

From: [Didham,Curtis \[Iqa\]](#)
To: [Melissa Joy](#); [Nunatta Environmental](#)
Cc: [Ian Rumbolt](#); [Andrew Keim](#); [Bryan Rayner](#); "[Phyllis Beaulieu](#)" <[Phyllis Beaulieu](#)>
Subject: RE: Water clean up (NWB4-NUN0511)
Date: Monday, July 12, 2010 3:00:02 PM

From an Environment Canada perspective if you discharge water whether it is filtered or not and the discharge results in fish dying then you are in violation of the Fisheries act section 36(3).

If you can show you took all reasonable efforts to comply with the fisheries act and prevent the violation, you have a due diligence defence, therefore you can avoid liability.

If you discharge water that enters fish bearing waters that is filtered and lab results show acceptable levels and for some reason fish die you have strong due diligence defence.

If you discharge water that enters fish bearing waters that is filtered and you have no lab results to show acceptable levels of the discharge you have a weak due diligence defence.

To be on the safe side so you have a due diligence defence it would be a wise decision to test the filtered water that shows acceptable levels before you discharge it.

Curtis Didham
Enforcement Officer/Agent d'application de la loi
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-----Original Message-----

From: Melissa Joy [<mailto:Melissa.Joy@inac-ainc.gc.ca>]
Sent: Monday, July 12, 2010 4:01 PM
To: Nunatta Environmental
Cc: Didham,Curtis [Iqa]; Ian Rumbolt; Andrew Keim; Bryan Rayner; "Phyllis Beaulieu" <Phyllis Beaulieu>
Subject: Re: Water clean up (NWB4-NUN0511)

Hi Jim,

If it states within your water licence that you must transfer soil into your land farm first before you can discharge (?), providing it meets criteria, then you need to apply for an amendment to your water licence for those specific circumstances (as you describe) to be considered. Can you please clarify: are you talking about contaminated soil or the resulting contaminated water/fluids from an extraction process? More info is needed.

Also, you do not require a "discharge permit" from your water licence -you are required to provide

notification prior to intent to discharge (Part E of your water licence) and provide the relevant test results showing the batch meets effluent quality criteria. If you are referring to other requirements from other agencies, please specify; I have included the Government of Nunavut and Environment Canada on the email list if there is info to contribute from their respective departments.

From Water Licence NWB4-NUN0511, Part E (4): The Licensee shall direct all hydrocarbon-impacted soil to the Landfarm Treatment Facility, or as otherwise approved by the Board.

This means any change(s) to this activity, such as holding soil/water in a temporary or alternative containment system after treatment, must first be approved by the NWB. I have cc'd the NWB -you should direct questions related to applying for an amendment through them.

Please note -you will be required to document and test your batches, as it is your due diligence to ensure the treatment process has worked.

Melissa

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>>> Nunatta Environmental <nunatta@northwestel.net> 08/07/2010 4:42 pm >>>

Hello Melissa

I understand there is some additional clean up work being done at the Quickstop gas bar.

My understanding is the excavation work is to be done tomorrow, as I have been called by Tower Arctic to see if I would accept contaminated soil into our land farm.

I have noticed Sampson filters and carbon vessels on site, this is the same procedure we have used all along , except now we have been told it is required by law to test for hydrocarbon levels before and after filtration and a decanting permit is required to release any waters into the environment.

Would you advise me if this practice is permitted as we have a few jobs where it would be nice to polish water and release it with out having to transport to land farm and test.

Thank you

JIM

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This message was sent to you by:
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