



(2) The 2004 land use applications are approved, *subject to* our normal screening conditions [attached], and including three new conditions as set forth above based upon Ms. Hawkins' concerns.

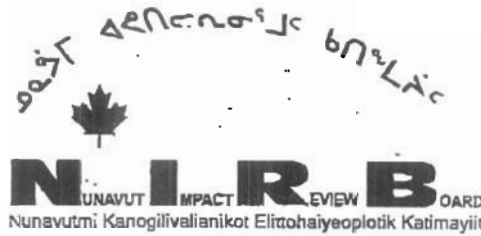
Sincerely,

A handwritten signature in cursive script, reading "Stephanie Briscoe".

Stephanie Briscoe  
Executive Director

Enclosure: Screening Decision Report

cc: Stephen Traynor, Acting Regional Director  
Honourable Andy Mitchell, Minister of INAC  
Resolution Island Distribution List



## SCREENING DECISION

**Date: June 7, 2004**

Hon. Andy Mitchell  
Minister for Indian and Northern Affairs  
Ottawa, ON

Dear Minister:

**RE: Screening Decision of the Nunavut Impact Review Board (NIRB) on Application:  
NIRB 98D01N074                      DIAND N2003X0038  
Resolution Island – DEW Line Site Clean up**

**Authority:**

Section 12.4.4 of the Nunavut Land Claim Agreement states:

Upon receipt of a project proposal, NIRB shall screen the proposal and indicate to the Minister in writing that:

- a) the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5;
- b) the proposal requires review under Part 5 or 6; NIRB shall identify particular issues or concerns which should be considered in such a review;
- c) the proposal is insufficiently developed to permit proper screening, and should be returned to the proponent for clarification; or
- d) the potential adverse impacts of the proposal are so unacceptable that it should be modified or abandoned.

### Primary Objectives

The primary objectives of the Nunavut Land Claims Agreement is referenced in the screening section 12.4.4 (a) are set out in section 12.2.5 of the Land Claims Agreement. This section reads:

In carrying out its functions, the primary objectives of NIRB shall be at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area. NIRB shall take into account the well being of the residents of Canada outside the Nunavut Settlement Area.

The decision of the Board in this case is 12.4.4 (a) the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5.

**Reasons for Decision:**

During the assessment of the project and its alternatives the important environmental issues and risks were considered taking into account special arctic features and areas of particular importance. NIRB's decision is based on specific considerations that reflect the primary objectives of the Land Claims Agreement and NIRB's mandate. Our considerations in making this decision included:

- the potential impact of further contamination of the ecosystem from PCB's, heavy metals, petroleum products or other materials entering the marine environment and subsequently into the food chain from failure of the designed storage and containment structures;
- the adequacy of plans for the clean up, storage and removal of contaminated soils, spills and to prevent the further migration of PCB's and petroleum products;
- the adequacy of plans to control runoff and drainage control within and around the facility;
- the potential to contaminate clean areas from wind blown debris or contaminated machinery;
- the potential to impact fish or fish habitat;
- the impact and disturbance to nesting migratory birds and their habitat along coastal areas due from activities;
- the potential to impact on traditional hunting and fishing activities;
- the potential to impact permafrost causing long-term adverse effects such as differential settlement, terrain instability and erosion;
- the potential impact from disturbance to vegetation;
- the potential impacts to the terrain from heavy equipment and vehicles which may cause rutting and erosion;
- potential impact of quarrying activities to the ecosystem;
- the potential impacts to the stream bed and banks, and increased sedimentation of water courses from the installation of culverts;
- the potential impact to the ecosystem from accidental spillage of petroleum products;
- the storage and disposal of fuel, garbage, sewage, and grey water, and the impact of these on the ecosystem.

**Terms and Conditions:**

- That the terms and conditions attached to this screening report will apply

**Storage and Management of Hazardous Materials**

1. The Permittee shall store hazardous material in their original containers, where possible, or in containers manufactured for the purpose of storing hazardous waste. The containers must be sound, sealable and not damaged or leaking.
2. The Permittee shall maintain a record of the type and amount of waste in storage.
3. The Permittee shall label all containers according to the requirements of the Work Site Hazardous Materials Information System (WHMIS) of the Safety Act or the relevant Transportation Authority, if transportation is planned.

4. The Permittee shall ensure that drainage into and from the site is controlled to prevent spills and leaks from leaving the site and to prevent run off from entering the site.
5. The Permittee shall segregate incompatible wastes by chemical compatibility to ensure safety of the public and workers and facility.
6. The Permittee shall ensure the storage facilities are a secured area with controlled access. Only persons authorized to enter and trained in waste handling procedures should have access to the storage site.
7. The Permittee shall perform regular inspections and provide reports to the authorizing agency.
8. The Permittee shall place containers so that each container can be inspected for signs of leaks and deterioration.
9. The Permittee shall remove any leaking and deteriorated containers and transfer their contents transferred to a sound container.
10. The Permittee shall have emergency response equipment appropriate for the hazardous waste stored on site.
11. The Permittee shall ensure that all hazardous wastes are stored in a proper manner and transported from the site in accordance with the *Transportation of Dangerous Goods Act and Regulations*.
12. The Permittee shall ensure that storage of contaminated soil in the temporary storage facility that:
  - a) Workers in the Storage facility will wear protective clothing and follow established site protocols for working with contaminated soil.
  - b) Dust meters will be installed in the facility.
  - c) All personnel are trained to ensure that the requirements of the Workplace Hazardous Materials Information System (WHMIS) are followed.
  - d) An impermeable membrane is installed on the floor of the facility before storing contaminated soil.

### **Fuel Transport and Storage**

13. The deposition of deleterious substances into water bodies frequented by fish is prohibited under Section 36 of the *Fisheries Act* unless authorized by regulation. The Permittee shall therefore ensure that any deleterious chemicals, fuel or wastes associated with the proposed project do not enter such waters.
14. The Permittee shall ensure that the transportation of fuel shall be done in compliance with the *Transportation of Dangerous Goods Act and Regulations* requirements.
15. The Permittee shall ensure that all fuel is stored and dispensed in accordance with the *CCME Environmental Code of Practice for Above Ground Storage Tank Systems* and the *National Fire Code Regulations*.
16. The Permittee shall ensure that fuel storage containers are not located within thirty-one (31) metres of the ordinary high water mark of any body of water unless authorized by the Minister.
17. The Permittee shall ensure that all fuel is kept in double walled containers. All valves on fuel tanks should have receptacles placed beneath them to catch any leaked fuel.

18. The Permittee shall inspect all fuel containers for leaks daily and shall report and repair all leaks immediately.
19. The Permittee shall construct a dyke around each stationary fuel container or group of stationary fuel containers where one container has a capacity exceeding 4000 litres. The volume of the dyked area shall be 10% greater than the capacity of the largest fuel containment placed therein.
20. The Permittee shall ensure that the dyke and area enclosed by the dyke shall be impermeable to petroleum products at all times. The dyke and area enclosed by the dyke shall be lined with a type of plastic film liner approved by the Engineer.
21. The Permittee shall take all reasonable precautions to prevent the possibility of migration of spilled petroleum fuel or chemicals over the ground surface.
22. The Permittee shall have emergency response and spill contingency plans for fuel transfer and storage as well as any other hazardous liquids at the site in place prior to the commencement of the land use activity.
23. The Permittee shall ensure that emergency spill equipment including fuel pumps; empty barrels, containment booms and other sorbent materials shall be available on site. Enough equipment shall be on site to clean up a 1000 litre spill at the fuel tank farm or other fuel storage location.
24. The Permittee shall immediately report all spills of petroleum and hazardous chemicals to the twenty-four (24) hour spill report line (867) 920-8130.
25. The Permittee shall ensure that vehicle and equipment maintenance and servicing shall be conducted only in designated areas and shall implement special procedures to manage fluids, waste and contain potential spills. The Permittee should ensure that all ethylene glycol (antifreeze) is managed in accordance with the *Environmental Protection Act (EPA)* due to its high potential to attract wildlife.
26. The Permittee shall ensure that any chemicals, fuels or wastes associated with the project do not spread to the surrounding lands or enter into any water body.

### **Waste Disposal**

27. The Permittee shall not discharge or deposit any refuse substances or other waste materials in any body of water, or on the banks thereof, which will impair the quality of the waters of the natural environment.
28. The Permittee shall ensure that any areas designated for waste disposal shall not be located within thirty-one (31) metres of the ordinary high water mark of any body of water, unless otherwise authorized.
29. The Permittee shall ensure that all waste management sites are mapped and inventoried.
30. The Permittee shall recover and recycle material wherever practical.
31. The Permittee shall construct, operate, maintain and monitor the containment areas to ensure that there is no seepage of leachate into natural drainage and waterways and subsequently into the marine environment. Any seepage that occurs should be collected and treated as hazardous material.
32. The Permittee shall regrade the landfills to match the contours of the land.
33. The Permittee shall treat and dispose of all lead and PCB contaminated paints as hazardous materials.



34. The Permittee shall incinerate all combustible and food wastes in a forced air fuel-fired incinerator to eliminate potential for wildlife problems created by the attraction of wildlife to garbage.
35. The Permittee shall ensure that all ash and non-combustible non-hazardous wastes are buried in an approved landfill.
36. The Permittee shall deposit all sewage and greywater into the lagoon located near the camp. No hazardous materials are to be deposited into the lagoon.
37. The Permittee shall ensure no appreciable changes in the volumes of water used or waste produced.
38. The Permittee will ensure no alterations of consequences will be made to previously approved activities with respect to landfill construction, water quality/leachate monitoring, or any variable related to the actual or potential release of contaminants into water systems.

### Environmental

39. The Permittee shall ensure that all hazardous material management areas shall be located a minimum distance of one hundred (100) metres from the nearest water body.
40. The Permittee shall implement procedures to screen CEPA soils to avoid / minimize the spreading of contaminated dust.
41. The Permittee shall control all movement of heavy machinery, vehicles and equipment within the hazardous material management area to prevent the dispersion of potentially hazardous dust and materials into the environment.
42. The Permittee shall clean (decontaminate) all heavy machinery and equipment prior to movement to another area. All fluids (including water) resulting from the cleaning shall be treated as hazardous waste and shall be containerized and disposed of as per the regulations.
43. The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging.
44. The Permittee shall suspend operation if rutting occurs.
45. The Permittee shall avoid causing soil damage that disturbs natural drainage patterns or expose permafrost. These areas shall be repaired immediately.
46. The Permittee shall insulate the ground surface beneath all structures and facilities, by constructing gravel pads or other approved methods to prevent any vegetation present from being removed and to prevent the degradation of permafrost causing ground settling and/or erosion.
47. The Permittee shall upon closure cover disturbed areas with granular materials, graded and reshaped to match the surrounding topography and minimize erosion. Vegetation will eventually colonize this new surface area.
48. The Permittee shall remove any obstruction to natural drainage caused by any part of this land use operation.

### Quarry

49. The Permittee shall not remove any material from below the ordinary high water mark of any stream.

50. The Permittee shall slope the sides of the excavations and embankments except in solid rock to 2:1 (two horizontal, one vertical).
51. The Permittee may only excavate and stockpile in areas designated.

### **Wildlife**

52. The Permittee shall ensure that there is no damage to wildlife habitat in conducting this land use operation.
53. The Permittee shall report any Man-Bear Interactions to the nearest GN Renewable Resource Officer.
54. The Permittee shall ensure that pilots maintain an altitude of at least 500m above ground or water when passing over areas where birds are concentrated. Raptor nesting areas should be avoided at all times.
55. The Permittee shall not conduct blasting during May, June and July during the critical nesting time for birds along the cliff faces.
56. The Permittee shall not detonate explosives within fifteen (15) metres of any water body that is not completely frozen to the bottom.
57. The Permittee shall ensure that land use activities avoid environmentally sensitive areas (denning, nesting areas) by a minimum of 250metres.
58. The Permittee shall make all efforts to minimize harassment to wildlife including conduction operations in sensitive areas during critical time periods (denning, nesting, staging etc.).

### **Culverts and Stream Crossings**

59. The harmful alteration, disruption or destruction of fish habitat is prohibited under Section 35 of the *Fisheries Act*. No construction or disturbance of any stream/lake bed or banks of any definable watercourse is permitted unless authorized by DFO.
60. The Permittee shall ensure that all instream construction is carried out during the low water period.
61. The Permittee shall use culverts of a size that will ensure the velocity of the stream flow is not increased. Culverts should also be of sufficient length to extend a short distance beyond the toe of the fill material to prevent blockage of culvert ends by erosion.
62. The Permittee shall limit instream activity. Machinery is not permitted to travel up the streambed and fording of the stream be kept to a minimum.
63. The Permittee shall ensure that stream crossings are located to minimize approach grades.
64. The Permittee shall ensure that bank disturbance is to be avoided.
65. The Permittee shall stabilize approaches during construction and upon completion of the project to control run off, erosion and subsequent siltation of the stream. Methods to control erosion may include revegetation of slopes, drainage ditches and sediment traps.
66. The Permittee shall not deposit or permit the deposit of sediment into any waterbody.
67. The Permittee shall ensure that all equipment is well cleaned and free from contaminated materials, oil and grease.
68. The Permittee shall ensure that debris from clearing activities will not be dragged or skidded across water courses, and all slash and debris is to be disposed above the high water mark so that it does not enter the water



69. The Permittee shall control siltation from construction activities with geotextile silt barriers. These barriers should be installed to sufficiently isolate the abutment construction and associated fill activities for the stream flow while allowing free flow of the stream main channel. These barriers must also be removed in a manner that does not result in the release of trapped sediments.
70. The Permittee shall ensure that culverts are removed upon abandonment of roadways.

### Camp

71. The Permittee shall use all existing camp facilities and associated infrastructure.
72. The Permittee shall not erect camps or store material on the surface ice of lakes or streams.
73. The Permittee shall locate all infrastructure facilities on gravel, or other durable land.
74. The Permittee shall keep the land use area clean and tidy at all times.

### Loading Procedures

75. The Permittee shall ensure for the loading of contaminated soil into shipping containers that:
- Workers in the storage facility will wear protective clothing and follow safety protocols for working with contaminated soil.
  - Any spillage will be immediately cleaned up and reloaded into PCB containers.
  - WHMIS standards are fully adhered to.
76. The Permittee shall conduct loading procedures for containers onto the barge and ship shall from high to low tide, when the weather conditions **do not exceed** the following criteria:
- Winds of 10 knots for the NE-E and/or SE-S;
  - Winds of 15 knots from N and/or SW;
  - Winds of 25 knots from W and/or SW;
  - Ice concentrations greater than 3/10ths overall coverage of Brewer Bay;
  - High density fog with less than 0.25 nautical mile visibility;
  - Swell/waves of 3 feet or more;
  - Icebergs blocking the barging area.
77. 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.
78. PCB containers will be strong enough to easily withstand dropping events without any breakage of the seal.
79. Containers will be secured on the barge.
80. The containers will be waterproof and will withstand corrosion in seawater for a minimum of 15 years.
81. 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.
82. Containers will be physically connected by chains or safety lines to the barge or vessel at all times during the transfer.

83. 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.  $<1.0 \text{ mg/m}^2$  PCBs by wipe test).
84. A gravel skid pad will be used on the beach for the barge to pull upon.
85. 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.

### Handling Procedures

86. 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:

- a) The *Arctic Waters Pollution Prevention Act*;
- b) The Guidelines for the Operation of Tankers and Barges in Canadian Arctic Waters;
- c) The Arctic Ice Regime Shipping System Standards;
- d) The *Transportation of Dangerous Goods Act*; and
- e) The *International Maritime Organization Dangerous Goods Code*.
- f) 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

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

- a) The designated carrier will have seaworthy certifications and Ice Class certification.
- b) 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.
- c) The containers will be secured to prevent movement during sea transport.
- d) The container design will be able to withstand corrosion and will not leak for a minimum of 15 years.
- e) 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.
- f) The designated carrier obtains shipping insurance sufficient to enable an environmentally proper salvage in the unfortunate event of a shipwreck.
- g) The shipping facilities will have a retrieval process in place for retrieving containers if they should sink.
- h) All containers will be double sealed.

- i) Containers will be stored in the cargo hold of the vessel.
  - j) The pick-up will be scheduled during the ice-free period.
88. For transportation of containers by land, DIAND will ensure that:
- a) The designated carrier will follow approved Transportation of Dangerous Goods Regulations.
  - b) Containers will be secured to prevent movement during land transport.
  - c) 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.
  - d) 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.
  - e) Trained personnel will perform the handling, loading and driving operations.
  - f) The carrier will have a waste-tracking system in place.
89. In addition to the above terms and conditions, DIAND will ensure that:
- a) 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.
  - b) The best available technologies (BAT) will be used throughout the project.
  - c) 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.
  - d) Monitoring of soil and water contaminants will continue.
90. DIAND will ensure that business opportunities are maximized in Nunavut to the fullest extent possible.
91. 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.

## Monitoring

92. The Permittee shall implement all the provisions outlined in the Environmental Screening Report (QC, Sinanni Consultants), Section 8: Monitoring Program with respect to the long term monitoring of the site. The Permittee shall conduct more frequent inspections and sampling at the request of the Inspector.
93. The Permittee should establish a monitoring program according to the Proposed Post Construction Landfill Monitoring Program for DND landfills located in Nunavut – Appendix 7 in Clean Up Options for Resolution Island that was agreed upon by Nunavut Tunngavik Incorporated and the Department of National Defense.
94. The Permittee shall include in the monitoring program sampling from the marine ecosystem (sediment, arthropods, etc) to ensure contaminant pathway is not entering marine ecosystem.
95. The Permittee shall monitor air quality throughout clean up and continue after remediation.
96. The Permittee shall monitor landfills with thermistors and monitoring wells in addition to those provisions outlined in the project proposal.
97. The Permittee shall make public presentations and updates of the summarizing the monitoring program results, to the communities of Kimmirut and Iqaluit in English and

Inuktitut. All methodology and a summary of the monitoring program results should be submitted to NIRB in both English and Inuktitut.

98. The Permittee shall maintain all site signs and notices at the PCB storage facility and landfills.

### **Recommendations**

1. NIRB would like to encourage the proponent to hire local people and services, to the extent possible
2. NIRB advises all proponents that they should consult with the local residents regarding their activities in the region.
3. Any amendment requests deemed by NIRB to be outside the original scope of the project will be considered a new project.
4. The Permittee shall notify NIRB, DFO, DOE and the NWB of any changes or plans in operating conditions associated with this land use activity.
5. The Permittee shall make all efforts to provide a country food alternative (i.e. caribou, muskox, fish, seal etc.) as part of the meals.
6. The Permittee should undertake a wildlife study to indicate the exact locations of polar bear denning sites, raptor nesting sites, and background levels of contaminants in country food species in the area.

### **Other**


1. Section 1561 4.3 "The EPP incorporates environmental protection requirements based on various jurisdictions. If conflicts or discrepancies occur between jurisdictional requirements, then the most stringent requirements shall be met or exceeded."

### **Validity of Land Claims Agreement**

#### Section 2.12.2

Where there is any inconsistency or conflict between any federal, territorial and local government laws, and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict.

Dated June 7/04 at Cambridge Bay, NU

  
Albert Ehloak, A/Chairperson

**Distribution List for the Nunavut Impact Review Board****Project Name: Resolution Island Removal and Disposal of PCB Contaminated Soils Project****Baffin List**

# of Pages \_\_\_\_\_

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✓NPC	Luke Coady	983-2730	983-2732
✓QWB	Chairperson	867-979-1560	867-979-1491
✓Inuit Heritage Trust	William Beveridge	867-979-0731	867-979-6700
✓NWB	Phyllis Beaulieu	867-360-6338	867-360-6369
✓NWMB	Josee Galipeau	867-979-6962	867-979-7785
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✓DFO	Derrick Moggy Tania Gordanier Burt Hunt Patrice Simone Jeffrey Maurice	867-979-8011 867-979-8007 867-979-8003	867-979-8039 867-979-8039 867-979-8039
EC	✓Colette Meloche Francois Rainville Laura Johnston - E.P.B.	867-975-4639 867-979-3660 867-669-4700	867-975-4645 867-979-6808 867-920-6648
✓CCG	Ken Brant	519-383-1862	519-383-1989
<b>Territorial Government:</b>			
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✓HSS	Dr. Roberts	867-975-5743	867-975-5705
✓CGT	Timoon Toonoo	867-897-8006	867-897-8014
✓CLEY	Dr. Douglas Stanton	867-975-5500	867-975-5504
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Qikiqtaaluk Corporation	President	867-979-8400	867-979-8444
Queen's University	Dr. John Poland	613-533-2642	613-533-2897

**Communities:****Iqaluit:**

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