

Appendix P

Compliance assessment and status report

Appendix P: Compliance Assessment and Status Report

Licence Condition		Status of Compliance	
PART A: SCOPE, DEFINITIONS AND ENFORCEMENT			
1. SCOPE			
A.1 a.	This Licence authorizes CanZinco Ltd. ("Licensee") to conduct closure and reclamation activities and post-closure monitoring, associated with the Industrial undertakings at the Nanisivik Mine in the Qikiqtani Region of Nunavut, (73°02' N, 84°32' W) as follows: Post-closure monitoring commencing in 2009 and continuing for a period of five years unless otherwise approved by the Board, including; i. Water quality monitoring; ii. Geotechnical monitoring; iii. Inspection and maintenance of engineered structures and earthworks; iv. Closure and reclamation of the Fuel Tank Farm and associated hydrocarbon contaminated soils; and v. Completion of any further reclamation and closure activities approved by the Board in writing.	~	N/A
A.1 b.	This Licence is issued subject to conditions contained herein with respect to the taking of Water and the depositing of Waste of any type in any Waters or in any place under any conditions where such Waste or any other Waste that results from the deposits of such Waste may enter any Waters. Whenever new Regulations are made or existing Regulations are amended by the Governor in Council under the Act, or other statutes imposing more stringent conditions relating to the quantity, type or manner under which any such Waste may be so deposited, this Licence shall be deemed to be subject to such requirements.	~	N/A
A.1 c.	Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with all applicable legislation, guidelines and directives.	~	N/A
2. DEFINITIONS			
A.2	The Licensee shall refer to Schedule A for definitions of terms used in this Licence.	~	N/A
3. ENFORCEMENT			
A.3 a.	Licensee to the enforcement measures and the penalties provided for in the Act.	~	N/A
A.3 b.	All inspection and enforcement services regarding this Licence will be provided by Inspectors appointed under the Act.	~	N/A
A.3 c.	For the purpose of enforcing this Licence and with respect to the use of Water and Deposit or Discharge of Waste by the Licensee, Inspectors appointed under the Act, hold all powers, privileges and protections that are conferred upon them by the Act or by other applicable law.	~	N/A
PART B: GENERAL CONDITIONS			
B.1	The amount of Water use fees shall be determined in accordance with section 9(b) of the <i>Regulations</i> .	~	N/A
B.2	Payment of fees shall be made in accordance with section 9(6)(b) of the <i>Regulations</i> .	✓	In compliance.
B.3	The Licensee shall file an Annual Report with the Board no later than March 31 in the year following the calendar year being reported. The Annual Report shall be developed in accordance with Schedule B.	✓	Annual reports for 2009, 2010, 2011 and 2012 are available on the NWB public registry.
B.4	Compliance dates specified in the Licence may be modified at the discretion of the Chief Executive Officer.	~	N/A
B.5	The Licensee shall ensure a copy of this Licence, all records, books of account, or other documents are maintained at any place in Canada for a period of not less than five years from the effective date of this licence.	✓	In compliance.
B.6	Any communication with respect to this Licence shall be made in writing to the attention of: Manager of Licensing Nunavut Water Board P. O. Box 119 Gjoa Haven, NU X0B 1J0 Telephone: (867) 360-6338 Fax: (867) 360-6369 Email: licensing@nunavutwaterboard.org	~	N/A

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B.7	Any notice made to an Inspector shall be made in writing to the attention of: Water Resources Officer Nunavut District, Nunavut Region P.O. Box 100 Iqaluit, NU X0A 0H0 Telephone: (867) 975-4295 Fax: (867) 979-6445	~	N/A
B.8	The Licensee shall submit one (1) paper copy and one (1) electronic copy of all reports, studies, and plans to the Board or as otherwise requested by the Board. Reports or studies submitted to the Board by the Licensee shall include an executive summary in English and Inuktitut.	✓	2009: Partial compliance. No Inuktitut summary of QA/QC Plan or Fuel Tank Farm A&R Plan or annual monitoring report summaries. 2010: Non-compliant. No Inuktitut summary of annual monitoring report summaries. 2011: In compliance. 2012: In compliance.
B.9	The Licensee shall ensure that any document(s) or correspondence submitted by the Licensee to the Board is received by the Manager of Licensing.	~	N/A
B.10	The Licensee shall install and maintain signs that identify Water Supply Facilities, and Waste Disposal Facilities. The signs shall be posted in English and Inuktitut.	x	No longer applicable.
B.11	The Licensee shall, for all plans submitted under this Licence, include a proposed timetable for implementation. Plans submitted cannot be undertaken without subsequent written Board approval and direction. The Board may alter or modify a plan if necessary to achieve the legislative objectives and will notify the Licensee in writing of acceptance, rejection or alteration of the plan.	✓	In compliance.
B.12	In the event that a plan is not found acceptable to the Board, the Licensee shall provide a revised version to the Board for review within thirty (30) days of notification by the Board.	✓	In compliance.
B.13	Every plan to be carried out pursuant to the terms and conditions of this Licence shall, once approved become a part of this Licence, and any additional terms and conditions imposed upon approval of a plan by the Board become part of this Licence. All terms and conditions of the Licence shall be contemplated in the development of a plan where appropriate.	~	See section on additional conditions and restrictions.
B.14	The Licensee shall review the plans and manuals referred to in this Licence as required by changes in operation, site conditions, monitoring and/or technology and modify the plans and manuals to reflect these changes. Revisions to plans and manuals are to be submitted as an Addendum with the Annual Report required in Part B, Item 3, and include a complete list of revisions detailing where significant content changes have been made.	✓	In compliance.
B.15	Licence is assignable as provided in section 44 of the Act.	~	N/A
B.16	The expiry or cancellation of this Licence does not relieve the Licensee from any obligation imposed by the Licence as provided in section 45 of the Act.	~	N/A
PART C: CONDITIONS APPLYING TO SECURITY			
C.1	The Licensee shall furnish and maintain security with the Minister, in the amount of \$2.0 million dollars, in the form that is satisfactory to the Minister.	✓	Irrevocable Standby Letter of Credit for 2,000,000 CAD issued by Scotiabank December 6, 2012 (reference no. S18572/341828).
C.2	The Licensee shall furnish and maintain such further or other amounts as may be required by the Board, based on updated annual estimates of current mine reclamation liability.	~	N/A
C.3	The Licensee may submit to the Board for approval in writing, a request for a reduction to the amount of security. The submission shall include supporting evidence to justify the request.	~	Not yet applicable.
C.4	Subject to Part C, Item 2 and Part C, Item 3, the security referred to in Part C, Item 1 shall be maintained until such time as it is fully or in part refunded by the Minister pursuant to sub section 76(5) of the Act. This clause shall survive the expiry of this Licence or renewals thereof and until full and final reclamation has been completed to the satisfaction of the Minister.	✓	In compliance.
PART D: CONDITIONS APPLYING TO CONSTRUCTION			
D.1	The Licensee shall prevent any chemicals, fuel or wastes associated with the undertaking from entering any water body.	✓	In compliance.

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D.2	The Licensee shall minimize disturbance to terrain, permafrost and drainage during movement of contractor's equipment and personnel around the site during construction activities.	✓	In compliance.
D.3	The Licensee shall not store material on the surface of frozen streams or lakes except what is for immediate use.	✓	In compliance.
D.4	The Licensee shall locate equipment storage areas on gravel, sand or other durable land, a distance of at least thirty (30) metres above the ordinary high water mark of any water body in order to minimize impacts on surface drainage and water quality.	✓	In compliance.
D.5	The Licensee shall undertake necessary corrective measures to mitigate impacts on surface drainage resulting from the Licensee's activities.	✓	In compliance.
D.6	The Licensee shall limit any in-stream activity to low water periods. In-stream activity is prohibited during periods when fish migration may be expected.	✓	In compliance.
D.7	Prior to the construction of any dams, dykes or structures intended to contain, withhold, divert or retain Water or Wastes, final design and construction drawings signed and stamped by an Engineer shall be submitted to the Board, for approval in writing.	✓	In compliance.
D.8	The construction of engineered earthworks shall be supervised and field checked by a qualified Engineer. Construction records shall be maintained and made available at the request of the Board.	✓	In compliance.
D.9	review, within ninety (90) days following completion of all new structures designed to contain, withhold divert or retain Water or Wastes. The Report shall be prepared by a qualified Engineer(s) in accordance with Schedule D, Item 1.	✓	In compliance.
D.10	The Licensee shall use fill material for construction from an approved source, which has been demonstrated not to produce Acid Rock Drainage and to be non-Metal Leaching.	✓	In compliance.
D.11	The Licensee shall implement sediment and erosion control measures prior to and during Construction and Operations where necessary, to prevent entry of sediment into Water.	✓	In compliance.
D.12	The Licensee shall inspect daily all construction activities for signs of erosion.	✓	In compliance.
D.13	The Licensee shall minimize disturbance to terrain, permafrost and drainage during movement of the Licensee's and its contractor's equipment and personnel around the site during construction activities.	✓	In compliance.
PART E: CONDITIONS APPLYING TO WATER USE AND MANAGEMENT			
E.1	The Licensee shall obtain all fresh Water for domestic use from East Twin Lake, and Water use for the purposes of mitigation may be obtained from East Twin Lake, West Twin Creek and/or Chris Creek, or as otherwise approved by the Board in writing.	✓	In compliance.
E.2	The total volume of fresh Water for all uses shall not exceed one-hundred (100) cubic metres per day.	✓	In compliance.
E.3	The Licensee shall equip all Water intake hoses with a screen of an appropriate mesh size to ensure that fish are not entrained and shall withdraw Water at a rate such that fish do not become impinged on the screen.	✓	In compliance.
E.4	Streams cannot be used as a water source unless authorized and approved by the Board in advance in writing.	✓	In compliance.
E.5	If the Licensee requires water in sufficient volume that the source water body may be drawn down the Licensee shall, at least thirty (30) days prior to commencement of use of water, submit to the Board for approval in writing, the following: volume required, hydrological overview of the water body, details of impacts, and proposed mitigation measures.	~	N/A
E.6	The Licensee shall not remove any material from below the ordinary high water mark of any water body unless authorized.	✓	In compliance.
E.7	The Licensee shall implement measures to prevent the generation and deposition of dust and/or sediment into Water arising from road use.	✓	In compliance.

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PART F: CONDITIONS APPLYING TO WASTE DISPOSAL AND MANAGEMENT																																											
F.1	Effluent being discharged from the West Twin Disposal Area at monitoring station 159-4 shall be directed to Twin Lakes Creek and not exceed the following Effluent quality limits:	✓	In compliance.																																								
	<table><tr><th>Substance</th><th>Monthly Mean Maximum Authorized Concentration (mg/L)</th><th>Composite Sample Maximum Authorized Concentration (mg/L)</th><th>Grab Sample Maximum Authorized Concentration (mg/L)</th></tr><tr><td>Total Arsenic (As)</td><td>0.25</td><td>0.375</td><td>0.50</td></tr><tr><td>Total Copper (Cu)</td><td>0.10</td><td>0.15</td><td>0.20</td></tr><tr><td>Total Lead (Pb)</td><td>0.10</td><td>0.15</td><td>0.20</td></tr><tr><td>Total Nickel (Ni)</td><td>0.50</td><td>0.75</td><td>1.00</td></tr><tr><td>Total Zinc (Zn)</td><td>0.25</td><td>0.375</td><td>0.50</td></tr><tr><td>Total Suspended Solids (TSS)</td><td>15.00</td><td>22.50</td><td>30.00</td></tr><tr><td>Total Radium 226 (²²⁶Ra)</td><td>0.37 Bq/L</td><td>0.74 Bq/L</td><td>1.11 Bq/L</td></tr><tr><td>Total Cadmium (Cd)</td><td>0.005</td><td>0.008</td><td>0.01</td></tr><tr><td>pH</td><td colspan="3">6.0-9.5</td></tr></table>			Substance	Monthly Mean Maximum Authorized Concentration (mg/L)	Composite Sample Maximum Authorized Concentration (mg/L)	Grab Sample Maximum Authorized Concentration (mg/L)	Total Arsenic (As)	0.25	0.375	0.50	Total Copper (Cu)	0.10	0.15	0.20	Total Lead (Pb)	0.10	0.15	0.20	Total Nickel (Ni)	0.50	0.75	1.00	Total Zinc (Zn)	0.25	0.375	0.50	Total Suspended Solids (TSS)	15.00	22.50	30.00	Total Radium 226 (²²⁶ Ra)	0.37 Bq/L	0.74 Bq/L	1.11 Bq/L	Total Cadmium (Cd)	0.005	0.008	0.01	pH	6.0-9.5		
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F.2	Where a visible sheen of Oil and Grease has been observed under Part I, Item 2, the Maximum Authorized Concentration in a Grab Sample shall not exceed 30 mg/L.	✓	In compliance.																																								
F.3	The Licensee shall remove from the project site, all hazardous Wastes generated through the course of the undertaking, for disposal at an approved hazardous waste disposal facility.	✓	In compliance.																																								
F.4	The Licensee shall maintain records of all Waste backhauled.	✓	In compliance.																																								
PART G: CONDITIONS APPLYING TO MODIFICATIONS																																											
G.1	The Licensee may, without written consent from the Board, carry out Modifications provided that such Modifications are consistent with the terms of this Licence and the following requirements are met:	✓	In compliance.																																								
G.1 a.	The Licensee has notified the Board in writing of such proposed Modifications at least sixty (60) days prior to beginning the Modifications to include requirements of Part G, Item 3;																																										
G.1 b.	Such Modifications do not place the Licensee in contravention of the Licence or the Act;																																										
G.1 c.	Such Modifications are consistent with the NIRB Screening Decision;																																										
G.1 d.	The Board has not, within sixty (60) days following notification of the proposed Modifications, informed the Licensee that review of the proposal will require more than sixty (60) days; and																																										
G.1 e.	The Board has not rejected the proposed Modifications.																																										
G.2	Modifications for which any of the conditions referred to in Part G, Item 1 have not been met can be carried out only upon approval from the Board in writing.	~	N/A																																								
G.3	Applications for modifications shall contain:	✓	In compliance.																																								
G.3 a.	A description of the facilities and/or works to be constructed;																																										
G.3 b.	The proposed location of the structure(s);																																										
G.3 c.	Identification of any potential impacts to the receiving environment;																																										
G.3 d.	A description of any monitoring required, including sampling locations, parameters measured and frequencies of sampling;																																										
G.3 e.	Schedule for construction;																																										
G.3 f.	Drawings of engineered structures stamped by a Professional Engineer; and																																										
G.3 g.	Proposed sediment and erosion control measures.																																										
G.4	The Licensee shall provide as-built plans and drawings of the Modifications referred to in this Licence within ninety (90) days of completion of the Modification. These plans and drawings shall be stamped by an Engineer.	~	N/A																																								
PART H: CONDITIONS APPLYING TO EMERGENCY RESPONSE AND SPILL CONTINGENCY PLANNING																																											
H.1	The Licensee shall prevent any chemicals, petroleum products or unauthorized Wastes associated with the project from entering Water.	✓	In compliance.																																								
H.2	The Licensee shall provide secondary containment for fuel and chemical storage as required by applicable standards and acceptable industry practice.	✓	In compliance.																																								
H.3	The Licensee shall prevent any chemicals, petroleum products or Wastes associated with the project from entering into Water.	✓	In compliance.																																								
H.4	All sumps and fuel caches shall be located at a distance of at least thirty (30) metres from the ordinary high water mark of any adjacent water body and inspected on a regular basis.	✓	In compliance.																																								

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H.5	Licensee shall ensure that any equipment maintenance and servicing be conducted only in designated areas and shall implement special procedures (such as the use of drip pans) to manage motor fluids and other waste and contain potential spills.	✓ In compliance.
H.6	If, during the period of this Licence, an unauthorized Discharge of Waste and or Effluent occurs, or if such Discharge is foreseeable, the Licensee shall:	~ N/A
H.6 a.	Employ as required, Emergency Response and Spill Contingency measures;	
H.6 b.	Report the incident immediately via the 24-Hour Spill Reporting Line (867) 920-8130 and to the Inspector at (867) 975-4295; and	
H.6 c.	For each discharge occurrence, submit a detailed report to the Inspector, no later than thirty (30) days after initially reporting the event, which includes the reference spill report number and a summary of information provided during initial reporting, the final estimated amount and type of spilled product, the GPS location of the spill, and the measures taken to contain, clean up and restore the spill site.	
PART I: CONDITIONS APPLYING TO THE MONITORING PROGRAM		
I.1	The Licensee shall undertake the Monitoring Program as provided in Tables 1, 2, and 3 of Schedule I.	✓ In compliance.
I.2	If a visible sheen of Oil and Grease is present upon inspection at all sampling locations, during each sampling date, the Licensee shall obtain additional samples to be analysed for Oil and Grease to comply with Part F, Item 2.	✓ In compliance.
I.3	The Licensee shall confirm the locations and GPS coordinates for all monitoring stations referred to in Schedule I with an Inspector.	✓ In compliance.
I.4	The Licensee shall install and maintain signs that identify the monitoring stations. The signs shall be posted in English and Inuktitut.	✓ In compliance.
I.5	The Licensee shall undertake a geotechnical inspection, to be carried out annually by a Geotechnical Engineer, during the months of July, August or September and reported as set out in Part I, Item 6. The inspection shall be conducted in accordance with the <i>Canadian Dam Safety Guidelines</i> , where applicable and be consistent with the "2008 Annual Geotechnical Inspection" (BGC Engineering Inc., January 30, 2009), taking into account all major earthworks and any changes to the project.	✓ In compliance.
I.6	The Licensee shall submit to the Board, within the Annual Report required by Part B, Item 3, a report of the Geotechnical Engineer's Inspection carried out under Part I, Item 5. The Report shall include a cover letter from the Licensee, outlining an implementation plan to address the recommendations of the Geotechnical Engineer.	✓ In compliance.
I.7	The Licensee shall submit to the Board, within the Annual Report required by Part B, Item 3, a detailed "Annual Water Quality Review" which includes, analysis of results and comparison to regulatory standards, approved plans, and demonstration of stability for termination of post-closure monitoring program where merited.	✓ In compliance.
I.8	The Licensee shall submit to the Board for approval in writing, within three (3) months of issuance of the Licence, a "Comprehensive Contingency Plan" to include:	✓ In compliance.
I.8 a.	Consolidation of contingency measures as provided in the Appendices to the 2004 Reclamation Plan and Closure Plan(s);	Submitted Geotechnical and Water Quality Contingency Plans October 1, 2009 in response to items a, b and d. Translated summaries submitted October 23, 2009.
I.8 b.	Levels established and the methodology used in the establishment of contingency levels for water quality monitoring parameters and the geotechnical monitoring program, must be established whereby defined abatement and mitigation actions would be undertaken for any exceedance of such levels or criteria, taking into account historical background conditions;	
I.8 c.	Mitigation and monitoring that addresses any environmental issues that may develop during reclamation of the Main Fuel Tank Farm; and	Submitted October 20, 2009 and approved April 26, 2010.
I.8 d.	Reporting requirements.	
I.9	All sampling, sample preservation and analyses shall be conducted in accordance with the methods prescribed in the current edition of " <i>Standard Methods for the Examination of Water and Wastewater</i> " or by other such methods approved by an Analyst.	✓ In compliance.

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I.10	All analyses shall be performed in an accredited laboratory according to ISO/IEC Standard 17025. The accreditation shall be current and in good standing.	✓	In compliance.
I.11	The Licensee shall submit a revised "Quality Assurance/ Quality Control (QA/QC) Plan". The QA/QC Plan shall be modified to include up to date sampling methods to all applicable standards, acceptable to an accredited laboratory as required by Part I, Item 9 and Part I, Item 10. The Plan shall include a covering letter from the accredited laboratory confirming acceptance of the Plan for analyses to be performed under this Licence.	✓	Submitted October 20, 2009. Approved November 6, 2009.
I.12	The Monitoring Program may be modified, without a public hearing, at the discretion of the Chief Executive Officer. Requests for changes to the Program must be forwarded to the NWB in writing and include a comprehensive trend and comparative analysis to previously collected data, including background monitoring data for all sample parameters and locations, and provide a rationale acceptable to the NWB to support the request.	~	N/A
PART J: CONDITIONS APPLYING TO ABANDONMENT, RECLAMATION AND CLOSURE			
J.1	The Licensee shall continue to implement the Nanisivik Mine 2004 Reclamation Plan and Closure Plan as approved by the Board on July 6, 2004 including the monitoring requirements to confirm objectives, or as subsequently revised to incorporate design changes and adaptive engineering required and implemented during Construction and on the basis of actual site conditions and monitoring results over the implementation period or as otherwise required by this Licence. The plan included:	✓	In compliance.
J.1 a.	Nanisivik Mine 2004 Reclamation Plan and Closure Plan;		
J.1 b.	Engineering Design of Surface Reclamation Covers Report;		
J.1 c.	Surface Cell and Test Cell Taliks Report;		
J.1 d.	Quarry Development and Reclamation Plan;		
J.1 e.	Detailed Design of the West Twin Dyke Spillway Report;		
J.1 f.	Rock Piles and Open Pits Closure Plan;		
J.1 g.	Closure Monitoring Plan;		
J.1 h.	2003 Phase III Environmental Site Assessment Report;		
J.1 i.	Human Health and Ecological Risk Assessment Report;		
J.1 j.	West Twin Disposal Area Closure Plan;		
J.1 k.	Waste Disposal Plan; and		
J.1 l.	Landfill Closure Plan.		
J.2	The Licensee shall submit to the Board for approval in writing, by September 30, 2009, Abandonment and Reclamation Plan specific to the Fuel Tank Farm, prepared in accordance with the <i>Mine Site Reclamation Guidelines for the Northwest Territories, 2007</i> and consistent with the <i>INAC Mine Site Reclamation Policy for Nunavut, 2002</i> . The Plan shall include:	✓	Submitted October 20, 2009. Approved April 26, 2010.
J.2 a.	Detailed engineering designs, stamped by an Engineer, for the closure (where applicable);		
J.2 b.	Details on the collection and disposal of hydrocarbon residues within all tanks and pipes;		
J.2 c.	The process of dismantling and disposing of all tanks, pipes, pumps and liners including final disposal location;		
J.2 d.	Description of the final desired landscape;		
J.2 e.	Discuss potential closure issues and liabilities including anticipated costs of all remediation activities;		
J.2 f.	Identify a plan to delineate, treat and dispose of hydrocarbon contaminated soils located within, beneath and adjacent to the Fuel Tank Farm;		
J.2 g.	Confirmation of Soil Quality Remediation Objectives (SQRO's) for the tank farm area;		
J.2 h.	Consideration for disposal of liquid and/or hazardous waste in accordance with Government of Nunavut requirements or guidelines;		
J.2 i.	Confirmatory soil analysis for Total Petroleum Hydrocarbons (TPH);		
J.2 j.	Decontamination and removal procedures for the tank and liner;		
J.2 k.	Spill Contingency measure in accordance with <i>Spill Contingency Planning and Reporting Regulations</i> developed under the <i>Environmental Protection Act (Nunavut)</i> ; and		
J.2 l.	Detailed implementation schedule for all tasks and activities.		

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Additional Conditions and Restrictions			
Approval - Abandonment and Reclamation Plan, Fuel Tank Farm, Former Nanisivik Mine Site, Nunavut, Type "A" Water Licence 1AR-NAN0914, Part J, Item 2			
1	Refer to GN DOE's guidelines <i>Environmental Guideline for Contaminated Site Remediation (updated March 2009)</i> , for assessment and remediation of the site;	✓	In compliance.
2	Refer to Environment Canada's document <i>Federal Guidelines for Landfarming Petroleum Hydrocarbon Contaminated Soils</i> (2006), when carrying out the soil remediation activity;	✓	In compliance.
3	Provide a more detailed Gantt Chart (timeline) for the project, upon retaining a contractor;	✓	Submitted to DFO December 9, 2010. Timeline updates submitted with 2011 and 2012 annual reports.
4	Provide to the Board and DFO for review, the contractor's Spill Contingency Plan; and	✓	Submitted May 10, 2012.
5	Any additional waste generated at the site through the reclamation activities shall be removed from the site to a licensed disposal facility.	✓	In compliance.