



NWB Tools

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**Fw: Determination on 1BR-LTU1419**

1 message

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Wed, Jun 17, 2015 at 8:56 PM

To: cynthia.ene@nwb-oen.ca, phyllis.beaulieu@nwb-oen.ca

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Good evening Ms. Ene,

Please forgive me for my delay on making a determination with regards to the 1BR-LTU1419 cancellation application.

**Determination:**

After considering the situation at hand, **I support the cancellation of Transport Canada's Water Licence** as they do not intend to use water or deposit waste related to the treatment of soils at the Iqaluit Airport, as made clear in their cancellation application.

It is Transport Canada's prerogative to cancel their Water Licence given that they no longer intend to use water or deposit waste to water. However, once this licence is cancelled they will therefore forfeit the privilege that a licence provides and therefore, they must comply with the Nunavut Waters and Nunavut Surface Rights Tribunal Act in relation to the use of water and the deposit of waste in Nunavut.

Furthermore, I understand that concern has been raised with respect to this licence cancellation because there exists approximately 900 cubic metres of soil that exceeds CCME limits for hydrocarbon contamination on or near the Transport Canada site. I have made a determination that this contaminated soil would be best dealt with by the Government of Nunavut, Department of Environment under their Environmental Protection Act. This Act specifically deals with soils and this issue at hand would be better captured under the jurisdiction of this legislation. I have already spoken with Alex Brisco, Manager of Environmental Protection and he is working with the stakeholders at the airport to ensure this soil is managed according to Guidelines established by his department.

I want to make clear to all parties that cancelling Transport Canada's Water Licence does not determine ownership of the soil, it just cancels Transport Canada's rights that they had with respect to the use of water and deposit of waste while they had a Water Licence. The ownership of this soil is a civil matter and appears to be a complicated one. From recent correspondences that I have been privy to, along with correspondences attached to the cancellation application, it appears that Transport Canada and the Government of Nunavut are discussing this matter, but it is not my concern.

My concern, with respect to this soil, is the leaching of the hydrocarbons into water. As such, I will continue to enforce the Nunavut Waters and Surface Rights Tribunal Act and I will monitor water downstream of this contamination to determine if these hydrocarbons are leaching into the water.

If you have any other questions or seek further clarification, please feel free to contact me at my coordinates below.

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