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NWB file: 1BR-CLI0914

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Via email: iporter@nunavutwaterboard.org

RE: 1BR-CLI0914 Spill Contingency Plan

Environment Canada (EC) has reviewed the above-mentioned spill contingency plan submitted to the Nunavut Water Board (NWB). The following specialist advice has been provided pursuant to the *Canadian Environmental Protection Act*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Indian and Northern Affairs Canada (INAC) has submitted a Spill Contingency Plan to the NWB as a requirement of Part I, Item 1 of water license 1BR-CLI0914 for Clifton Point PIN-B cleanup. Clifton Point is located in the western Canadian Arctic between Paulatuk, NT and Kugluktuk, NU. PIN-B was abandoned as a North American Distant Early Warning (DEW) Line site in 1963. Work on site includes contaminated soil treatment and containerization, facility demolition and containerization, debris cleanup and storage for off-site transport of hazardous and non-hazardous materials. Mobilization to the site occurred in late-July of 2009. Contract work occurred through the summer of 2009 and June 2010. Demobilization will occur in July or August 2010.

EC is pleased that INAC provided a well-written and thorough plan and provides the following comments for the NWB's consideration:

- All mitigation measures identified by the proponent, and the additional measures suggested herein, should be strictly adhered to in conducting project activities. This will require awareness on the part of the proponents' representatives (including contractors) conducting operations in the field. EC recommends that all field operations staff be made aware of the proponents' commitments to these mitigation measures and provided with appropriate advice/training on how to implement these measures.
- Meeting the requirements of the *Fisheries Act* is mandatory, irrespective of any other regulatory or permitting system. Section 36(3) of the *Fisheries Act* specifies that unless authorized by federal regulation, no person shall deposit or permit the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water. The legal definition of deleterious substance provided in section 34(1) of the *Fisheries Act*, in conjunction with court rulings, provides a very broad interpretation of deleterious and

- includes any substance with a potentially harmful chemical, physical or biological effect on fish or fish habitat.
- Refuelling shall not take place below the high water mark of any water body and shall be done in such a manner to prevent hydrocarbons from entering any water body frequented by fish.
 - EC recommends that a copy of the Plan should be posted at any location where these products are stored and at each fuel cache and refuel station, accessible to on-site crew members.
 - A section should be included in the Plan that provides direction regarding response action for spills on various types of terrain (e.g. spills on land, water, snow/ice, muskeg, etc.)

If there are any changes in the proposed project, EC should be notified, as further review may be necessary. Please do not hesitate to contact the undersigned with any questions or comments with regards to the foregoing at (867) 975-4631 or by email at Paula.C.Smith@ec.gc.ca.

Yours truly,



Paula C. Smith
Environmental Assessment Coordinator

cc: Carey Ogilvie (Head, Environmental Assessment-North, EPO, Yellowknife, NT)
Ron Bujold (Environmental Assessment Technician, EPO, Yellowknife, NT)