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April 29, 2009

Our file Notre référence 4703 003 025

Your file Votre référence 1BR-RAN0914/TR/H1

Richard Dwyer
License Administrator
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU, X0B 1J0

Via Email at licensingadmin@nunavutwaterboard.org

Dear Richard Dwyer,

RE: NWB 1BR-RAN0914/TR/H1 – Government of Nunavut, Community and Government Services – Submission of Spill Contingency Plan for Rankin Inlet Landfarm

Environment Canada (EC) has reviewed the information submitted with the above-mentioned application. The following specialist advice has been provided pursuant to EC's mandated responsibilities arising from the *Canadian Environmental Protection Act* (CEPA), Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

It is the understanding of EC that the Government of Nunavut, Community and Government Services, as a requirement of Part D, under Section III, General Considerations of the water license 1BR-RAN0914 (1BR-RAN0914 Nunavut Water Board (NWB), January 30, 2009) (herein known as 'the water license'), submitted the report entitled "Spill Contingency Plan for Rankin Inlet Landfarm" (March 2009, FSC Architects & Engineers) (herein known as 'the plan'). This condition states that all licensees prepare a comprehensive, site specific Spill Contingency Plan to establish a state of readiness that ensures a prompt and effective response to possible spills or system failure events. The site specific Spill Contingency Plan will assist the Licensee in responding to emergencies, such that the impact to water in particular and the environment and public health in general, are minimized (1BR-RAN0914 NWB, January 30, 2009). The original submission from the proponent was found to be technically deficient, and therefore, the NWB imposed the requirement on the License that the Spill Contingency Plan be revised and resubmitted to include the changes identified under Part H, Item 1, within sixty (60) days of the issuance of the water license.

Brief Summary of the Project:

The community of Rankin Inlet is located within the Kivalliq Region of Nunavut. The site is home to the Rankin Inlet Fuel Facility that is being upgraded. As part of the upgrade, approximately 5,000 cubic meters of hydrocarbon-contaminated soils must be removed from the site and remediated. Contaminated soils will be remediated in a lined engineered landfarm. The landfarm will be located adjacent to the new Rankin Inlet Municipal Solid Waste Site (Page 4 of the plan).

Comments and Recommendations:

General

1. EC notes that a Spill Contingency Plan, as identified in the “Consolidation of Spill Contingency Planning and Reporting Procedures”¹ must be prepared for any facility that stores contaminants, where the storage capacity of the facility equals or exceeds the storage capacity shown in Schedule A of the *Environmental Protection Act*. This plan should, therefore fulfill the criteria as stated in the Government of Nunavut’s “Consolidation of Spill Contingency Planning and Reporting Procedures.”
2. EC finds that the plan encompasses the minimum requirements and follows the format as set out in the water license, but lacks the appropriate detail to demonstrate a capability to respond to spills and minimize environmental damage. Having this capability requires the development of a comprehensive/cohesive Spill Contingency Plan. For example, points 1.6.1, 1.6.2, 1.6.3, and 1.6.4 of Section 1.6 in the plan do not include procedures for spills that may occur outside the berm (e.g. due to transportation, fuel transfers, etc.). Furthermore, the plan is not detailed enough to demonstrate the capability of the proponent to respond to spills within the berm.
3. Part H, Section 1(d) of the water license states that the proponent shall include the name, job title and 24 hour contact number of the person in charge on site. EC therefore recommends that Section 1.2 of the plan reflect this by including the name of the contact person.
4. Part H, Section 1(k) of the water license states that the proponent shall include a description of the spill response training provided to employees who will respond to a spill. EC therefore recommends that section 1.8 of the plan reflect this by updating the Spill Response training to include a description of the training required by each of the employees. EC further recommends that all staff be tested through annual training exercises to ensure effectiveness.
5. For an effective spill response, there must be some expertise on site to direct the equipment deployment operations. To ensure that the Spill Response Team is prepared to respond to a spill situation in a reasonable manner, EC recommends that hands-on training and familiarization with equipment used for spill containment be completed. This training will provide the response crews with an understanding of the limitations or potential problems that may be encountered in the use of the various equipment pieces.
6. Section 1.10 of the plan has two steps listed as number 3. EC recommends that this section be updated to correct the error.
7. Section 1.10 of the plan lists the Spill Response Team and their contact information. This list should also include a description of the Spill Response Team’s roles and responsibilities and a list of resources available for response (e.g. heavy-equipment operators, spill clean-up materials or companies).
8. EC recommends that all field operations staff be made aware of the proponent’s fuel management and spill contingency commitments and be provided with appropriate advice/training on how to implement such mitigation measures.

¹ Government of Nunavut, ‘Consolidation of Spill Contingency Planning and Reporting Procedures’, Environmental Protection Act, April 1, 1999.

Water Quality – Fisheries Act Section 36(3)

9. 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.

CEPA – Spill Prevention, Preparedness and Response

10. Please note that any spill of fuel or hazardous / deleterious materials, adjacent to or into a water body, **regardless of quantity**, shall be reported immediately to the NWT/NU 24-hour Spill Line, **(867) 920-8130**.
11. EC recommends that Section 1.6.1, No. 2 of the plan be updated to identify that the '24 hours spill report line' is the 'NWT/NU 24-hour Spill Line.'
12. Section 1.12 of the plan identifies contacts in the case of emergency. The phone number (780) 951-8600 is listed as the EC contact. EC recommends that this number be updated to (866) 845-6057. However, EC reminds the Government of Nunavut, Community and Government Services that all spills are to be reported to the NWT/NU 24-hour Spill Line (point 10 above), as EC will be notified through this process.
13. Section 1.9 of the plan identifies what should be stored in each spill kit. EC recommends that the spill kit also includes shovels, barrels and pumps. The spill kits should be consistently maintained and readily available onsite in a central location, and this location should be identified in the plan.
14. The plan should include a list of the available emergency equipment and the location(s) of where this equipment can be found.
15. EC recommends that a secondary containment or a surface liner (drip pans, fold-a-tanks, etc.) be placed under all container or vehicle fuel tank inlet and outlet points, hose connections and hose ends during fuel or hazardous substance transfers. This containment should be of adequate size and volume to contain and hold fluids for the purpose of preventing spills (the worst case scenario).
16. Appropriate spill response equipment and clean-up materials (absorbents, containment devices, etc.) should be on hand during any transfer of fuel or hazardous substances and at vehicle maintenance areas.

CEPA – Hazardous substances

17. Part H, Section 1(g) of the water license states that the proponent shall include in the Spill Contingency Plan, a description of the type and amount of fuels, chemicals and other hazardous materials used or stored on site. Therefore Section 1.4 of the plan should reflect this by including a comprehensive description of the properties and characteristics of the substances, maximum expected quantity, storage location, and potential consequences from an environmental emergency on the environment and human health. Also note that a spill kit and relevant MSDS sheets are to be kept in all chemical storage locations.

18. The proponent shall ensure that all hazardous wastes, including waste oil, receive proper treatment and disposal at an approved facility. Furthermore, the plans should include locations of disposal sites approved to accept wastes and means of storage prior to disposal.
19. If any contaminated and/or hazardous material is to be removed from the site, EC recommends that the proponent provide the information regarding disposal and transportation methods to the appropriate facility.

Wildlife / Species at Risk

20. Section 5.1 of the *Migratory Birds Convention Act* prohibits persons from depositing substances harmful to migratory birds in waters or areas frequented by migratory birds or in a place from which the substance may enter such waters or such an area.

If there are any changes in the proposed plan, EC should be notified, as further review may be necessary. Please do not hesitate to contact me at (867) 669-4748 or Stacey.Lambert@EC.gc.ca with any questions or comments.

Yours truly,

Stacey Lambert
Environmental Assessment Coordinator, EPO

cc: Carey Ogilvie (Head, Environmental Assessment North, EPO)
Lisa Perry (Environmental Assessment Coordinator, EPO)