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January 21, 2004

Bill Harding
Senior Administrative Officer (SAO)
Arctic Bay
P.O. Box 150
Arctic Bay, NU X0A 0A0

Faxed to: (867) 439-8767

Deposit of Waste in Contravention of Water Licence NWB3ARC0207

- Inspector's Direction -

I, Constantine Bodykevich; duly designated Inspector pursuant to subsection 85 (1) *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, conducted an investigation on January 21, 2004 in relation to the Spill at Arctic Bay new sewage lagoon.

At the time of drafting this letter Arctic Bay was in contravention of subsection 12 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*. As stipulated in subsection 12 (1), *Conditions Relating to Deposit of Waste*: Except in accordance with the conditions of a Licence, no person shall deposit or permit the deposit of waste in any other place under conditions in which the waste, may enter waters in Nunavut.

Subject to subsection 12 (3), *Conditions Relating to Deposit of Waste* : Where waste is deposited in contravention of this section, every person who owns or has the charge, management or control of the waste, or who caused or contributed to the deposit, shall, subject to the regulations, without delay report the deposit to an Inspector.

Under section 74, *Conditions Relating to Design of Works*: A Licence shall include conditions that are at least as stringent as any standard prescribed by the regulations for design, construction, operation and maintenance of works used in relation to appurtenant undertakings.

As such, under the authority vested in me pursuant to subsection 87, *Remedial Measures* (1) (ii) An Inspector may direct any person to take such reasonable measures as the Inspector may specify; including the cessation of an activity, to prevent the use of waters or the deposit of waste or the failure of a work related to the use of waters or the deposit of waste, or to counteract, mitigate or remedy the resulting adverse effects, where the Inspector believes, on reasonable grounds,

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(ii) waste has been or may be deposited in contravention of subsection 12 (1) or of a condition of a Licence, or
(iii) there has been or may be, a failure of a work related to the use of waters or the deposit of waste, whether or not there has been compliance with any standards prescribed by the regulations or imposed a Licence; and
(b) that the adverse effects of that use, deposit or failure are causing, or may cause, a danger to persons, property or the environment.

In accordance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, I hereby direct, Bill Harding SAO Arctic Bay and Doug Sitland Director CG&T to:

- ☐ **Immediately insure that all sewage is deposited to the old sewage lagoon until otherwise directed by the NWB or the Inspector.**
- ☐ **Insure that all sewage effluent discharged at the sewage truck discharge station is directed to the sewage lagoon and not the surrounding environment..**
- ☐ **Insure that the culverts under Arctic Bay road are kept open to insure seepage from the lagoon wetlands have free drainage access.**
- ☐ **Given the observed instability in the New Sewage Lagoon, the berm separating the new (Winter Lagoon) from the Old (Summer Lagoon) shall be breached to assist in decanting the New Lagoon prior to the spring thaw.**
- ☐ **Remove all accumulated snow between the second and third berm to assist in containing sewage effluent on the wetlands for increased nutrient absorption.**
- ☐ **Prior to discharging sewage to any location other than the Old and New Sewage Lagoon, the Licencee shall obtain authorization from the Nunavut Water Board in writing.**

- ☐ Shall take any and all reasonable measures including the decanting of the New (Winter Lagoon) by pumping to insure that the New Sewage Lagoon berm dose not breach in the spring of 2004.

Failure to comply fully or in part with an **Inspector's 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 \$100,000 or to imprisonment for a term of 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 **Inspector's 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. -Nunavut Water Board, Gjoa Haven