



Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

### Nunavut Field Operations

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Chief Administrative Officer

City of Iqaluit

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July 15, 2005

Inspectors Direction

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Your file - Votre référence

Our file - Notre référence

Unlicensed

Nunavut Water  
Board

JUL 15 2005

Public Registry

**Re: Contaminated soil excavation in the Lower Base area of Iqaluit.**

Dear Mr. Freemantle;

On July 11, 2005 a spill report was submitted to the NWT/ Nunavut 24-Hour Spill Line and forwarded to Indian and Northern Affairs Canada. In the course of investigating the circumstances of the spill it became obvious that excavations undertaken by Tower Arctic were facilitating the mobilisation of hydrocarbons contained in the soil, and potentially other contaminants, into water in Iqaluit.

Monitoring of operations in Lower Base revealed that soil excavation by Tower Arctic, under contract to the City of Iqaluit, has resulted in what appears to be the mobilisation of contaminants from soil into water and the subsequent discharge of what appears to be contaminated water overland to Koojessie Inlet in Frobisher Bay. Samples of the discharge were taken by the Inspector on July 13, 2005. We have also contacted Environment Canada with respect to potential violations of section 36 (3) of the Federal Fisheries Act and the Nunavut Department of Environment with respect to potential violations of the Environmental Protection Act.

Under section 12 (1) of the Nunavut Waters and Nunavut Surface Rights Tribunal Act *no person shall deposit or permit the deposit of waste in waters in Nunavut.*

In accordance with section 87 (1) of the Act ;

I, Scott Stewart; duly designated an Inspector pursuant to subsection 85(1) of the NWNSRTA order the City of Iqaluit to:

1. **Cease excavation activities in the Lower Base area that will require pumping of hydrocarbon contaminated water as it presents a risk to the quality of waters in Nunavut.**
2. **Provide an assessment of the extent of contamination within areas designated for excavation in the Lower Base Area.**
3. **Provide, in writing, a detailed account of the steps that will be taken to not allow any contaminants encountered from entering Nunavut waters.**
4. **Once excavation resumes, if the water again appears to be contaminated, such as having a sheen, strong smell, and/or high turbidity, the city is to collect and analyse samples of water at pump intakes and compare the analyses to CCME Guidelines. The results and the comparisons are to be provided to the INAC Inspector. Sample analysis should include, but not be limited to: Total Petroleum Hydrocarbons, Oil and Grease, Benzene, Toluene, Ethylene, Xylene (BTEX), Heavy Metals and Polychlorinated Biphenyls (PCB's).**

The Inspector will inform the City of Iqaluit when the above steps to protect water in Nunavut have been completed satisfactorily and whether operations can continue in the Lower Base area.

5. **Once the city implements proper mitigation measures and discharge has been allowed by the Inspector, the city will collect and analyse samples of the water that is discharged from excavations and provide results to the INAC Inspector.**

Failure to comply fully or in part with an Inspector's Direction constitutes an offence under section 90(1) of the NWNSRTA and, upon summary conviction, carries a fine not exceeding \$100 000 or to imprisonment for a term not exceeding one year, or both. Pursuant to section 90(4) of the NWNSRTA, each day on which the Inspector's Direction is not complied with shall be considered a separate offence.

Sincerely,



Scott Stewart  
Water Resource Officer  
Indian and Northern Affairs Canada  
Iqaluit, Nunavut

- cc. Nunavut Water Board (Joe Murdock)  
Government of Nunavut (Earl Baddaloo)  
Environment Canada (Colette Spagnuolo)  
Workers Compensation Board (Leon Ross)  
Fisheries and Oceans Canada (Derrick Moggy)  
Tower Arctic (Peter Jacobsen)