



Department of Environment

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Ministère de l'Environnement

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Sent via e-mail

Mr. Al Gorman
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Mr. Gorman

Re: Spill 08-354, Jet A Spill from Bladder Farm at Milne Inlet

I recently accompanied Mr. Andrew Keim of INAC, on an inspection tour of the above-mentioned fuel bladder facility as a part of INAC's investigation into the cause of the spill as well as to observe and monitor the cleanup operation.

For purposes of brevity, I will refrain from going over the technical aspects and regulatory requirements of the ongoing cleanup, which were already discussed at length with Baffinland officials while we were on site on July 25, 2008.

The concern I have is that the spill occurred on June 16, 2008, but was not reported to the spill line and to regulatory officials until July 23, 2008; a full 5 weeks later. This is unacceptable.

Section 9(1) of Nunavut's *Spill Contingency Planning and Reporting Regulations* require the owner or person in charge, management or control of contaminants at the time that a spill occurs, to report the spill where the spill is of an amount equal to or greater than that prescribed by the Regulations. In this case, the substance spilled was Jet A and the amount spilled was estimated to be in the realm of 2000 - 6000 litres, which is in excess of the reportable amount of 100 litres for a substance that falls within this hazard class. (Copies of our environmental legislation can be found here:

<http://www.gov.nu.ca/env/environment.shtml>)

When questioned as to why the spill was not reported, Baffinland officials indicated that they did not believe that this event constituted a spill because it occurred within a containment berm and thus there was never any danger of it escaping into the surrounding environment. Baffinland officials further indicated that they intended to report the spill to INAC inspectors after they had conducted their own internal investigation to determine why the fuel bladder failed.

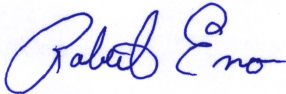
I will, on this one occasion, accept the explanation as offered, however, I should point out that in my 18 years' experience as an environmental regulator, spills of this nature – that is, spills into containment berms – have always been duly reported and without our having to explain the nuances of the various pieces of legislation which regulate spills of hazardous materials.

A spill is roughly defined as a discharge of a contaminant in contravention of Nunavut's *Environmental Protection Act* (EPA) or Regulations made under the EPA. In this case, the spill from the ruptured bladder was neither planned, nor was it authorized under the EPA nor any other existing Territorial and/or Federal Acts or Regulations. In other words, notwithstanding that the discharge of the Jet A occurred within a containment berm especially designed for this purpose, and thus posed a minimal risk to the environment, the discharge is still considered to be spill and thus was/is reportable. This is especially so considering the volume that was spilled.

In addition to the administrative aspect of simply reporting a spill, environmental regulators must be informed of incidents where hazardous materials management systems fail (as what happened with Baffinland's fuel bladder) and/or any other accidents resulting in the unintended and unauthorized discharge of a hazardous material. This is so regulators can investigate the incident to ensure that the spill will be cleaned up in accordance with recognized standards and to determine if corrective measures need to be put into place in order to prevent future incidents.

In closing, I advise you to keep these things in mind and govern your operations accordingly.

If you have any questions or if you would like to discuss what your responsibilities are with respect to spill reporting and spill contingency planning in Nunavut, please do not hesitate to get in touch with me. The GN Department of Environment is always willing to work with industry in order to ensure compliance with the spirit and intent of our Acts and Regulations. I think you will agree that this is a much more productive course of action.



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