



## WRITTEN WARNING

### **Nunavut Waters and Nunavut Surface Rights Tribunal Act & Arctic Waters Pollution Prevention Act**

File: 2022-KIV14-KA

December 12, 2022

#### **Registered with acknowledgement of receipt**

The purpose of this warning is to inform:

Government of Nunavut, Community and Government Services  
P.O. Box 490  
Rankin Inlet, Nunavut  
X0C 0G0

c/o Honourable David Joanasie  
Minister of Community and Government Services

c/o Stephen Hooey  
Director, Municipal Works  
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c/o Elan Chalmers  
Acting Manager, Municipal Works  
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c/o Ahsan Khan  
Regional Director of Infrastructure, Kivalliq Region  
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c/o Joe Strickland  
Regional Facilities Manager  
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That information received from, Government of Nunavut, Community and Government Services (CGS) and the NT-NU Spill Line between July 25, 2022, and October 31, 2022, 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*, and the *Arctic Waters Pollution Prevention Act* gives me reasonable and probable grounds to believe that CGS contravened sec 90.1 (1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and sec 4 (1) of the *Arctic Waters Pollution Prevention Act*.

### **ALLEDGED VIOLATION**

That CGS, between July 25, 2022, and October 31, 2022, at or near the Hamlet of Rankin Inlet, in the Nunavut Territory, did fail to comply with Water Licence 3AM-GRA1631 to provide a follow up report as required in Part H Item 4, and did thereby commit an offence of sec 90.1 (1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*.

and

That CGS, between July 25, 2022, and October 31, 2022, at or near the Hamlet of Rankin Inlet, in the Nunavut Territory, did deposit or permit the deposit of waste in a place, where such waste may enter the arctic waters, and did thereby commit an offence of sec 4 (1) of the *Arctic Waters Pollution Prevention Act*.

### **ALLEDGED FACTS**

As a result of my inquiries into the matter I, the undersigned Inspector, determined the following alleged facts:

1. CGS operates the water supply and sewage facilities for the Hamlet of Rankin Inlet, Nunavut.
2. CGS is issued Water Licence 3AM-GRA1631 (Licence) from the Nunavut Water Board for the use of water and deposit of waste in support of a Municipal Undertaking.
3. On July 26, 2022, Water Resource Officer (WRO) AMSEL received spill report 2022-378 from the NT-NU Spill Line stating that a contractor struck a force main causing a hole at



the Johnson Cove Lift Station, and that sewage is migrating to the waterway and towards Johnson Cove.

4. On September 8, 2022 WRO AMSEL emailed Chris Aukstinaitis the spill reporter to determine the status of the follow up report. Chris Aukstinaitis responded that Max Ross will be providing the follow up report. No such report was received.
5. On September 13, 2022 WRO AMSEL received spill report 2022-458 from the NT-NU Spill Line that stating a total of 331.5m<sup>3</sup> of Raw Sewage was spilled into Perry Bay
  - a. A Follow up report was produced and sent to WRO Amsel on October 13, 2022.
  - b. On review of the follow up report:
    - i. on September 12, 2022 the sewage was noted to not be drawing down as intended and flowing from the sewage outfall. A contractor attended to assist and a temporary pump was installed to pump into the emergency outflow.
    - ii. The cause of the spill is attributed to a blockage between the Lift Station and Wastewater Treatment Plant.
6. I have a Degree in Conservation Enforcement from Lethbridge College and have worked as a Park Patrol Officer and Park Ranger for 1.5 years collectively and as a Regular Member of the Royal Canadian Mounted Police for 4 years. During this time I have worked with Fisheries Biologists and other environment related specialists. I am currently employed with Crown-indigenous Relations and Northern Affairs Canada. I am aware that sewage is considered a waste as defined in the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and the *Arctic Waters Pollution Prevention Act*.

## **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.

### ***Arctic Waters Pollution Prevention Act***

#### **Offences-Deposit of Waste**

4 (1) Except as authorized by regulations made under this section, no person or ship shall deposit or permit the deposit of waste of any type in the arctic waters or in any place on the mainland or islands of the Canadian arctic under any conditions where the waste or any other waste that results from the deposit of the waste may enter the arctic waters.

(2) Subsection (1) does not apply to the deposit of waste in waters that form part of a water quality management area designated pursuant to the Canada Water Act if the waste so deposited is of a type and quantity and is deposited under conditions authorized by regulations made under paragraph 18(2)(a) of that Act with respect to that water quality management area.

#### **Conclusion**

This warning alleges contravention of sec 90.1 (1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and sec 4 (1) of the *Arctic Waters Pollution Prevention Act*. 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* and *Arctic Waters Pollution Prevention 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 CGS, 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; corrective steps to comply are not taken, or due diligence is not exercised.

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

The complete text of the *Arctic Waters Pollution Prevention Act* is available on the Queens Printer at <https://laws-lois.justice.gc.ca/eng/acts/A-12/>

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.

Kyle Amsel  
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