

NUNAVUT IMPACT REVIEW BOARD

PROJECT CERTIFICATE

For

The Clean up of PCBs at Resolution Island

NIRB Application # 98D01N074

Date of Hearings: September 26, 2000,

October 9, 2000

Date of Report and Recommendations: November 10, 2000

Date of Minister's Decision: June 13, 2001

Date of Project Certificate: July 8, 2002

CERTIFICATE 98D01N074

IN THE MATTER OF the Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Agreement);

AND IN THE MATTER OF the *Nunavut Land Claims Agreement Act* (NLCA), S.C., 1993, c. 29;

AND IN THE MATTER OF the *Canadian Environmental Protection Act* (CEPA), S.C., 1999, c. 33, as amended, and the Regulations made there under; and

AND IN THE MATTER OF an application by the Department of Indian Affairs and Northern Development (DIAND) dated September 2000 for a project certificate pursuant to Article 12.5.12 of the Agreement authorizing the removal and disposal of PCB-contaminated soils on Resolution Island in Nunavut (hereinafter referred to as the Resolution Island Clean Up Project);

BEFORE the Board on September 26 and October 9, 2000.

WHEREAS DIAND has represented that the Resolution Island Clean Up Project is required to meet the legislative requirements of the Agreement, the NLCA and CEPA;

AND WHEREAS public hearings were held pursuant to Article 12.5.3 in Iqaluit, Nunavut on September 26, 2000 and Kimmirut, Nunavut on October 9 2000, at which the Board heard DIAND and all interested parties;

AND WHEREAS pursuant to the Agreement, the Board has considered the information submitted by DIAND and has performed an environmental impact review of the Resolution Island Clean Up Project;

AND WHEREAS the Board has determined, pursuant to Article 12.5.5 of the Agreement, that the removal and disposal of PCB-contaminated soil at an off-site licensed facility, taking into account the implementation of the mitigative measures proposed by DIAND and set out in the conditions to this certificate, is not likely to cause significant adverse environmental effects;

AND WHEREAS the Board has found, pursuant to Article 12.5.5 of the Agreement and taking into account all matters relevant to its mandate, that the Resolution Island Clean Up Project will enhance and protect the existing and future well being of the residents and communities of the Nunavut Settlement Area;

AND WHEREAS the Minister of Indian Affairs and Northern Development, pursuant to Article 12.5.7 of the Agreement, in a decision dated the 13th day of June, 2001 has approved the issuance of this certificate;

NOW THEREFORE pursuant to Article 12.5.12 of the Agreement, the Board hereby issues this certificate in respect of the Resolution Island Clean Up Project.

This certificate is subject to the terms and conditions listed below.

Temporary Storage Procedures

- A. For the storage of contaminated soil in the temporary storage facility, DIAND must ensure that:
1. Workers in the Storage facility will wear protective clothing and follow established site protocols for working with contaminated soil.
 2. Dust meters will be installed in the facility.
 3. All personnel are trained to ensure that the requirements of the Workplace Hazardous Materials Information System (WHMIS) are followed.
 4. An impermeable membrane is installed on the floor of the facility before storing contaminated soil.

Loading Procedures

- B. For the loading of contaminated soil into shipping containers, DIAND must ensure that:
1. Workers in the storage facility will wear protective clothing and follow safety protocols for working with contaminated soil.
 2. Any spillage will be immediately cleaned up and reloaded into PCB containers.
 3. WHMIS standards are fully adhered to.
- C. The loading procedures for containers onto the barge and ship shall be conducted from high to low tide, when the weather conditions **do not exceed** the following criteria:
1. Winds of 10 knots for the NE-E and/or SE-S;
 2. Winds of 15 knots from N and/or SW;
 3. Winds of 25 knots from W and/or SW;
 4. Ice concentrations greater than 3/10ths overall coverage of Brewer Bay;
 5. High density fog with less than 0.25 nautical mile visibility;
 6. Swell/waves of 3 feet or more;
 7. Icebergs blocking the barging area.

Additionally:

1. Conditions must be such that the barges will be pulled up immediately adjacent to the vessel, leaving no space large enough for a container to fall through between the two vessels.
2. PCB containers will be strong enough to easily withstand dropping events without any breakage of the seal.

3. Containers will be secured on the barge.
4. The containers will be waterproof and will withstand corrosion in seawater for a minimum of 15 years.
5. The containers will comply with the *International Maritime Organization Dangerous Goods Code* and the *Transportation of Dangerous Goods Act*, and will be approved by Transport Canada prior to use.
6. Containers will be physically connected by chains or safety lines to the barge or vessel at all times during the transfer.
7. If the containers are reused in subsequent years, the containers will be decontaminated, and washing effectiveness measured and compared to a minimum standard (i.e. <1.0 mg/m² PCBs by wipe test).
8. A gravel skid pad will be used on the beach for the barge to pull upon.
9. Containers will rest on a wooden platform that will be used solely for this purpose each season. Containers will not rest directly on the beach.

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Handling Procedures

D. In general, for all handling operations, beginning at Resolution Island and ending at the licensed facility in Quebec, DIAND will follow not only the requirements of the *Transportation of Dangerous Goods* legislation in Canada, but also the following legislative requirements:

1. The *Arctic Waters Pollution Prevention Act*;
2. The Guidelines for the Operation of Tankers and Barges in Canadian Arctic Waters;
3. The Arctic Ice Regime Shipping System Standards;
4. The *Transportation of Dangerous Goods Act*; and
5. The *International Maritime Organization Dangerous Goods Code*.
6. All other environmental and regulatory laws in Canada, including but not limited to: the *Fisheries Act*; *Canada Shipping Act*; *Safe Containers Convention Act*; *Nunavut Public Health Act*; *Nunavut Safety Act*; Nunavut Spill Contingency Planning and Reporting Regulation; and the *Canada Labour Act*.

Transportation Procedures

E. For transportation at sea, DIAND will ensure these requirements are met:

1. The designated carrier will have seaworthy certifications and Ice Class certification.
2. The designated carrier will follow all environmental regulations specified under the *Arctic Waters Pollution Prevention Act*, Guidelines for the Operation of Tankers and Barges in Canadian Arctic Waters, Arctic Ice Regime Shipping System Standards, *Transportation of Dangerous Goods Act*, the *International Maritime Organization Dangerous Goods Code*, and other applicable environmental legislation.

3. The containers will be secured to prevent movement during sea transport.
4. The container design will be able to withstand corrosion and will not leak for a minimum of 15 years.
5. The vessel will be on a direct route and will not approach any communities, thereby reducing the possibility of a vessel wreck occurring in proximity to community food chains.
6. The designated carrier obtains shipping insurance sufficient to enable an environmentally proper salvage in the unfortunate event of a shipwreck.
7. The shipping facilities will have a retrieval process in place for retrieving containers if they should sink.
8. All containers will be double sealed.
9. Containers will be stored in the cargo hold of the vessel.
10. The pick-up will be scheduled during the ice-free period.

F. For transportation of containers by land, DIAND will ensure that:

1. The designated carrier will follow approved Transportation of Dangerous Goods Regulations.
2. Containers will be secured to prevent movement during land transport.
3. The designated carrier will have a spill contingency plan in place that will immediately and effectively remove all spilled PCB-contaminated soil in the event of a spill.
4. The carrier must have insurance coverage of a minimum of \$5 million for public liability and property damage, and a minimum of \$10 million for pollution legal liability insurance.
5. Trained personnel will perform the handling, loading and driving operations.
6. The carrier will have a waste-tracking system in place.

General

G. In addition to the above terms and conditions, DIAND will ensure that:

1. All contractors, including those handling the soils on-site, the shipping company, and the company responsible for transporting the soils in Quebec, are fully licensed and have all the permits necessary to operate such facilities.
2. The best available technologies (BAT) will be used throughout the project.
3. Bennett Environmental Inc. and Nunavut Eastern Arctic Shipping Company and/or their successors will prepare and submit a comprehensive health and safety plan and emergency plan before the project starts.
4. Monitoring of soil and water contaminants will continue.

H. DIAND will ensure that business opportunities are maximized in Nunavut to the fullest extent possible.

- I. DIAND will notify the closest community(ies) in Labrador, at least once per year, of the annual PCB shipments south. The format, timing, and location of the annual notice will be left to the discretion of DIAND.
- J. Funding for the project will be based on an annual allocation from DIAND.
- K. DIAND will file a comprehensive report with the Board on or before January 1, 2004 to ensure that circumstances relating to the project or the effect of the Terms and Conditions are achieving their purpose. The report should advise the Board on whether there is new information or technological developments that, after January 1, 2004, might provide a more efficient method of accomplishing the purpose of the Terms and Conditions. The report should also discuss issues of abandonment, restoration, and monitoring.

Issued at Cambridge Bay, Nunavut on the day of , 2002.

NUNAVUT IMPACT REVIEW BOARD

(Board Chairperson)