



**INSPECTOR'S DIRECTION**  
**Pursuant to Section 87(1) of the *Nunavut Waters***  
***And Nunavut Surface Rights Tribunal Act, S.C. 2002, c.10***

10 August 2015

**ISSUED TO: Hamlet of Pangnirtung**

**Attn: Shawn Trepanier, Senior Administrative Officer**  
**PO Box 253**  
**Pangnirtung, NU X0A 0R0**

**RE: *Nunavut Waters and Nunavut Surface Rights Tribunal Act***  
**INSPECTOR'S DIRECTION**

---

This document constitutes an Inspector's Direction to the Hamlet of Pangnirtung, pursuant to subsection 87(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act, 2002*, hereinafter referred to as the "Act".

**REASONABLE GROUNDS FOR BELIEF**

I, Justin Hack, an Inspector designated by the Minister of Aboriginal Affairs and Northern Development Canada under subsection 85(1) of the Act, have reasonable grounds to believe:

That, pursuant to section 87(1)(a)(iii) of the Act, there has been a failure of a work related to the deposit of waste, AND;

That, pursuant to section 87(1)(b) of the Act, the adverse effects of that deposit and failure are causing, or may cause, a danger to persons, property or the environment.

**RELEVANT FACTS**

1. On June 22, 2015, during a routine inspection of the Pangnirtung Metal Storage Area it was observed that three streams have caused three separate breaches to the berm surrounding the Storage Area.
2. At the time of inspection, water was flowing through the breached berms and pooling in the Storage Area.
3. Signs of oil and other fluids from the facility were visibly entering the streams and were observed flowing out of the facility into the receiving environment.

**MEASURES TO BE TAKEN**

Based upon the above grounds, I hereby direct, Senior Administrative Officer **Shawn Trepanier**, the Hamlet of Pangnirtung, its principles, agents, employees, and/or contractors:



1. To implement measures immediately to stop the spill of fluids from the Metal Storage Area into the streams.
2. To repair the damaged berm wall surrounding the Metal Storage Area and to properly divert water around the facility by October 31, 2015.
3. To provide plans and timelines outlining work related to repairing the structure and remedying the cause of the breach prior to undertaking any work.
4. To provide a final summary of all works completed during the 2015 season. This report will be provided to the Inspector on or before December 30<sup>th</sup>, 2015. This report will also include any challenges to the completion of the work. This report will be provided to the Inspector in writing.

Please be aware that the Hamlet of Pangnirtung, its principles, agents, employees, and/or contractors, involved with any work to remedy deficiencies related to the performance of Metal Storage Area and related infrastructure may be held responsible under the *Act* or any other Act where acts or omissions that do not exercise due diligence occur. This includes but is not limited to uncontrolled spills or unauthorized discharges of waste water or other substances.

This inspector's direction does not exempt those persons or parties conducting the directed activities in the Hamlet of Pangnirtung from following or meeting other relevant legislation and it must be understood that one or more federal or territorial agencies may stop the activities prematurely where events occur that require early intervention.

Pursuant to subsection 90(1) of the *Act*, any person that fails to comply with a direction given by an inspector under 87(1), is guilty of an offence and is liable on summary conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding one year, or to both.

Nothing in this inspector's direction is intended to prejudice the Nunavut Water Board during the water licence renewal process or prevent the issuance of a valid water licence.

## **Procedural Fairness**

Procedural fairness requires that any person or parties are notified of the case against them that may affect their rights, privileges and interests and that the person or parties are given the opportunity to speak to the Inspector about any administrative order.

The opportunity to be heard prior to the issuance of an administrative order, namely an inspector's direction, allows the person or party to correct or contradict any incorrect information and to ensure that the Inspector has all relevant information prior to the issuance of the inspector's direction.

The duty to provide procedural fairness and actions required when issuing an inspector's direction will be weighed against the level of emergency and the requirement for expediting action.



## Review

This Inspector's Direction may be reviewed, pursuant to subsection 87(3) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, by the Minister of Aboriginal Affairs and Northern Development Canada. The Minister may, after review, alter or revoke the direction.

Signed this 10 day of August, 2015 at Iqaluit, Nunavut.

---

Justin Hack  
Water Resource Officer  
Field Operations, AANDC  
Iqaluit, Nunavut  
867-975-8462