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July 8, 2004

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**Proposed Procedure for Continued Extraction of
Aggregate Material from North 40
- Inspector's Direction -**

In the past few years the City of Iqaluit has obtained aggregate material from the North 40 site. This North 40 site consists of the waste metal dump and Municipal quarry. To date there has been no delineation as to the location of waste and pristine aggregate material. The City of Iqaluit contends that under the Quarry Administration Agreement Dated August 13, 1997 between The Commissioner of The Northwest Territories and The Municipal Corporation of the Town of Iqaluit that the City of Iqaluit has operated the North 40 site in agreement with the afore mentioned Quarry Agreement. The City has not complied with numerous items listed in the agreement including Items 6, 10,11,12,& 18. Since the formation of the Nunavut Territory the administration of this agreement becomes solely the responsibility of the Nunavut Government. The Inspector therefore strongly encourages the Nunavut Government and the City of Iqaluit to review all outstanding compliance issues with respect to said agreement.

This Letter of Direction shall supersede the Letter of Direction dated June 3, 2004. With respect to continued extraction of aggregate material from the North 40 and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, the City of Iqaluit shall:

1. Prior to commencing gravel extraction from the North 40 the City of Iqaluit shall submit to the Nunavut Water Board a strategy for managing the waste currently on site.
2. The City of Iqaluit shall submit to the Nunavut Water Board an Abandonment and Restoration Plan before 2005 for the North 40 metal dump and municipal quarry.

3. The City of Iqaluit shall assume responsibility for the actions of all municipal and contract employees.
4. Insure that under no circumstances heavy equipment will be allowed to enter any water in the North 40.
5. That silt curtains and any other required protection will be installed previous to allowing any equipment to operate within 5 meters of any water.
6. The City of Iqaluit shall take all reasonable preventative measures to insure that no organic, inorganic or otherwise deleterious substances enter any waters in Nunavut.
7. Take any and all reasonable measures to immediately remediate any release of organic, inorganic or otherwise deleterious substances into the environment.
8. That a Spill Report be completed and submitted to the 24-Hour Spill Line at (867) 920-8130 for any and all unauthorized releases into the environment.
9. The City of Iqaluit shall outline areas of uncontaminated safe quarry activities to the best of their ability. This information shall be communicated to all City and contract employees working at the North 40 site.
10. The City of Iqaluit shall implement the aggregate sampling protocol as outlined in the letter dated July 8, 2004.
11. If during excavation of aggregate waste material are encountered the City shall stop processing, evaluate the waste encountered and segregate the waste. Any metal or other waste encountered during the extraction of aggregate material, shall be segregated and separately stored such that said waste can be evaluated by the Inspector during and after the 2004 extraction season.
12. Water sampling shall be performed at the locations identified by the Inspector each week during the period of open water.
13. All sampling shall be performed by a person or persons trained in appropriate sampling protocols.
14. All sample testing shall be conducted in accordance with CCME criteria and all sample analysis shall be conducted by a laboratory certified by the Association of Environmental Analytical Chemist criteria.

Compliance with part or all of the afore mentioned Directions shall not exclude the City of Iqaluit from following all Federal and Territorial regulations that may be more stringent than the Directions mentioned above. Failure to comply with any regulation will result in the department implementing enforcement actions.

The city is responsible for insuring the quarry materials leaving the site meet appropriate guidelines for their intended use.

Failure to comply fully or in part with a n Inspectors Direction Constitutes a offence under subsection 90 (1) of the Nunavut Waters and Nunavut Surface Rights Tribunal Act and entails, upon summary conviction, a fine of up to \$100,000 or to imprisonment for a term of up to one year or both. Further pursuant to subsection 90 (4) of the Nunavut Waters and Nunavut Surface Rights Tribunal Act, each day on which the Inspectors Direction is not complied with shall be considered a separate offence.

If you have any questions or concerns, please do not hesitate to contact me at (867) 975-4298 or bodykevichc@inac.gc.ca.

Sincerely,



Constantine Bodykevich
Water Resources Officer,
INAC - Nunavut District
P.O. Box 100, Iqaluit, NU, X0A 0H0

cc. - Government of Nunavut - (Paul Okalik)
- Government of Nunavut - (Peter Kilabuk)
- City of Iqaluit (Brad Sokach)
-Nunavut Water Board, Gjoa Haven (Dionne Filiatralt)