



WRITTEN WARNING

NUNAVUT WATERS AND NUNAVUT SURFACE RIGHTS TRIBUNAL ACT

File: [2017-KIV02-AJS]

November 3rd, 2017

Registered with acknowledgement of receipt

The purpose of this warning is to inform:

Hamlet of Rankin Inlet
PO Box 310
Rankin Inlet, NU
X0C 0G0

C/o Justin Merritt
Senior Administrative Officer
Hamlet of Rankin Inlet
PO Box 310
Rankin Inlet, NU
X0C 0G0

Government of Nunavut
Dept. Community and Government Services
PO Box 490
Rankin Inlet, NU
X0C 0G0

C/o Megan Lusty
Municipal Planning Engineer
Government of Nunavut
Dept. Community and Government Services
PO Box 490
Rankin Inlet, NU
X0C 0G0

That information collected during an inspection of your facility at the Rankin Inlet Solid Waste Site on August 16th, 2017, as well as information received from the Hamlet of Rankin Inlet and Government of Nunavut, Community and Government Services, by the undersigned Inspector, designated by the Minister of Indigenous and Northern Affairs Canada under the *Nunavut Waters Nunavut Surface Rights Tribunal Act*, gives me reasonable grounds to believe that the Hamlet of Rankin Inlet was in contravention of section 12(1)(b) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*.

ALLEGED FACTS

August 16th, 2017 a water licence inspection was conducted of Rankin Inlet Solid Waste Site with Connor Faulkner, Government of Nunavut, Community and Government Services, authorized under water licence no. 3BM-RAN1520. The following samples were collected at monitoring station no. RAN-2.



- One 1L narrow mouth plastic bottle for parameters of pH, total alkalinity, total hardness, nitrates and nitrites as nitrogen, calcium, chloride, magnesium, sodium, sulphates and potassium, total suspended solids;
- One 1L narrow mouth plastic bottle for parameters of BOD₅, and total ammonia;
- One 250ml narrow mouth bottle for parameter of total metals;
- Three 40ml glass vials for parameter BTEX;
- Two 80ml amber glass vials for parameter F2-F4;
- Two 250ml narrow mouth amber glass for the parameters of oil and grease;
- Two 250ml wide mouth amber glass for parameters total nutrients, total phenols;
- One 250ml narrow mouth sterilized plastic for the parameter of fecal coliforms.

The samples were collected and preserved in accordance with the requirements of the methodology for analysis. All samples were collected with gloves, within a plastic bag, placed in a cooler to maintain proper storage temperatures, and shipped to ALS Laboratories ('ALS'), Winnipeg, Manitoba, using chain of custody form, for analysis.

On August 29th, 2017 I received a copy of the final lab analysis report #L1977793 from ALS Laboratories.

Upon review of the results I noted a number of elevated parameters, well above the guidelines for Protection of Aquatic Life prepared by the Canadian Council of Ministers of the Environment. I requested a review of analysis report # L1977793 by Indigenous and Northern Affairs Canada, Water Management Specialist, Sarah Forte.

On October 16th 2017, I was provided the following information:

- Several parameter concentrations exceed the Canadian Water Quality Guidelines for the Protection of Aquatic Life (PAL) in freshwater. The RAN-2 sample results reported the following: for total ammonia was 72300ug/L, PAL allowable limits are 19ug/L; total iron 6890 ug/L, PAL allowable limits 300ug/L; total copper 64.2ug/L PAL allowable limits 4ug/L;
- The RAN-2 sample results also reported elevations in total Arsenic 11ug/L, PAL allowable limits 5ug/L; total cadmium 0.334ug/L, PAL allowable limits 0.017ug/L; total zinc 82.9ug/L, PAL allowable limits 30ug/L.

Based on the August 16th, 2017 RAN-2 sampling results for total ammonia, iron, and copper and the information provided to me on October 16th, I believe that the leachate produced by the Rankin Inlet Solid Waste Site would be considered a waste, i.e. a substance that when added to water meets the definition of a waste under the legislation (e.g. *Nunavut Waters and Nunavut Surface Rights Tribunal Act* or the *Canada Water Act*).

I am aware that the Rankin Inlet Solid Waste Site is generally located at N 62° 47.957', W 92° 04.565' in the Kivalliq Region of Nunavut.

Based on my experience as a Water Resource Officer and as an INAC Inspector, I am aware that except in accordance with the conditions of a licence, no person shall permit the deposit of waste into waters, in Nunavut or in any place that may enter water. I am also aware that compliance with the terms and conditions of a licence does not absolve a person from responsibilities for compliance with requirements of all applicable Federal, Territorial and Municipal legislation.

Based on the aforementioned facts, I have reasonable grounds to believe that the Hamlet of Rankin Inlet has deposited or allowed to be deposited, a waste in Nunavut in contravention of subsection 12(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*.



THE LAW

Nunavut Waters and Nunavut Surface Rights Tribunal Act s.c 2002, c. 10

Deposit of waste

12. (1) Subject to subsection (2) and except in accordance with the conditions of a licence, no person shall deposit or permit the deposit of waste
- (a) in waters in Nunavut; or
 - (b) in any other place in Nunavut under conditions in which the waste, or any other waste that results from the deposit of that waste, may enter waters in Nunavut.

Exceptions

- (2) Subsection (1) does not apply in respect of
- (a) any unlicensed deposit of waste that is authorized by the regulations; or
 - (b) the deposit of waste in a national park.

Duty to report deposits

- (3) 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.

Principal offences

90. (1) Any person who contravenes subsection 11(1) or section 12, or fails to comply with subsection 11(3) or with a direction given by an inspector under subsection 87(1), is guilty of an offence and liable on summary conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding one year, or to both.

Type A licences

- (2) A licensee holding a type A licence who
- (a) contravenes any condition of the licence, where 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)
- is guilty of an offence and liable on summary conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding one year, or to both.

Type B licences

- (3) A licensee holding a type B licence who
- (a) contravenes any condition of the licence, where 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)
- is guilty of an offence and liable on summary conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding six months, or to both.

Continuing offences

- (4) Where an offence under this section is committed on or continued for more than one day, it is deemed to be a separate offence for each day on which it is committed or continued.

Other offences

91. Any person is guilty of an offence punishable on summary conviction who
- (a) contravenes subsection 86(4) or section 88, or any regulations made under paragraph 82(1)(o), (p) or (q); or
 - (b) wilfully obstructs or otherwise interferes with a licensee or any person acting on behalf of a licensee in the exercise of the licensee's rights under this Part, except as authorized under this or any other Act of Parliament.



CONCLUSION

This warning alleges a contravention of section 12(1) of the *Nunavut Waters Nunavut Surface Rights Tribunal Act*. It is intended to bring this matter to your attention in order for you to take the necessary corrective action to ensure compliance with the *Nunavut Waters Nunavut Surface Rights Tribunal Act* or in order for you to exercise due diligence in the future. This document is not finding of guilt or civil liability, and is not an administrative adjudication.

This warning and the circumstances to which it refers will form part of Indigenous and Northern Affairs Canada's (INAC) records of the Hamlet of Rankin Inlet, and will be taken into account in future responses to alleged violations and for internal purposes such as setting the frequency of inspections. INAC will consider taking further action if you do not take all necessary corrective steps to comply or if you do not exercise due diligence in the future.

The complete text of the *Nunavut Waters Nunavut Surface Rights Tribunal Act* is available on canlii website: <https://www.canlii.org/en/ca/laws/stat/sc-2002-c-10/latest/sc-2002-c-10.html>

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, a response provided. Any comments you make, as well as INAC response will be maintained on file with this warning in INAC's records.

Sent electronically

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