1999, c. 33 [subsidiary]
ss. 2(1)(a.2), 2(1)(a.3), 64, 68, 71, 90, 91, 93.
Since the Right to a Healthy Environment Act, S.C. 2023, c. 12, assented to June 13, 2023:
s. 2(1)(a.2): "protect the right of every individual in Canada to a healthy environment, as provided for in this Act, subject to reasonable limits";
s. 2(1)(a.3): respect for the principles of non-regression, intergenerational equity and environmental justice, including the prevention of adverse effects disproportionately affecting vulnerable populations.
The submitter, a minor born on 2011, expressly invokes this right as a vulnerable and intergenerational citizen.

3.5 Impact Assessment Act, S.C. 2019, c. 28, s. 1 [Interpretive Framework]
Invoked as a normative framework confirming federal jurisdiction, not as a stand-alone basis for omission.
Art. 2 IAA – "adverse effects within federal jurisdiction" includes:
(i) fish and fish habitat, as defined in the Fisheries Act,
(ii) aquatic species as defined in the Species at Risk Act,
(iii) migratory birds as defined in the Migratory Birds Convention Act, 1994.
Physical Activities Regulations, SOR/2019-285:
Art. 56: construction, operation, decommissioning or closure of a new facility for the treatment of hazardous waste;
Clause 57: Expansion of such a facility resulting in an increase in capacity of 50% or more.
The Secretariat is respectfully invited to consider this framework, while noting Reference re Impact Assessment Act, 2023 SCC 23, which confirms the residual federal jurisdiction for the implementation of the aforementioned federal laws.

SEM-26-003 – ERRATUM

1. MBCA – RECOVERY. – In light of the Secretariat's June 3, 2026 positive determination under section 5 of the Migratory Birds Convention Act, 1994, the Submitter formally REINSTATES the Migratory Birds Convention Act, 1994, S.C. 1994, c. 22, ss. 5 and 5.1(1), as the primary basis, in conjunction with the Migratory Birds Regulations, 2022, SOR/2022-105, s. 5(1)(a)(b)(c). Section 6 of the MBCA remains uninvoked.

2. CEPA – EXTENDED SUBSIDIARY CONFIRMATION. – Claim 4 CEPA 1999 continued in the alternative, ss. 2(1)(a.2), 2(1)(a.3), 64, 68, 71, 90, 91 and 93. Specifically added the right to a healthy environment and the principle of intergenerational equity.

3. IAA – ADDITION OF INTERPRETIVE FRAMEWORK. – Addition of the Impact Assessment Act, S.C. 2019, c. 28, s. 1, and the Physical Activities Regulations, SOR/2019-285, ss. 56 and 57, as an interpretive normative framework confirming federal jurisdiction.

4. MAIN LAWS CONFIRMED:
– Fisheries Act: ss. 34.4, 35, 36(3), 37, 38 – MAIN FOCUS
– Species at Risk Act: ss. 32, 33, 58, 73, 79
– Migratory Birds Convention Act, 1994: ss. 5, 5.1(1)
– Migratory Birds Regulations, 2022: s. 5(1)(a)(b)(c)
– CEPA 1999: ss. 2(1)(a.2), 64, 91 – subsidiary

[CONCORDANCE LINK TO THE APPENDIX (SUPPORTING INFORMATION - 102 PAGES)] • Section of the Appendix (102 p.): Section 2 (NORMATIVE FRAMEWORK, FEDERAL JURISDICTION AND CRITERION OF REVIEW), subsections 2.1 to 2.6 • Exact pagination in the Appendix: pp. 9–14 • Supporting documents (Series): Comparative legal analysis under CUSMA (ss. 24.24 and 24.27) • Summary of the link and relevance: Legal characterization of the 4 statutes invoked as federal "environmental laws", articulation of constitutional powers and preemptive rebuttal of anticipated defences on the division of powers.

4. CLAIM 1 — SPECIES AT RISK ACT (ss. 32, 33, 58 and 73)

Alleged mission: Lack of a transparent federal assessment, investigation or reasoned decision on the need to require avoidance measures or a non-derogation permit (s. 73), despite the documented presence of species listed on Schedule 1 of SARA in the project's impact area.

4.1 Listed species documented in the impact zone

Species(s)	SARA Status (Schedule 1) / Provincial	Category
Canada Warbler, Bobolink, Wood Thrush, Bank Swallow, Barn Swallow, Eastern Meadowlark	Threatened (Federal - SARA Schedule 1)	Birds
Horned Grebe (Quebec population)	Concerning (Federal - SARA Schedule 1)	Birds
Eastern milksnake	Special Concern (Federal - SARA Schedule 1)	Reptiles
Four-toed Salamander (27 specimens observed in May 2016 in MH-5, MH-19, MH-20, MH-24 swamps)	Not at Risk (Federal) / Likely to be Threatened or Vulnerable (Quebec)	Amphibians
Black Ash	COSEWIC recommended	Plant

The Proponent alleges the failure to apply ss.10.1, 18.1, 39(1)(c), 73(3)(f), 79 and 83 of the Species at Risk Act, read in conjunction with the Preamble s.13 SARA, the United Nations Declaration on the Rights of Indigenous Peoples Act, S.C. 2021, c.14, s.5, and the CEC's North American Guidelines on TECs, 2017, with respect to Stablex Cell No. 6, Blainville Peatland, Traditional Unceded Territory. Despite seven documented threatened SARA species, six incidents in 2025–2026 and one fish mortality in March–April 2026, there is no public information establishing a referral to NACOSAR, a COSEWIC communities, a site-specific recovery strategy CET summary, a s.73(3)(f) consideration, or an art.83 agreement; no s.73 permit is identified. The submitter, a non-indigenous minor, invokes TECs exclusively as a federal legal obligation, and invites the Secretariat to seek the opinion of the TEK/CCPM Expert Group; question: has Canada requested, documented and integrated TECs under SARA for cell 6, and if not, justified this absence?

4.2 Facts Establishing the Serious Issue

- No derogatory permit (s. 73 SARA) has been identified on the public record for the deforestation, backfilling and excavation work.
- The Environmental Analysis Report (Decree 515-2025) recognizes that the work "would be likely to cause the loss of individuals of amphibians and reptiles" — an official admission of anticipated harm.
- Englobe correction letter (December 11, 2023): lack of an exhaustive inventory of wildlife with special status in areas to be destroyed.
- Deforestation schedule (ended April 15): biologically incompatible with protected ectothermic species (hibernating turtles, Eastern Milksnake in its hibernacula, Four-toed Salamander in the sphagnum moss mounds — all inaccessible before May according to an expert from the Ecomuseum Zoo).

Federal scope of SARA and distinction between statutes.
The submitter clarified that species designated as "special concern" are invoked primarily as indicators of ecological sensitivity of the environment and the need for a rigorous

federal assessment. Claims based directly on the prohibitions in sections 32 and 33 of SARA prioritize species listed on Schedule 1 as threatened, endangered or extirpated, including migratory bird species protected under federal legislation.

The submitter acknowledges that the territorial application of sections 32 and 33 of SARA depends, among other things, on the nature of the species, the status of the species, whether the terrain is federal or non-federal, the presence of a protected aquatic species or migratory bird, and whether an enforcement order exists. For this reason, this submission asks Canada to explain whether it has verified the applicability of sections 32, 33, 34, 58, 73 and 79 of SARA to the Stablex Project, and whether it has required an authorization, permit, assessment or avoidance measures.

(The submitter specifies that the absence of authorization is inferred from the exhaustive consultation of mandatory public registries (e.g., Species at Risk Public Registry) and DFO's public statements to the media, which compensate for the administrative delays inherent in formal requests for access to information that would exceed the emergency deadlines related to the destruction of environments.)

Although the general prohibitions in sections 32 and 33 of the *Species at Risk Act* (SARA) apply as of right on federal lands, the proponent notes that subsection 58(5.1) of SARA imposes an obligation to strictly protect the critical habitat of migratory bird species protected by the *Migratory Birds Convention Act, 1994*, **regardless of the private or provincial legal status of the land** (such as the lot referred to in cell 6).

In this case, the direct impact zone is home to several duly listed species of migratory birds at risk (including the Canada Warbler, the Bobolink and the Wood Thrush). In addition, the Horned Grebe (Western population, special concern) also uses wetlands in this area. Although the main nesting habitat for this species is found elsewhere in Quebec, the imminent destruction of nearly 278,000 m^2 of wetlands by infilling directly threatens habitats that are potentially essential for its food, roosting during migration and survival. The absence of any federal approach to verify the application of SARA or to require avoidance measures in the face of the destruction of these ecosystems constitutes a failure to ensure effective enforcement

Official MELCC inspection data (Blainville Sweep File, Exhibit I): Although the initial purpose of these reports was for an adjacent lot, the environmental findings in the field made by inspectors from the Quebec Ministry of the Environment map and document the same ecological complex of the Great Blainville Peatland. Inspection report No. 401299037 confirms that the receiving environment surrounding the area is officially "a wetland complex including a marsh, a swamp, shallow water and a peat bog." Field inventories indicate the presence of plant strata and flora that are obligatory indicators of wetlands (OBL), including the Pitcher Plant (Sarracenia purpurea) and the Cotton Grass (Eriophorum sp.) within permanent sphagnum moss mats. These government reports irrefutably establish the extreme ecological sensitivity and the existence of optimal biological habitats contiguous to Cell 6 for wildlife, amphibians and reptiles with precarious status.

Seasonal bias of the proponent's environmental inventories (Exhibit I): The collective brief tabled in the National Assembly in March 2025 concerning Bill 93 confirms that the "natural environment characterization study" of the land, although validated by the provincial authorities in October 2023, was carried out at a biologically inappropriate time of year. Conducting such a characterization in the middle of autumn (October) does not make it possible to assess fundamental ecological issues such as the nesting of avian fauna or the reproduction of amphibians and reptiles at risk present on the site. Despite this seasonally biased and incomplete picture, the environment—which has been considerably revitalized over time—is home to a rich biodiversity that potentially includes 132 species of breeding birds (including 18 species at risk such as the Canada Warbler, Bobolink and Wood Thrush), as well as 10 species of amphibians and 5 species of reptiles, including the Four-toed Salamander and the Eastern Milksnake. The lack of intervention or verification by federal authorities (ECCC/DFO) in the face of clear-cutting based on knowingly deficient inventories constitutes a flagrant failure to apply SARA and section 5(1) of the Migratory Birds Regulations

Wildlife inventory data from the impact statement (2020): The Environmental Impact Statement conducted by Englobe (November 2020) on behalf of Stablex Canada Inc. identifies habitats and occurrences of species designated under federal legislation within the 52.0-hectare study area. Field inventories (2015 and 2016) establish that wetlands cover 56% of this area (29.2 ha), divided between 20.8 ha of tree swamps, 2.1 ha of marshes, 1.0 ha of shrub swamps and sphagnum moss complexes. The proponent's biological records indicate probable nesting of the Canada Warbler (*Cardellina canadensis*), a species listed on Schedule 1 of SARA. The technical reports also identify preferred habitats for Common Nighthawk (*Chordeiles minor*) and Eastern Wood-pewee (*Contopus virens*). Winter clearing and excavation work was planned without a federal override permit under section 73 of SARA being issued on the public record.

Methodological Limitations of Wildlife Inventories (Englobe Report, p. 394): Volume 2 (Appendix 3, p. 193) of the environmental impact study by the firm Englobe specifies the conditions for carrying out the inventories: *"It should be noted that the late period of the year (September 2015 and October 2016) did not allow for exhaustive inventories to be carried out since several species in the herbaceous procession no longer had their inflorescence, thus preventing their identification."* No additional verification process or the issuance of derogatory permits by the federal authorities (ECCC/DFO) is listed on the public file for this cutting sector. **Question to the Secretariat: Has Canada verified the need for a permit (s. 73 SARA), required avoidance measures, or made a reasoned decision on the applicability of ss. 32, 33, 58 and 73 in relation to the documented species?**

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5. ALLEGATION 2 — MIGRATORY BIRDS REGULATIONS (s. 5(1))

Alleged omission: Failure to effectively enforce ss. 5 and 5.1(1) of the MBCA and ss. 5(1)(a)(b)(c) of the MBR, despite documented industrial work during the nesting period, and discharges of deleterious substances into waters frequented by migratory birds.

In accordance with the Secretariat's determination of June 3, 2026, in favor of art. 5 MBCA, the Submitter maintains and EXPANDS the Migratory Birds Basis:
– MBCA Art. 5 (enabling basis for regulatory prohibitions);
– MBCA Art. 5.1(1): prohibition on the deposit of a substance harmful to migratory birds in waters or an area frequented by migratory birds;
– MBR s. 5(1)(a) harass/injure, (b) destroy/disturb an egg, (c) damage/destroy/remove/disturb a nest.

The alleged omission is not to blame Canada for destroying nests itself, but to allege that it failed to verify, inspect, require permits, require avoidance measures or make a reasoned decision despite documented industrial work during the biologically sensitive nesting period, and despite documented releases of cadmium, chromium and suspended solids into the system connected to Lockehead Creek, in apparent contravention of art. 5.1(1) MBCA, read in conjunction with s. 36(3) of the Fisheries Act.

Documentary data on breeding avifauna: Ornithological inventories compiled by Englobe and Norda Stelo indicate that the Atlas of Breeding Birds of Quebec (AONQ) parcels corresponding to the Cell No. 6 sector total 132 species of birds recorded during the breeding season, 66% of which are classified as confirmed breeders. During the specific field surveys conducted in June 2016, a total of 172 individuals belonging to 51 distinct species of protected migratory birds were counted in the proposed cutting area, including Red-winged Blackbirds, Common Yellowthroats, Fox Thrushes, Hooded Warblers and White-throated Sparrows. Clearing and filling activities were authorized without a prior inspection or a specific permit from ECCC under section 5(1) of the Migratory Birds Regulations having been documented.

Data from citizen vigilance (May 22, 2026): The submitter points out that on May 22, 2026, a group of citizens shared on its Facebook page a photograph of a semi-trailer truck (18 wheels) transporting several construction site lighting towers (gas lights) near or to the site.

Although the actual use of these intensive lighting systems has not been officially confirmed, the submitter considers it highly unlikely that they have remained inactive. In any event, the mere movement and logistical deployment of this heavy equipment to the site of Cell No. 6 — in the middle of the protected nesting period (15 April – 1 September) — constitutes a physical disturbance likely to harass, disturb or scare away migratory species at risk present in this area.

- Projected infilling of 278,000 m² of wetlands — habitats including the Horned Grebe (threatened).
- Stablex had committed in writing (responses SCI-02 and SCI-03, file 3211-21-014-46; Analysis Report 515-2025, p. 70) to finalize the deforestation by April 15.
- Testimonies of former workers (Radio-Canada Enquête, October 9, 2025): mortality of Common Loons (Gavia immer) — protected migratory birds — that ingested water from cells [Exhibit RC-1].
- No ECCC permits identified on the public record.

Application of art. 5.1(1) MBCA. The analytical exceedances documented in Section 6.2 (cadmium up to ×320 CVAC in surface water, chromium ×14.23 CER in sediment, suspended solids ×4.2 to 8.1 CVAC), occurring in ditches and wetlands frequented by 51 confirmed migratory bird species (172 individuals, June 2016), including Canada Warbler, Bobolink and Wood Thrush (SARA, threatened), constitute a prima facie presumption of release of substances harmful to migratory birds within the meaning of art. 5.1(1) MBCA. No ECCC authorizations, permits, or investigations are documented on the public record.

Question to the Secretariat: Has Canada inspected the site, verified the existence of a permit or exception under the MBCA ss. 5 / 5.1(1) and the MBR s. 5(1), or issued a reasoned decision?

[CONCORDANCE LINK TO THE APPENDIX (SUPPORTING INFORMATION - 102 PAGES)] • Appendix section (102 pp.): Section 4 (MIGRATORY BIRDS REGULATIONS), subsections 4.1 to 4.8 • Exact pagination in the Appendix: pp. 23–30 • Exhibits (Series): Exhibits C01–C03 (Stablex Written Undertakings, Responses SCI-02 and SCI-03), Exhibit E02 (Time-stamped Visual Findings) • Summary of the link and relevance: Documentation of deforestation and heavy industrial activities carried out in the middle of the official protected nesting period (Zone C5: April 15 – August 15). Failure of the Canadian Wildlife Service to conduct inspections or impose penalties.

6. CLAIM 3 — FISHERIES ACT (SS. 34.4, 35, 36(3), 37 and 38) — MAIN FOCUS

Alleged omission: lack of verified federal authorization, failure to exercise investigation and inspection powers following releases of deleterious substances, spill incidents, and documented fish mortality.

6.1 Fish Habitat and Lack of Authorization (Clause 35)

- 9 species of fish identified in the impact area (Englobe study 2023).
- Net encroachment of approximately 1.1 ha of habitat in ditches P-02 to P-06, and 75 m² in the tributary of Lockehead Creek.
- DFO "publicly confirmed" that Stablex had not submitted any application for federal authorization (Le Devoir, March 19, 2025).
- Commitment SCI-39 (provincial offsetting) does not replace a federal authorization when required by the Fisheries Act.
- Hydraulic connectivity and ditch network documented by the State (Inspection Report No. 401957044): The connectivity of the local hydrographic network with the receiving wetland is confirmed by the government inspection report of September 14, 2020. The inspection details a network of straight ditches (Ditches #1, #2 and #3) dug through a swamp and wet meadow, forming an interconnected drainage system where water actively flows from the bog eastwards, towards the hydrographic and road networks. The government analysis demonstrates that physical modifications, such as cracks in adjacent beaver dams, cause major fluctuations and measurable decreases in water level (50 cm rust orange demarcations validated on concrete structures and culverts in the area). These official elements corroborate the observations of citizens and the opinion of the expert Prof. St-Hilaire: the sector of cell No. 6 is not an isolated environment, but an interconnected network where any overflow or discharge of sediments and heavy metals into the ditches has a direct impact on the fish habitat downstream.

Characterization of connectivity and fish fauna : The hydrobiological study included in the Stablex (2020) impact file describes the structure of the local hydrographic network. Scientific electrofishing and bourolle fishing conducted in August 2016 in the site's drainage ditches led to the capture of 155 specimens spread over 9 distinct species. The inventory confirms the presence of the Mud Shiner (Umbra limi - 108 specimens), the Redfin Shiner (Luxilus cornutus - 17 specimens), the Fivespine Stickleback (Culaea inconstans - 14 specimens), as well as the Pumpkinseed, the White Sucker, the Pearl Mullet, the Yellow-bellied Darter and the Fathead Minnow. Encompass' report states that "all of the streams in the study area are in fact ditches [...] and the water in the ditches comes from the wetlands present on the periphery. It flows slowly to natural streams located outside the study area." These flow structures have mature aquatic grass beds and water reservoirs linked to beaver dams maintaining water depths of up to 2 metres. The planned physical interventions directly affect these ditches (referenced P-01 to P-08 in the study), without a ministerial authorization under section 35 of the Fisheries Act having been issued by DFO.

Surface area and ecological characterization of wetlands (Englobe Report): The technical data from the impact study make it possible to quantify habitat modifications. According to Table 3-, the development of cell 6 covers a mosaic of wetlands of **29.2 hectares** (56% of the study area), including a 19.1-hectare tree swamp (MH-13). The ecological value assessment (Table 3-) assigns these habitats a collective value described as "Medium" to "High" (including the 5.14-hectare MH-4 marsh-shrub complex). The report describes these ecosystems as *"completely free from human disturbance"* and *"fully connected to the surrounding natural environment."* These hydrobiological characteristics were not the subject of a request for prior authorization from the Department of Fisheries and Oceans (DFO) under section 35 of the Fisheries Act.

Provincial Notice of Non-Compliance No. 402467797 dated June 4, 2025 (Series E) confirms that immediately after the adoption of the Order in Council (April 2025), Stablex operated heavy machinery in the riparian strip of an unnamed watercourse connected to the local river system. This official material failure demonstrates a direct risk of deterioration of fish habitat (s. 35 FA) ignored by the federal government.

6.2 Deleterious substances — analytical data (clause 36(3))

WaterShed Monitoring Campaign (limnologist (***), ICP-MS, Université de Montréal, June 10, 2026) [Exhibit F01]:

Station / Date	Substance	Concentration	Ratio vs criterion
Citizen — Dec 2023	Cadmium (water)	0.016 mg/L	× 320 HVAC
FS-STB-2 — oct. 2025	Cadmium (water)	0.0014 mg/L	× 4.7 HVAC
FS-STB-2 — sédiments	Cadmium (sediment)	—	× 31.8 CERs
FS-STB-2 — sédiments	Chromium (sediment)	—	× 14.23 CER
FS-STB-2	Turbidity / TSS	—	× 4.2 to 8.1 HVAC

(***) ((***), hydrologist, communications June 28–29, 2026): "Direct connectivity to Locke Head Creek can alter its quality, depending on the flow rate, concentrations/load of harmful elements." A mixing calculation shows that a modest leak (0.05 m³/s at 2.0 mg/L cadmium) would generate a concentration 180 times the chronic toxicity criterion in the creek.

Hydrogeological vulnerability of the receiving environment (COBAMIL-UQAM data): The physical properties and flow dynamics of the receiving environment of cell No. 6 are scientifically established by the joint study of the Research Chair in Urban Hydrogeology at UQAM and COBAMIL. Piezometric analyses confirm the existence of a "very high permeability of sediments in the recharge zone" and a "very good groundwater-lake response" concerning Lake Fauvel. The study shows that the interconnected lake system (in particular Lake Point Zero) constitutes a "terminal system without an outlet", classified as "particularly vulnerable" to contaminant inputs. As a result, the lack of federal investigations or controls against heavy metal (cadmium) discharge valves jeopardizes a highly sensitive groundwater reservoir directly connected to surface aquatic habitats

6.2.2 Lack of Independent Oversight — Structural Conflict of Interest The following facts are established by concurring direct witness statements and public documents: (a) Stablex Canada Inc.'s private laboratory is accredited by the Quebec Ministry of the Environment, giving it the same legal status as an independent laboratory (D. (***), Transcript, 10:15:59-10:16:25); (b) Sampling at observation wells is conducted jointly by the Department and Stablex, as the Department does not have stand-alone equipment for these operations (10:15:26-10:15:38); (c) Testing is conducted in Stablex's accredited laboratory — the regulatee analyzing its own pollution (10:16:09-10:16:53); d) In the event of an exceedance, a documented practice is to pump the wells before resampling in order to dilute the concentrations: "It's very clever from Stablex. Quebec understands very well how to fend the system. It's an art. They've been doing it for 30 years. » (11:36:49-11:37:12); e) The same report reveals divergent results for the same well: positive departmental analyses, negative Stablex analyses (Sylvie, 11:37:15-11:37:26). The risk of prosecution: the production of knowingly altered self-monitoring data — by dilution, omission or manipulation — before a regulatory authority is likely to constitute an offence of fraud or misrepresentation, both under provincial and federal law (CEPA, ss. 272 et seq.). In the absence of any independent federal inspection, ECCC and DFO base their decision not to intervene on data produced by the regulatee itself, under conditions that preclude any independent verification. This situation constitutes a failure to ensure the effective enforcement of sections 36(3) and 38 of the Fisheries Act.

In addition, the submitter adduced evidence of the existence of a physical spill pipe located directly behind the Stablex industrial facility, which discharges unattended effluent into the road ditch directly connected to Lockheed Creek and Fauvel Lake. Although independent citizen analyses have detected significant concentrations of contaminants, the Ministry of the Environment fails to include it in its official sampling protocol, which characterizes a flagrant and unpunished contravention of section 36(3) of the Fisheries Act.

Methodological precision: Complementarity and rigor of analytical data

The submitter provides an essential clarification in order to avoid any methodological confusion:

1. Citizen sampling on December 2, 2023, revealed a cadmium concentration of 0.016 mg/L in the surface waters connected to Fauvel Lakes, which is 320 times the criterion for the protection of aquatic life (HVAC).

2. The standardized scientific campaign of WaterShed Monitoring (October-November 2025), supervised by limnologist (***) at the FS-STB-2 station, measured a cadmium concentration of 0.0014 mg/L in water (i.e. 4.7 times the HVAC criterion) and revealed a critical accumulation in sediments reaching up to 57.6 times the rare endpoint (CER). These two sets of data are not contradictory; they complementarily and rigorously document recurrent and persistent cadmium contamination in the receiving medium of cell No. 6 over a prolonged period.

Military history and surface analytical data (Cell No. 6) From 1942 to 1980, the lot covered by the Cell No. 6 project was home to Camp Bouchard, an ammunition production and explosives depot site under the responsibility of the Department of National Defence. Studies and surveys document the presence in soils and groundwater of contaminants and metals related to this activity, including traces or concentrations of TNT, cordite, mercury, lead, nitroglycerine and ANFO-type compounds. The work planned by Stablex, which includes the clearing of 13 hectares of wetlands and industrial excavations, is likely to disturb the soils in place. This intervention presents a risk of remobilization and migration of these substances, which until now have been stabilized or retained by the vegetation cover and the physical characteristics of the environment. In addition, an independent surface sampling campaign conducted in December 2023 revealed exceedances of the environmental standards in force for arsenic, copper and zinc. In addition, the concentration of cadmium measured in the water reached 0.016 mg/L, which represents 320 times the criterion for the protection of aquatic life (HVAC). In the absence of a complete characterization of these substances (including volatile compounds and explosive residues) and containment measures validated by the federal government, these elements raise a presumption of violation of section 36(3) of the *Fisheries Act*, which prohibits the deposit of deleterious substances in waters frequented by fish. **Historical Federal Contamination — Camp Bouchard (1942-1980)** The lot covered by cell No. 6 housed Camp Bouchard, a federal ammunition production site and explosives magazine operated by the Department of National Defence Canada (DND) from 1942 to 1980. Stablex itself publicly attributes some of the metals detected to this earlier military use (Transcript, 10:37:01-10:37:09). However, an access to information request sent to Defence Canada by Mr. (***), co-signatory of the factual file CCE SEM-97-005, did not identify any document attesting to decontamination work on the site before its transfer to the Government of Quebec, which subsequently leased it to Stablex: "We were unable to find any document of evidence of decontamination work" (10:41:09-10:41:24). The legal risk is twofold: a) The Supreme Court of Canada has

established (Imperial case) that the historical polluter remains responsible for its contaminants even after the land has been transferred, 30 years later. If DND did not decontaminate Camp Bouchard before transfer, Canada is potentially responsible for the residual contamination; b) Even if the contaminants are of federal origin, Stablex, as the custodian and operator in control of the site through a rental lease, remains responsible for any release of these substances into the environment: "Even if they are federal toxics, Stablex has custody and control through its rental lease. It goes to Stablex" (10:42:24-10:42:38). The absence of a federal investigation into the origin of the metals detected — when both hypotheses (historical federal or current industrial) directly engage Canada's jurisdiction or responsibility — constitutes a failure to ensure the effective enforcement of the Fisheries Act and, where applicable, CEPA. Questions to the Secretariat: (i) Did DND decontaminate Camp Bouchard prior to transfer? (ii) Has ECCC or DFO investigated the origin of the heavy metals detected in the surface water and sediments of Lockehead Creek? **6.2.3 Historical Federal Contamination — Camp Bouchard (1942-1980)** The lot covered by cell No. 6 housed Camp Bouchard, a federal ammunition production site and explosives depot operated by the Department of National Defence (DND) from 1942 to 1980. The Federal Inventory of Contaminated Sites (Site No. 06875001), maintained by the Treasury Board of Canada Secretariat, officially confirms that Camp Bouchard is a CONTAMINATED site. Government data establish: a) Contaminants identified: metals, metalloids and organometals in groundwater; metals, metalloids and organometallics in soil; other inorganic material in soil. These contaminants correspond specifically to the substances detected in citizen and independent scientific analyses (cadmium, chromium, arsenic, lead, mercury); b) Site status: "Active" – file is NOT closed; c) Management strategy: "Complementary assessment" – work is NOT completed; d) Confirmatory sampling: IN PROGRESS (the official sentence is cut off on the register, indicating that confirmation is not complete); e) 2025-2026 expenditures: $0 in assessment, $0 in restoration, $0 in monitoring. ZERO dollars invested this year; f) Area restored in 2025-2026: 0 hectares, 0 cubic metres, 0 tonnes. NOTHING has been restored; g) Total historical expenditures: $134,145.75 on assessment, $9,905.50 on remediation, $3,385 on monitoring — a total of about $147,000 for a 4-hectare military site operated for 38 years, which is paltry. Stablex itself publicly attributes some of the metals detected to this past military use (Transcript, 10:37:01-10:37:09). The legal risk to Canada is twofold. First, the Supreme Court of Canada (Imperial case) has determined that the incumbent polluter remains liable for its contaminants even 30 years after the land has been surrendered. Canada itself acknowledges that the cleanup is not complete and is not devoting any resources to it. Second, even if the contaminants are of federal origin, Stablex, as the custodian and operator in control of the site through rental lease, remains responsible for any release: "Even if they are the federal toxics, Stablex has custody and control through its rental lease. It goes back to Stablex" (Transcript, 10:42:24-10:42:38). In summary: the Government of Canada officially acknowledges that the land it has transferred is contaminated with heavy metals, that groundwater is affected, that the decontamination has not been completed, and that it currently has NO budget for it. Yet, it has not conducted any investigation into the origin of the metals detected in Lockehead Creek. Questions to the Secretariat: (i) How does Canada reconcile the complete lack of a 2025-2026 budget for Camp Bouchard with documented groundwater contamination? (ii) Has Canada assessed the potential migration of contaminants from Camp Bouchard to Lockehead Creek? (iii) Has ECCC or DFO investigated the contribution of this historic federal source to the documented downstream heavy metal exceedances? In addition, at an official meeting held on July 14, 2026 at Blainville City Hall, the municipal administration admitted that it did not have any up-to-date impact study on the risks of physical or chemical instability of military-era (1950s) white phosphorus active munitions buried in the Bouchard Plan. The submitter points out that the massive excavation and waterproofing work required for the construction of Stablex Cell No. 6 will irreversibly alter the peripheral hydrogeological drainage. The absence of a federal assessment (by National Defence or ECCC) on the risk of chemical reaction or phosphorus mobilization to the Broad Peatland, as a result of this change in the groundwater regime, represents a significant failure to apply environmental monitoring obligations.

Lithothermal contextualization and runoff dynamics (Robitaille, 2021): The architecture of the surficial formations and the geomorphological nature of the Blainville and Saint-Jérôme sector (NTS map sheet 31G16) are scientifically documented by the glacial mapping work of the Université du Québec à Montréal. Geological surveys validate that this sector of the Laurentian foothill, located below the local maximum marine limit, has been the subject of continuous sedimentation of fine deep-water sediments (MGa) from the Champlain Sea episode. These glaciomarine deposits, which locally reach significant thicknesses of up to 15 metres at the surface and 50 metres below the surface, are essentially made up of massive and compact clay and silt (Champlainian clays). Surface analyses show that these large clay and silt plains of the Champlain Sea are "often marked by deep gullies, forming dendritic-type hydrographic networks." This hydrogeological configuration highlights the high vulnerability of the surface hydrographic network to sediment and pollutant transport. The lack of investigations, inspections and controls by Environment and Climate Change Canada (ECCC) following the recurrent industrial discharges and overflows into the ditches of Stablex Cell No. 6 directly compromises a sensitive clay ecosystem, prone to deep gullying, which actively drains fine sediments and contaminants to the aquatic environment and fish habitat downstream.

Hydrodynamic assessment parameters of the receiving environment (MELCC Directive: The environmental assessment guideline issued by provincial authorities provides a framework for the management of discharges by requiring the characterization of low-water flows (summer and winter) as well as mathematical modelling of effluent dispersion in the event of incomplete mixing within 300 metres of the discharge point. These technical requirements underscore the sensitivity of the surface flow dynamics to Lockehead Creek. Environment and Climate Change Canada (ECCC) records do not indicate the initiation of investigations or inspections under section 36(3) of the Fisheries Act regarding the risks of contaminant transfer in this river system.$Q_{2,7}$, $Q_{10,7}$ et $Q_{5,30}$

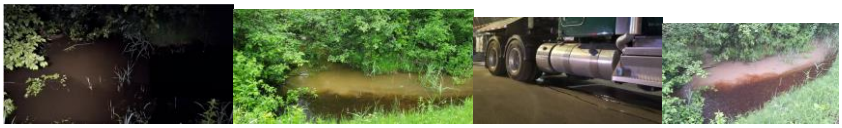
Technical precision — Actual nature of the buried material (SiloSafe process) Contrary to public representations of stabilized "blocks," the material buried in the Stablex cells is in the form of a semi-liquid cementitious slurry undergoing phase separation. According to Dr. (***), "It's in the form of a cementitious slurry. [...] It's like poorly made cement. [...] We see a phase separation where the cement is solid, but there is water floating on the cement. [...] Forget the myth that it's blocks. It's not blocks, it's sludge that's buried" (Transcript, 11:32:02-11:33:18). As for the membrane: "A membrane gives way after a while. [...] natural degradation, ground shear, seismic forces, attack of certain substances in the waste [...] A geotextile membrane can be pierced by an enterprising groundhog. [...] The membrane is a false security" (11:33:35-11:34:16).

6.3 Incidents

- February 11, 2013: Fire involving hazardous materials at 760 Boulevard Industriel in Blainville (site of the facility). The event affected the atmosphere and involved the burning of wood, plastics, glass and used activated carbon contaminated with heavy metals, specifically chromium, lead and cadmium (Urgence-Environnement file No. T-15-2013-02-11-292, category 1).
- June 11, 2021: Major industrial fire involving hazardous materials at 760 Industrial Boulevard in Blainville (site of the facility). The event led to the mobilization of several fire bodies (Blainville, Sainte-Thérèse, Rosemère) and the Direction de la santé publique des Laurentides due to the estimated release of 20 tonnes of nitric acid and chlorinated solids that directly affected the air and soil (Urgence-Environnement file No. 301537240, category 1).

6.3.1 Spill Incidents (Clauses 36(3) and 38)

- August 21, 2025: Estimated release of >1,300 litres of contaminated liquid from a truck leaving Stablex to the storm water system connected directly to Lockehead Creek. Bureau Veritas analyses: 17 metals detected / 17 searched; lead × 42, mercury × 38, cadmium × 4 CMM standards [Exhibits LP-9, LP-10, RC-3].
- April 14, 2026: Hydraulic oil spill (undetermined quantity) reported at 755 Industriel Boulevard in Blainville. Locke Head Creek was directly affected by the pollutant, prompting an intervention by Urgence-Environnement, the City and the Blainville Fire Department (File No. 301886321, Category 1).
- June 18, 2026: Containment ditches overflow following ordinary summer precipitation towards Lockehead Creek. Urgence-Environnement response (file 301899969, category 1: discharge of suspended solids) [Exhibits LP-11, LP-12].
- July 2, 2026: Recurrence observed by a group of local citizens following rainfall of 20 mm to 30 mm. Field observations conducted around 10:00 p.m. confirm an observation identical in every way to the June 18 event, demonstrating the periodic nature of overflows and the lack of resilience of contingency measures in the face of standard rainfall episodes.



6.4 Fish Mortality (Clauses 34.4 and 38)

Between March 13 and April 15, 2026, a fish mortality (cyprinids, centrarchids, northern pike — Esox lucius) was observed and photographed at Fauvel Lakes, with ochre colouring and characteristic rust [Exhibits LP-13 to LP-15]. The municipal conclusion (oxygen deficit, press release April 15, 2026) does not replace an independent federal investigation under art. 38. *The mayor's statements at the July 7 meeting reveal a contradictory development: first presented as a "scientific certainty" confirmed by a private firm (press release of April 15, 2026), the hypothesis of the lack of oxygen was requalified as a simple "hypothesis" at the meeting, before the mayor admitted that the City did not have any analysis results of its own and that the jurisdiction rested with the Ministry — without ever producing a biology mandate, an analysis report or scientific evidence. This admission is corroborated by the response to the June 30, 2026, access to information request, in which the Legal Affairs Department confirmed that "no document corresponding to what you are looking for" was found. In addition, the mayor made a hypothesis about the red/rusty colouring of the water ("probably ferrous") without any biological or scientific qualification to support this assertion — demonstrating that the city communicated certainties without scientific basis, exposing the population to documented contamination. (see drive (D) of July 7 + June 16)*

6.4.1 Anoxia: Effect, Not Cause — Lack of Federal Investigation The "lack of oxygen" hypothesis put forward by the City of Blainville is not a cause but a terminal mode of mortality. Mr. (***): "Anoxia, the lack of oxygen, is an EFFECT. To kill someone by anoxia, I can strangle you, or plunge your head into a bucket of water. Death is going to be anoxia. But what CAUSED anoxia?" (Transcript, 10:51:04-10:52:06). Moreover, this municipal hypothesis was put forward without any analytical basis: the submitter's request for access to information (June 30, 2026) revealed that the City had "no document" of ecotoxicological analysis relating to this event. Canada (ECCC, DFO) has not, to the best of the submitter's knowledge, conducted any independent investigation into the causes of this fish mortality, nor into the potential contribution of historical federal sources (phosphorus bomb site near Fauvel Lake). The lack of due diligence on the part of the local authority is formally established by the admissions of Mayor Liza Poulin at the July 14, 2026 meeting. She confirmed that the municipal administration officially referred the matter to the local Public Health Department on Wednesday, July 8, 2026, following the filing of the citizen report reporting lead concentrations above the safe limits. Nevertheless, the municipal authority confirmed its refusal to issue a preventive alert or to install no-swim advisories for residents for the 2026 summer season, on the subjective grounds that there would be no risk "unless you drink a glass of water" and that the body of water is private in nature. This refusal to act as a health precautionary measure, when lead contamination is suspected and transmitted to public health authorities, demonstrates the inaccuracy of the guarantees of compliance disseminated and justifies the urgent intervention of the federal authorities under section 38 of the Fisheries Act.



6.5 Alleged Omission of Federal Powers

The Proposer did not identify any public information confirming that Canada has: (a) verified the need for authorization (s. 35); (b) exercised the powers of ss. 37 and 38; (c) taken action following the incidents of August 21, 2025 and June 18, 2026; (d) conducted an investigation into heavy metal exceedances; (e) determined whether releases were authorized (s. 36(4)).

6.6 Alleged Omission of Federal Powers

In order to respond to the Secretariat's finding regarding the age of the 2014 historical data, this file now documents a **contemporary and major fish mortality** that occurred between March 13 and April 15, 2026 at Fauvel Lakes (station FS-STB-2), directly downstream of the effluent from the Stablex facility.

This critical ecotoxicological event is rigorously supported by time-stamped photographs [Exhibits LP-13 to LP-15] showing specimens of cyprinids, centrarchids and northern pike (*Esox lucius*). This mortality coincides temporally with an anomalous ochre and rust colouration characteristic of ice and water. The summary conclusion of the municipal authorities (oxygen deficiency, press release of April 15, 2026) cannot relieve the federal government of its obligation to conduct its own toxicological investigation and independent sampling under section 38 of the *Fisheries Act*.

Question to the Secretariat: Has Canada verified the need for authorization (s. 35), exercised the powers of ss. 37 and 38, and conducted an investigation into documented exceedances and incidents?

6.7 Scope of the Request and Distinction from Reasonable Enforcement Discretion

The Proposer acknowledges that the exercise of reasonable discretion in investigative, prosecutorial, regulatory or compliance verification, when it results from a good faith allocation of resources, does not in itself constitute a failure to ensure the effective enforcement of an environmental law.

This communication does NOT challenge the exercise of reasonable discretion. Rather, it raises the serious and separate issue of whether the competent federal authorities exercised their powers in any manner in relation to Cell 6, namely: (a) whether Canada has verified the need for an authorization under s. 35 of the Fisheries Act and s. 73 of SARA; (b) whether Canada has inspected or investigated the site following the documented incidents of August 21, 2025 and June 18, 2026, and the fish mortality of March–April 2026; (c) whether Canada has made any reasoned decision on the applicability of the provisions invoked.

In the absence of any public information establishing the exercise of these powers, the submitter submits that it cannot be an informed discretionary choice, but a lack of exercise — which is precisely within the mandate of the Secretariat. This distinction is essential: a response from the concerned Party demonstrating the concrete exercise of its discretion (e.g., documented inspections) would inform the Secretariat; its silence, conversely, would reinforce the serious issue of sustained inaction.

The submitter reminds the Secretariat that the argument that the presence of provincial authorizations (such as Decree 515-2025 of the Government of Quebec) or local compensation mechanisms is sufficient to exclude federal intervention has already been formally rejected by the case law of the Commission for Environmental Cooperation (CEC).

In the factual record of British Columbia Mines (SEM-98-004), as well as in the case of British Columbia Salmon Farms (SEM-12-001), the Secretariat has consistently held that the existence of a provincial framework or licensing system does not in any way relieve the federal government of Canada of its obligation to exercise its autonomous powers of verification, inspection and investigation, particularly when deleterious substances threaten fish habitat under the Fisheries Act

[CONCORDANCE LINK TO THE APPENDIX (SUPPORTING INFORMATION - 102 PAGES)] • Section of the Appendix (102 pp.): Section 5 (FISHERIES ACT, pp. 31–50), Section 7 (WATERSHED MONITORING, pp. 57–62) and Section 8 (GEOTECHNICAL ISSUES, pp. 63–66) • Exact pagination in the Appendix: pp. 31–50, pp. 57–62, pp. 63–66 • Exhibits (Series): Exhibits LP-1 to LP-15, Full hydrological opinion from (***) ((***)), (***) limnological report (station FS-STB-2), ICP-MS analyses (Université de Montréal) • Summary of the link and relevance: Detailed demonstration of the alteration of fish habitat (ss. 34.4, 35 LP) and the deposit of deleterious substances (s. 36(3) LP) in the connected systems (Lockehead Creek, Mille-Îles River with dilution factor >243, Fauvel lakes). Analyses demonstrating cadmium exceedances up to 320 times the HVAC criterion and major fish mortality in March-April 2026.

7. CLAIM 4 — CEPA 1999, PART 5 [Subsidiary]

Constitutional framework CEPA – right to a healthy environment. As of June 13, 2023, s. 2(1)(a.2) of CEPA 1999 requires the federal government to "protect the right of every individual in Canada to a healthy environment, as set out in this Act, subject to reasonable limits," by respecting "the principle of non-regression, the principle of intergenerational equity and the principles of environmental justice" (s. 2(1)(a.3)). The submitter, a (***), invokes this right as a standard for interpreting the obligation of effective enforcement within the meaning of art. 24.4 CUSMA. The implementation framework set out in s. 5.1(1) CEPA was due on or before June 13, 2025.

- Atmospheric modelling (level 2, January 2022): exceedances of standards for PM2.5, hexavalent chromium, manganese and nickel in the current operating scenario.
- Englobe Report (Ref. 045-P-0008961): physical presence of hexavalent chromium and crystalline silica in the dust of the site.
- Testimonies of former workers (Radio-Canada Enquête, October 9, 2025): levels of arsenic and mercury in blood exceeding acceptable thresholds, requiring temporary removal from exposure.
- No public information to confirm ECCC's exercise of the powers of ss. 64, 68, 71, 90, 91 or 93 of CEPA in relation to the site.

Subsidiary nature of CEPA claim.
The claim under CEPA 1999 is made in the alternative and is not intended to unduly expand the scope of the disclosure. It is invoked only to the extent that the substances documented in the file, including certain heavy metals, air contaminants and toxic substances, fall under federal information-gathering, assessment, prevention or risk management authorities.

Air emissions and management of imported contaminated soils (sections 64 and 91 of CEPA)

Between 2019 and 2024, the Stablex facility received a volume of 120,837 tonnes of soil from the Orrington site (Maine, United States), linked to the company Mallinckrodt US. According to the related declarations and transportation data, 84% of these volumes (or 101,951 tonnes) are classified as hazardous residues because of their mercury content. The handling and stabilization processes for these materials are operated at a distance of approximately 370 to 400 metres from residential and commercial areas in the municipality of Blainville. These industrial operations involve potential air emissions issues, as mercury is an element with high volatility. The company's release inventory reports the emission of substances listed under the *Canadian Environmental Protection Act, 1999* (CEPA), including fine particulate matter PM2.5, hexavalent chromium, mercury, arsenic, nickel, crystalline silica, and ammonia. In this context, the submitter notes the lack of specific actions or complementary risk assessments by Environment and Climate Change Canada (ECCC) under sections 64 and 91 of CEPA. In addition, the application of the provincial legislative framework resulting from Bill 93 modifies the health and environmental requirements applicable at the site, which raises questions about the overall oversight and monitoring of these emissions by the competent federal authorities.

The core of the communication remains the alleged failure to enforce the Fisheries Act, the Migratory Birds Regulations and SARA with respect to the facts documented in the Cell 6 impact zone.

Infringement of the right to a healthy environment for future generations

The submitter points out that since the modernization of the Canadian Environmental Protection Act, 1999 with the coming into force of the Right to a Healthy Environment Act in 2023, subsection 2(1)(a.2) of CEPA now imposes an explicit legal obligation on the Government of Canada to confirm, protect and promote the right of every individual in Canada to a healthy environment, a right that must be exercised in a manner consistent with the principle of intergenerational equity. In this case, Environment and Climate Change Canada's (ECCC) failure to exercise its risk assessment and risk management powers (including under sections 64, 91 and 93 of CEPA) in relation to documented emissions of hexavalent chromium, arsenic, mercury and fine particulate matter PM2.5 in close proximity to residential areas constitutes a direct breach of this new legislative obligation. By failing to act, Canada is condoning permanent environmental degradation to the direct detriment of the submitter, a minor adolescent. This inaction transforms what should be a rigorous protection of human health and biodiversity into a systemic violation of the right to a healthy environment, the consequences of which will be suffered by young citizens and future generations in perpetuity.

7.1 Under-reporting to the National Pollutant Release Inventory (NPRI) The 2024 NPRI report filed by Stablex Canada Inc. with ECCC does not report any releases to a watercourse. This statement is materially contradicted by the following facts: documented overflows of June 18 and July 2, 2026 (Urgence-Environnement File No. 301899969), WaterShed Monitoring analyses of October-November 2025 (station FS-STB-2), and spill of August 21, 2025 (>1,300 L, 17 metals detected, Bureau Veritas analyses). Under Canadian law, incomplete or inaccurate reporting to the NPRI is subject to prosecution under CEPA 1999. The analogy with the tax system was raised by "By law, any Canadian company that pollutes must report its spills [...] And if you don't report a release, it can be considered fraud, in the same way as when you report your income to Revenue Canada" (Transcript, 10:33:41-10:34:08). There is no publicly available information to confirm that ECCC has verified the accuracy of Stablex's 2024 NPRI report or investigated the discrepancy between the reported data and the converging physical evidence. Question to the Secretariat: Did ECCC exercise its audit or investigative powers with respect to Stablex's 2024 NPRI report?

Stablex declarations (2025): On-site removal of thousands of tons of heavy metals (lead, zinc, mercury, cadmium, arsenic) and atmospheric discharges of a few kilos. The company has been declaring **zero discharges to water** for 26 years.
Conflicting data (Third party): External analyses reveal exceedances of metal standards in surface water (2023-2025) and one reported spill and overflow in 2025 and 2026.
Assumptions and Action: The discrepancy indicates either erroneous reporting to the NPRI or atmospheric deposition to water. An action by Environment and Climate Change Canada (ECCC) is required to clarify compliance with CEPA 1999. (see Pollutant Releases)

[CONCORDANCE TO THE APPENDIX (SUPPORTING INFORMATION - 102 PAGES)] • Appendix section (102 pp.): Section 6 (CANADIAN ENVIRONMENTAL PROTECTION ACT – PART 5), subsections 6.1 to 6.5 • Exact pagination in the Appendix: pp. 51–56 • Exhibits (Series): Exhibits B01–B02 (Revised Characterization Reports, Air Deposition and Sediment) • Synthesis of the relationship and relevance: Defective management of air and aquatic toxic substances resulting from stabilization (cadmium, chromium VI, arsenic, mercury). ECCC's failure to conduct specific assessments or exercise its management powers under Part 5 of CEPA (ss. 64, 68, 71, 91).

8. DAMAGE SUFFERED BY THE PERPETRATOR

The submitter, a minor teenager residing at, lives in the immediate vicinity ((weighted average)) of the site and the Grande Tourbière. The alleged omissions cause him direct and personal damage:

- ENVIRONMENTAL DAMAGE: destruction of wetlands, species and habitats that make up its immediate environment and its daily quality of life.
- HEALTH INJURY: Risks of exposure to air contaminants (hexavalent chromium, arsenic, PM2.5) and contaminants in surface water and sediment in the vicinity of the resident's residence.
- INTERGENERATIONAL HARM: Landfilling of hazardous materials without adequate guarantees of long-term containment, which the submitter and future generations will collectively inherit.

[CONCORDANCE LINK WITH THE APPENDIX (SUPPORTING INFORMATION - 102 PAGES)] • Appendix Section (102 p.): Section 1.1 (p. 5) and Section 11.2 (Factors justifying a response, p. 93) • Exact pagination in the Appendix: p. 5 and p. 93 • Supporting documents (Series): Admissibility file and local documentation • Summary of the link and relevance: Demonstration of the direct, personal and intergenerational harm caused to a citizen residing in the immediate vicinity of the site due to the degradation of wetlands and exposure to contaminants.

9. PRIOR COMMUNICATION TO THE COMPETENT AUTHORITIES

In accordance with Art. 24.27(2)(e) CUSMA, the Submitter shall indicate whether the matter has been communicated in writing to the competent authorities of the Party, and, if so, the Party's response.
The Applicant submitted the facts raised in writing to the competent federal authorities BEFORE the filing of this revised version, on five separate occasions between June 3 and June 28, 2026, i.e. 19 to 44 days before the July 16-17, 2026 filing:

Date	Recipients	Nature	Answer	Piece
June 3, 2026	ECCC (Cabinet Dabrusin), MPO	Formal Request for Investigation — LP and ROM	Auto-accused. only	D01, D02
June 10, 2026	ECCC, DFO	Follow-up — request for official file number	Accused auto.	D03
June 19, 2026	ECCC, MPO (Cabinet Thompson), RNCan	Official prior notification	Accused auto.	D05–D10
June 28, 2026	ECCC	10 specific factual questions	Response on June 29, 2026 Formal acknowledgement of receipt indicating the transfer to Minister J. Dabrusin's office and program experts (decision at their discretion). No substantive response on the merits.	—
June 28, 2026	Commissioner of the Environment	Federal Environmental Petition (0546)	Deadline: Nov 10, 2026	—

Outcome – s. 24.27(2)(e). On the date of filing, ECCC formally acknowledged receipt on June 29, 2026, confirming the transfer "to the office of Minister J. Dabrusin and program experts (decision at their discretion)". No substantive substantive responses on the merits were received regarding: (i) the existence of an inspection, (ii) a s. 73 SARA / s. 35 FA permit, (iii) an MBCA/MBR authorization, (iv) a compliance order, or (v) a federal investigation. S. 24.27(2)(e) requires that "indicate whether the matter has been communicated [...] and, if so, the response" – which is duly done. The requirement does not require a substantive response prior to filing, as the "if any" specifically refers to the assumption of no response, which in itself constitutes an indicia of sustained omission within the meaning of art. 24.4 CUSMA.

Argument: Lack of federal oversight The result of the access to information request sent on June 17, 2026 to the City of Blainville (official response of June 30, 2026) indicates that the municipal authority does not hold any documentary record relating to a derogatory permit under section 73 of SARA, wildlife studies or environmental monitoring by federal authorities for this site. This lack of exchange and documentary coordination establishes the absence of supervision and control by federal authorities regarding the progress of the work and the associated environmental impacts.

The submitter points out that the lack of a substantive response after five detailed written reports, including 10 specific factual questions on June 28, 2026, more than meets the criterion of art. 24.27(2)(e). To require more would be to impose a condition not provided for in CUSMA, contrary to the "if applicable" letter and the Secretariat's practice (SEM-98-004, SEM-12-001). The delay of 19 to 44 days between notification and deposit is reasonable in light of the ecological emergency (fish mortality March-April 2026, overflows June 18 and July 2, 2026).

Unlike the original disclosure, this revised version establishes that the facts raised were communicated in writing to the relevant federal authorities prior to the tabling of the revised version. The written communications attached to Exhibits D01 to D10 were addressed not only to ministerial offices, but also to the appropriate federal authorities responsible for the administration or administration of the relevant legislation, including Environment and Climate Change Canada and Fisheries and Oceans Canada.

These communications specifically identified:
(a) the federal provisions concerned; (b) the material facts alleged; (c) the documented incidents; (d) the available evidence; (e) the federal measures requested, including inspection, investigation, licence verification and the exercise of enforcement powers.

The submitter, a minor born on 2011, does not have the capacity to take legal action independently, which constitutes an absolute legal barrier. This situation cannot objectively be remedied by the intervention of his legal guardians. The legal guardians act in a strictly private capacity, have neither the financial resources nor the expertise required to bear such a burden, and the applicable law does not require them to compromise the family patrimony or expose themselves to the risk of catastrophic costs to make up for the State's failure to enforce environmental laws. As a result, the submitter is a minor, acting without legal representation for the purposes of a domestic dispute, and is materially unable to bring a federal legal remedy. Such an approach would require financial resources beyond the reach of carrying out a complex action involving hydrological expertise, toxicological analyses, wildlife evidence, federal administrative law and major risks of costs. Access to national courts is therefore, in practice, completely non-existent and unavailable to the submitter

Moreover, the purpose of this communication is not to challenge a formal federal decision that has already been made, but precisely the apparent absence of an identifiable federal decision, inspection, investigation or authorization. This lack of decision makes an application for judicial review difficult to circumscribe. A mandamus remedy or a private prosecution would require technical and legal evidence that is disproportionate to a minor citizen acting alone.

The Proponent therefore submits that it has taken reasonable measures within the meaning of Article 24.27(3)(c): it has referred the matter to the appropriate federal authorities, requested an investigation, sought formal confirmation, exercised an available federal environmental proceeding, and explained why an additional individual judicial remedy is, in the circumstances, unreasonably difficult.

[CONCORDANCE LINK TO THE APPENDIX (SUPPORTING INFORMATION - 102 PAGES)] • Section of the Appendix (102 pp.): Section 10 (ADVANCE DISCLOSURES TO COMPETENT AUTHORITIES), subsections 10.1 to 10.4 • Exact pagination in the Appendix: pp. 83–86 • Supporting Exhibits (Series): Series D01–D10 (Full, time-stamped copies of letters and emails, ministerial acknowledgements of receipt) • Summary of the link and relevance: Formal evidence of the detailed written reports sent in June 2026 to the Ministers of ECCC and DFO prior to the tabling of the revised communication, and the absence of a substantive response or federal intervention.

10. REMEDY EXERCISED Art. 24.27(3)(c) CUSMA]

10.1 Institutional remedies exhausted The legal challenge to Bill 93 was led by entities with considerable legal resources — the City of Blainville and the Communauté métropolitaine de Montréal (CMM) — and failed at two levels: — Superior Court of Quebec, April 2, 2025: dismissal of the application for an interim injunction [2025 QCCS 1056 — Exhibit R02]; — Court of Appeal of Quebec, April 16, 2025: dismissal of leave to appeal [2025 QCCA 457 — Exhibit R04].

10.2 Economic and Statutory Obstacles to Individual Private Redress The Proposer respectfully submits that its ability to commence an additional private remedy is subject to objective barriers, recognized by the Secretariat's practice as relevant to the assessment of the criterion of Art. 24.27(3)(c): a) Juvenile status — the Submitter, born on 2011, does not have the legal capacity to sue independently and does not have any legal representative acting on its behalf for the purposes hereof; b) Economic Barrier — the Submitter has no financial resources of its own to retain the services of counsel, engage experts or bear the costs of litigation against a developer supported by two multinationals (Republic Services and US Ecology); (c) Statutory obstacle created by Bill 93 — Bill 93 (S.Q. 2025, c. 7) has the effect of neutralizing provincial remedies that may force compliance with environmental obligations, as confirmed by the failure of the above-mentioned institutional remedies.

d) Decision on the allocation of local financial resources: During an official exchange on July 14, 2026, the submitter proposed to the municipal administration of Blainville to allocate the interest generated by the expropriation fund of $17 million (currently frozen) to the financing of independent citizen and university environmental monitoring of firms associated with Stablex. The mayor declined this proposal, indicating that the municipality prioritized the preservation of its financial reserves for the legal challenge to Bill 93. This decision confirms the absence of a municipal administrative mechanism available to allow the submitter to obtain an independent scientific counter-expertise in a timely manner.

Contractual planning and operating framework (Blainville-Stablex Agreement): The Agreement in Principle signed on March 11, 2020 between the City of Blainville and the developer establishes the terms and conditions for the continuous operation (24 hours a day, 7 days a week) of cell No. 6. The document also provides for the allocation of the "Residual Portion" (lot 2,272,801) for compensatory measures, confirming the long-term planning of changes to the land and environmental structure of the Great Peatland at the municipal level. The existence of these bilateral contractual commitments limits access to local administrative or civil suspensive remedies for third parties or citizens of the municipality.

10.3 No Duplication None of the legal proceedings brought concerned the effective application of the four federal statutes invoked (Fisheries Act, SARA, MRO, CEPA). These disputes concerned exclusively the validity of the provincial Bill 93. This communication therefore does not duplicate any pending legal proceedings within the meaning of art. 24.27(3)(c) and does not impede any pending proceedings.

10.4 Consistency with the Secretariat's Established Practice The Submitter submits that its situation corresponds to circumstances where the Secretariat has recognized that lack of resources and economic barriers may limit a Submitter's ability to pursue private remedies prior to the filing of a submission, and where these barriers are duly taken into account in the analysis of "remedies available to individuals" (s. 24.27(3)(c)).

10.5 Direct precedent — Factual record SEM-97-005 against Canada The Secretariat has already investigated a factual case against Canada for failure to enforce the Fisheries Act. In SEM-97-005 (discharges of toxic acids into the St. Lawrence River by the City of Montreal): (a) A formal complaint was filed with Environment Canada with evidence of pollution; (b) Environment Canada formally REFUSED to enforce the law — constituting an explicit decision of non-compliance; (c) The Secretariat appointed two investigators whose report concluded that Environment Canada had altered an inspection report to the point that the signing official stated, "I do not recognize the report I wrote because my superiors altered it" — characterizing an "appearance of fraud"; (d) A factual report was filed and made public by the three representatives of the Parties. This case differs from SEM-97-005 in that Canada has NOT EVEN rendered a decision — no refusal, no documented investigation — despite five detailed written communications between June 3 and 28,

2026 (Exhibits D01 to D10). This total lack of exercise of federal powers, in the presence of converging evidence, is objectively more concerning than an explicit refusal: it is not the result of an informed discretionary choice, but of a systematic failure to respond and act.

The Applicant confirms, to the best of its knowledge, that the failure to enforce the federal environmental laws referred to in this submission is not currently the subject of any pending judicial or administrative proceedings within the meaning of s. 24.28(2)(a) of CUSMA. The completed provincial actions (2025 QCCS 1056, 2025 QCCA 457) did not relate to the Government of Canada's enforcement of the Fisheries Act, SARA, MBR or CEPA.

Domestic remedies, complaints, and efforts exercised or reasonably available.
For the purposes of Article 24.27(3)(c) of CUSMA, the Applicant specifies that the following are complaints, administrative remedies or equivalent domestic proceedings before competent Canadian authorities:

Formal requests for an investigation sent to ECCC and DFO in relation to the Fisheries Act, the Migratory Birds Regulations and species at risk; Prior written notifications sent to the appropriate federal authorities prior to the tabling of this revised version; Request for an official file number and confirmation of assumption; Federal environmental petition addressed to the Commissioner of the Environment and Sustainable Development; Access to information requests to verify the existence of permits, studies, transmissions to federal authorities or enforcement documents. These actions were directly related to the same facts, the same federal provisions and the same alleged omissions as this communication. They are not mere media or political efforts: they are written requests for takeover, investigation, inspection, permit verification and enforcement of Canadian federal laws.

Complementing the legal context — Bill 93 as a barrier to local remedies: The Blainville case is distinguished by a direct legislative maneuver: the adoption of Bill 93 by the Government of Quebec. This tailor-made legislation expropriated the City of Blainville and, in doing so, neutralized local and municipal legal remedies that could have slowed down the project. In the context of CUSMA, this situation raises a very high legal issue: when a subnational government uses its Parliament to circumvent or neutralize environmental protections and local checks and balances, the rigorous and autonomous enforcement of federal environmental laws (by the Government of Canada) becomes the one and only bulwark to honour the obligations of the trade agreement. Canada's failure to act here is therefore all the more serious because it creates a total legal vacuum.

[CONCORDANCE WITH THE APPENDIX (SUPPORTING INFORMATION - 102 PAGES)] • Appendix Section (102 p.): Section 10 (subsections 10.5 to 10.7, pp. 85–92) and Section 11 (ADMISSIBILITY OF THE COMMUNICATION, pp. 93–94) • Exact pagination in the Appendix: pp. 85–94 • Supporting documents (Series): Exhibits E01–E03 (Official Access to Information Response of the City of Blainville), Exhibits R01–R08 (QCCS 1056 / QCCA 457 judgments) • Summary of the link and relevance: Demonstration of the absence of duplication with pending legal proceedings (the existing remedies relate exclusively to the constitutionality of the provincial Bill 93). Access to information proving the absence of a licence and consideration of economic barriers to access to justice.

11. SOURCES OF INFORMATION — facts not taken exclusively from the media]

This Communication is based primarily on official and technical documents, not on the media:

- Proponent's documents: Englobe Impact Statement (2020, 2023), responses SCI-02, SCI-03, SCI-39 (Folder 3211-21-014-46), Englobe Correction Letter (Dec. 11, 2023), Atmospheric Modelling Report (Level 2, 2022) [Exhibits A01–A03, C01–C07].
- Government documents: MELCCFP analysis report (Decree 515-2025), BAPE report no. 371 (2023), notices of non-compliance no. 402467797 and 402555956, Urgence-Environnement registry (file 301899969), decisions 2025 QCCS 1056 and 2025 QCCA 457 [Exhibits G07, G10, E03, R02, R04].
- Independent analytical data: WaterShed Monitoring report ((***), ICP-MS, Univ. Montreal, June 10, 2026); citizen sampling (Dec. 2023, cadmium × 320 HVAC); Bureau Veritas analyses (August 21, 2025) [Exhibits F01, LP-6 to LP-10].
- Independent expert opinion: (***) ((***)), written submissions June 28–29, 2026 [Support, Section 5.9].
- Communications with authorities: correspondence with ECCC, DFO, NRCan, City of Blainville (June 2026) [Exhibits D01–D10, E01].
- Corroborating journalistic sources (Radio-Canada Enquête, October 9, 2025; Le Devoir, March 19, 2025) — relied on as corroboration only, not as an exclusive basis [Exhibits RC-1 to RC-4, G09].

[CONCORDANCE LINK WITH THE APPENDIX (SUPPORTING INFORMATION - 102 PAGES)] • Appendix Section (102 p.): Section 10 (subsections 10.5 to 10.7, pp. 85–92) and Section 11 (ADMISSIBILITY OF THE COMMUNICATION, pp. 93–94) • Exact pagination in the Appendix: pp. 85–94 • Supporting documents (Series): Exhibits E01–E03 (Official Access to Information Response of the City of Blainville), Exhibits R01–R08 (QCCS 1056 / QCCA 457 Judgments) • Summary of the link and relevance: Demonstration of the absence of duplication with pending legal proceedings (the existing remedies relate exclusively to the constitutionality of the provincial Bill 93). Access to information proving the absence of a licence and consideration of economic barriers to access to justice.

12. RECENT BREACHES AND RECURRENT NATURE

This communication raises issues that would contribute to further the objectives of the Agreement. Documented sequence of incidents and non-compliances (sustained or recurring inaction, CUSMA 24.4):

#	Event	Relevance
1	History of non-conformances (C07) — mercury exceedance 2010	Recurrent nature
2	Provincial NCA No. 402555956 (June 4, 2025)	Non-compliance Order in Council 515-2025
3	Industrial activities during the nesting period (May 2025) Presumption based on a photograph obtained from a local citizen group, showing a semi-trailer truck carrying several dozen high-powered industrial gas floodlights.	ROM s. 5(1)
4	Road Spill August 21, 2025 — >1,300 L, 17 metals	LP s. 36(3)
5	WaterShed Monitoring Overruns (Oct–Nov. 2025)	LP art. 36(3), LCPE
6	Provincial NCA No. 402467797 (Feb. 10, 2026)	Sediment barriers
7	Fish mortality in Fauvel Lakes (March–April 2026)	LP ss. 34.4, 38
8	Overflow June 18, 2026 + July 2—Common Rainfall → Lockehead	LP ss. 36(3), 38

[CONCORDANCE LINK TO THE APPENDIX (SUPPORTING INFORMATION - 102 PAGES)] • Section of the Appendix (102 p.): Section 13 (OVERALL CONCLUSION) • Exact pagination in the Appendix: pp. 97–98 • Supporting Exhibits (Series): Full comparative matrix of the 4 federal statutes • Summary of the relationship and relevance: Synoptic summary table linking each claim in the revised communication to federal legal provisions, scientific evidence, and omissions of effective application by ECCC and DFO.

Summary

Claim	Federal provision	Key facts/evidence	Informed Federal Authority	Alleged omission
Harmful releases / nesting activities	LCOM, ss. 5, 5.1(1); ROM, 2022, s. 5(1)(a)-c)	Photos 22 May/ June 2026, 132 breeding species, 51 confirmed species, cadmium ×320 CVAC, chromium ×14 CER	ECCC / SCF	No inspection, permit or reasoned decision
Attacks on listed species	SARA, ss. 32, 33, 34, 58, 73, 79	Documented threatened species, inventories, habitat loss, alleged lack of SARA permits	ECCC/DFO by species	Lack of verification of applicability and authorization
Releases of deleterious substances	Fisheries Act, ss. 36(3), 38	Cadmium, chromium, TSS, 2025/2026 spills, Lockehead Creek connectivity	ECCC / DFO	Lack of investigation or order despite analytical data
Fish habitat	Fisheries Act, ss. 34.4, 35, 37	9 fish species, encroachments, fish mortality, alleged lack of authorization	DFO	Lack of authorization verification and avoidance measures
Toxic air/water	CEPA, ss. 64, 68, 71, 90, 91, 93	Atmospheric modelling, metals, chromium VI, arsenic, mercury	ECCC	Alleged lack of specific federal assessment or management
Right to a healthy environment	LCPE, art. 2(1)a.2), a.3), 64, 91	PM2.5, Cr VI, As, Hg, miner at 3.5 km, intergenerational equity	ECCC	Lack of specific federal evaluation/management

[CONCORDANCE LINK WITH THE ANNEX (SUPPORTING INFORMATION - 102 PAGES)] • Section of the Annex (102 p.): Section 12 (MEASURES REQUESTED FROM THE SECRETARIAT) • Exact pagination in the Annex: pp. 95–96 • Supporting documents (Series): Formal procedural formulations under CUSMA • Summary of the link and relevance: Details of the 5 requests addressed to the CEC Secretariat: deeming the communication admissible, requesting a detailed response from Canada, verifying the permits and evaluating the development of a factual record (art. 24.28).

14. ACTION REQUESTED FROM THE SECRETARIAT

The Submitter respectfully requests that the Secretariat:

1. To determine that this revised submission (and the 102-page Support as "supporting information") satisfies all of the criteria s. 24.27(2) of CUSMA and merits a response from the Party concerned.
2. To request a detailed response from the Government of Canada setting out, for each of the four Acts invoked, the inspection, authorization, investigation or enforcement measures taken or contemplated in relation to the activities of Stablex Cell No. 6.
3. To ask the Party concerned whether federal authorizations have been sought, verified or issued under s. 73 of SARA and s. 35 of the Fisheries Act.
4. Consider, in light of the response of the Party concerned, whether the establishment of a factual record within the meaning of Article 24.28 of CUSMA is warranted.
5. To seek clarification from Canada on: (a) compatibility of the deforestation schedule (April 15) with the biology of protected ectothermic species; (b) federal actions taken following the March–April 2026 fish mortality; (c) exercise of the powers of ss. 37 and 38 following documented exceedances and incidents.
6. 6. To ask Canada: (d) whether an assessment has been conducted under the Impact Assessment Act or its Physical Activities Regulations, ss. 56-57, with respect to Cell 6; (e) whether ECCC has exercised its powers under the MBCA s. 5.1(1) following documented releases of cadmium and chromium; (f) how Canada balances the lack of documented action with its obligation, s. 2(1)(a.2) CEPA, to protect the right to a healthy environment of a minor citizen.

15. COLLABORATORS, CERTIFICATION AND RESERVATION OF RIGHTS

The study received technical and advisory support from the following collaborators:

1. **Scientific and academic component:**
   a. Research Professor in Environmental Hydrology at : Review and validation (flow dynamics, risks of geotechnical settlements, hydraulic modelling).
   b. Biodiversity Analyst at
2. **Citizen and environmental expertise component:**
3.
   a. **Spokesperson and citizen group** (waste management): Critical follow-up of landfill files and their cumulative impacts.
   b. **Co-editor and regional environmental movement** : Analysis of the BAPE's public data and local mapping work.
   c. **Representative of a regional citizen movement** : Field documentation (deforestation), citizen monitoring and defense of intergenerational rights in the face of the expansion of containment cells.
   d. **n,** founder of: Field documentation and citizen mobilization for the protection of wetlands.

- **Mr. :** Analysis of heavy metal contamination data.
- **Ms.** : Hydrographic impact, peatland preservation and advocacy for intergenerational rights (two-lane wampum).

4. **Note on anonymity:** At the express request of certain citizens and NGO representatives, their names are not mentioned individually in order to preserve their confidentiality. This absence of formal mention also reminds us that their technical contribution does not imply any affiliation or responsibility for the conclusions of this submission.

15.2 Note on the contribution and reservation of rights

- The contributions of the individuals identified in section 15.1 were provided exclusively in a preliminary technical and consultative framework to attest to the rigour of the approach. **It is expressly stated that:**
- These contributions do not constitute an endorsement, endorsement or co-signing of the final report, its conclusions or legal interpretations.
- The aid was limited to one-off exchanges and does not bind the collaborators to the positions defended in this submission.
- Full and exclusive responsibility for the conclusions, legal interpretations and final formulations rests with the individual submitter.
- Contributors are not responsible in any way for the final content of this submission

[CONCORDANCE LINK TO THE APPENDIX (SUPPORTING INFORMATION - 102 PAGES)] • Section of the Appendix (102 p.): Section 15 (COLLABORATORS, CERTIFICATION AND RESERVATION OF RIGHTS) and Section 14 (LIST OF ATTACHMENTS) • Exact pagination in the Appendix: pp. 99–108 • Supporting documents (Series): Series A to R (Series A01–A03, B01–B02, C01–C07, D01–D10, E01–E03, F01–F02, G01–

G10, H01–H12, LP-1 to LP-15, R01–R08, RC-1 to RC-4) • Summary of the link and relevance: Recognition of technical experts (Pr St-Hilaire, (***)), solemn attestation signed in Blainville on July 16, 2026 and complete directory of all the documentary documents submitted in support of 102 pages.

16. CERTIFICATION

In accordance with Art. 24.27 of CUSMA, the Submitting Party certifies that all of the information contained in this submission and the supporting information is, to the best of its knowledge, accurate and true, and that the attachments establish the documentary basis for the information.

The sole purpose of this communication is to determine whether the Government of Canada is failing to effectively enforce its federal environmental laws. It does not ask the Secretariat to determine the civil, criminal or administrative liability of Stablex, the Government of Quebec or a third party, or to rule on the constitutional validity of Bill 93.

Done and signed at Blainville, Quebec, this 16th day of July, 2026.

William Tristan Logan Théo Guindon

Progress is not measured by the number of profits we generate, but by the number of contaminants we refuse to leave to our children.

Main Supporting Document: Revised Submission SEM-26-003 — Full analytical version (102 pages). Submitted via Google Drive

Series	Description	Date	Series	Description	Date
A01–A03	Stablex / Englobe Impact Studies and Inspection Reports	2020–2024	F01–F02	WaterShed Monitoring Report + KML Mapping	June 2026
B01–B02	Revised characterization reports	Dec 2025	G01–G10	Wildlife data, species at risk, Order in Council 515-2025, BAPE	2023–2026
C01–C07	Proponent's documents and official responses (Folder 3211-21-014)	2022–2024	H01–H12	Press Articles, Visual Findings, Univ. Montreal	2023–2026
D01–D10	Communications with ECCC, DFO, NRCAN + Acknowledgements of Receipt	June 2026	LP-1 to LP-15	Fisheries Act (Habitat, DFO, WaterShed, Incidents, Mortality)	2023–2026
E01–E03	Access to Information Requests, Notices of Non-Compliance	2026	R01–R08	Legal remedies (2025 QCCS 1056; 2025 QCCA 457)	2025
	Series A, B and C are to be consulted only by express reference. Any document or file omitted or incorrectly annexed must nevertheless be fully taken into consideration.		RC-1 to RC-4	Radio-Canada Enquête report (October 9, 2025) + related articles	Oct. 2025

This translation was automatically generated by word processing software and has not been reviewed by a language professional. In the event of any discrepancy, the original signed French version shall prevail. Dated November 9, 2026.