



WRITTEN WARNING

NUNAVUT WATERS AND NUNAVUT SURFACE RIGHTS TRIBUNAL ACT

File: 2022-KIV-01-KA

April 12, 2022

Registered with acknowledgement of receipt

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That Information received from Agnico Eagle Mines Limited (AEM), Meadowbank Gold Mine by the undersigned Inspector, designated by the Minister of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* gives me reasonable and probable grounds to believe that AEM was in contravention of water licence 2AM-MEA1530 Part F, Item 12, and Section 90.1 (1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*.

ALLEGED FACTS

On September 10, 2021 Eric Haley of AEM reported to the NT-NU Spills Line and the Inspector, a spill of water potentially contaminated with hydrocarbon. Spill number 2021-392 was assigned to the file. The reported spill occurred at the Baker Lake Marshaling Area Bulk Fuel Storage Facilities (Facilities) at 64° 18'24"N 95° 56'40"W.

As per water licence 2AM-MEA1530, Part F, discharge from the Facilities must comply with the noted conditions, namely; effluent quality limits of Item 9, the requirement to sample the effluent prior to discharge under Item 12, and 10 days' notice to an Inspector prior to a planned discharge under Item 13.

Upon review of a follow up report authored by Eric Haley for spill 2021-392 the following facts were learned:

On September 8 and 9, 2021 an AEM contractor transferred contact water from the secondary containment of tank 5 & 6 to the secondary containment of tanks 3 & 4.

Due to misplacement of the discharge pipe, an approximated 280m³ of contact water spilled. AEM implemented their spill response plan upon discovery of the spill and deployed hydrocarbon booms and woodchip logs at the spill location.



THE LAW

Nunavut Waters and Nunavut Surface Rights Tribunal Act

Offences – type A Licences

90.1 (1) Every type A licensee is guilty of an offence who

- (a) contravenes any condition of the licence, if the contravention does not constitute an offence under section 91; or
- (b) fails, without reasonable excuse, to furnish or maintain security as required under subsection 76(1).

(2) Every licensee who commits an offence under subsection (1) is liable on summary conviction,

- (a) for a first offence, to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding one year, or to both; and
- (b) for a second or subsequent offence, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding one year, or to both.

Other Offences

91 Any person is guilty of an offence punishable on summary conviction who

- (a) contravenes subsection 86(4) or any regulations made under paragraph 82(1)(o), (p) or (q); or
- (b) wilfully obstructs or otherwise interferes with a licensee or any person acting on behalf of a licensee in the exercise of the licensee's rights under this Part, except as authorized under this or any other Act of Parliament.

Water Licence no. 2AM-MEA1530

Part F: Conditions Applying to Waste Disposal and Management

9. The Discharge of Effluent to land from fuel containment facilities at the Marshalling Area Bulk Fuel Storage Facility and Meadowbank Mine Site Bulk Fuel Storage Facility (Monitoring Program Stations ST-37 through ST-40), shall not exceed the following Effluent quality limits:

12. The Licensee shall confirm compliance with Effluent quality limits in Part F, Items 3, 4, 5, 7 and 9 prior to Discharge.

13. The Licensee shall provide at least ten (10) day notice to the Inspector prior to any planned Discharges from any facilities. The notice shall include the estimated volume proposed for Discharge and the receiving location.



Conclusion

This warning alleges contravention of Sec 90.1 (1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and water licence 2AM-MEA1530 Part F, Item 12. Agnico Eagle Mines Limited failed to sample and confirm quality limits prior to discharge. This letter is intended to bring this matter to your attention to prevent further incidents, and ensure compliance with *Nunavut Waters and Nunavut Surface Rights Tribunal Act*. This document is not a finding of guilt or civil liability, nor an administrative adjudication.

This warning and the circumstances to which it refers will form part of CIRNAC's records of the Agnico Eagle Mines Limited, and will be taken into account in future responses to alleged violations and for internal purposes such as setting the frequency of inspections. CIRNAC will consider taking further action if all necessary corrective steps to comply are not taken or if due diligence is not exercised in the future.

The complete text of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* is available on the at <https://laws-lois.justice.gc.ca/eng/acts/n-28.8/>.

For more information or to respond to the alleged facts contained in the warning, please call or write the undersigned. Your comments will be considered, and where appropriate, response provided. Any comments you make, as well as CIRNAC response will be maintained on the file with this warning on CIRNAC's records.

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