



Kevin Niptanatiak
Regional Director
Kitikmeot Region
Department of Community and Government Services
Government of Nunavut
Cambridge Bay – Nunavut

Monday, September-08-14
CIDM #846449

RE: Request for clarification and comment on the terms of the Inspection's Direction issued to Mr. Kevin Niptanatiak, Regional Director Government of Nunavut's Department of Community and Government Services on August 26th, 2014.

Mr. Niptanatiak,

Thank you very much for the opportunity to provide clarification and comment to the Letter of Direction issued on August 26th, 2014. I will provide my clarifications in the order presented in your letter.

Item (b)

"To our knowledge there are no reports or plans currently due to the NWB. Please provide specific direction on these requirements should you feel that there are plans or reports outstanding."

With reference to the question on outstanding documents due to the Nunavut Water Board. The Inspector here makes reference to the Abandonment and Restoration Plan previously filed with the Nunavut Water Board in relation to this project. The submitted A&R Plan is obviously erroneous or perhaps just a description of what was going to happen at one point. In light of the evidence found on site and documented by the Inspector, the Plan, submitted in its current form is factually inaccurate and flawed.

It was assumed by the Inspector that the GN-CGS would immediately wanted to take steps to correct these errors and thus 10 days was provided to submit a revised and accurate A&R Plan to replace the original one which is currently out for comment.

If this was an incorrect assumption and the GN-CGS has no wish to resubmit an accurate plan detailing the terms of the contract issued for use of these materials for proper screening by the NWB and Regulators, the Inspector will make it part of the Order by issuing an amended Direction. Please advise if this is necessary.

Item (c)

"The discharge from the old lagoon has ceased, and as such the community is in compliance with the letter of direction item (c) in this regard. We would like to bring to your attention that samples of the effluent were taken prior to the decant and results of this testing was issued to the NWB 11 days prior to the decanting commencing. Samples were also recovered during the lagoon decant, and these results will be forwarded once available to the NWB in accordance to the terms and conditions of the license."

With respect to Item C, the Inspector possibly should have made it clear that the Inspector was not just referring to the liquid effluent released. The inspector was also referring to the sludge for the bottom of



the lagoon that was drawing up and ejected out of the lagoon by breaching the wall of the lagoon. This sludge was not sampled nor was any results of the sludge passed on to the Inspector or the board for review prior to the wall being breached.

This process (breaching the wall of a Lagoon as a process for decanting) was again not detailed within the A&R plan submitted to the Board.

If necessary, and if the GN and their consultants are willing and would find it appropriate, a remedial course on the process involved in Decanting a lagoon can be arranged. The Inspector is confident that the Municipal foreman in Gjoa Haven or another community could be brought in to provide that training as required so to avoid future releases of contaminated waste (sludge).

AANDC would of course welcome the opportunity to work with yourself and your office to advance the decommissioning of the old lagoon as soon as an approved A&R plan is in place and the works ordered in the Direction are completed.

Item (d)

“The GN agrees to provide the inspector with the community's and GN's plan to complete the required works related to this order no later than October 1, 2014.”

Thank you for your commitment to comply with the terms of the Direction.

On a final point with respect to item (a).. The GN-CGS makes reference to collecting samples and to having those samples tested and results submitted to the NWB and the Inspector. These are works that go beyond what was outlined in the Direction but AANDC and the Inspector support this extra work being undertaken by the GN.

However, the terms of the Direction were quite clear; the materials removed from the Lagoon wall are to be repatriated (put back in their place of origin).

This is not subject to negotiation or variance. The GN-CGHS is advised that these materials are to be replaced. If a time limit is required to expedite this process one can be added by amending the Direction very quickly to provide clarity to the Direction as issued. If this is required, please advise the Inspector as soon as possible so that an amended Direction can be issued.

Once again, I would like very much to thank you for taking the time to write and to seek clarity on the specific terms of the Direction. AANDC is committed to working with our partners and stakeholders in these processes. Water Licenses contain conditions and obligations that are not optional and are to be adhered to during all phases of undertakings requiring the approval of a licence. It is AANDC's obligation to ensure that this occurs and we, again welcome the opportunity to provide the GN-CGS guidance on how this may occur.

Respectfully,

Andrew Keim
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Affaires autochtones et
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