

**From:** [Andrew Keim](#)  
**To:** [Boyd Warner](#)  
**Cc:** [Alain Grenier](#); [Erik Allain](#); ["Phyllis Beaulieu"](#)  
**Subject:** RE: 7BL-BIL1215 - Bathurst Inlet Lodge Water License Inspection Report and Inspector's Direction  
**Date:** Tuesday, September 03, 2013 6:49:01 AM

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Mr Warner,

I am in the office all day today .  
Please feel free to contact me at your convenience.

Andrew Keim  
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Aboriginal Affairs and Northern Development Canada  
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>>> "Boyd Warner" <boydw@bathurstinlet.com> 8/29/2013 11:01 PM >>>

Thanks and see below Andrew.

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**From:** Andrew Keim [mailto:[Andrew.Keim@aandc-aadnc.gc.ca](mailto:Andrew.Keim@aandc-aadnc.gc.ca)]  
**Sent:** August-29-13 9:46 AM  
**To:** Boyd Warner  
**Cc:** Alain Grenier; Erik Allain; 'Phyllis Beaulieu'  
**Subject:** RE: 7BL-BIL1215 - Bathurst Inlet Lodge Water License Inspection Report and Inspector's Direction

Good morning Mr. Warner,

Please excuse the delay in my response as I have just returned to the office today and you are first on my list of "to do's" so to speak.

I will do my best to answer your questions in the order you have posed them.

1. Annual Report. License issued Oct 2012... A report was due on March 31st for the 2012 year.. if no activity, fuel hauling or anything else occurred, then a nil report should be filed with the board... This did not occur thus my comment.

**OK I WILL FILE A REPORT SHOWING NO ACTIVITY FOR 2012**

2. The License is in the name as follows; Boyd Warner Bathurst Inlet Lodge Ltd. As the sole contact and the listed representative as per the application etc it is your name and the name of the lodge that the report has been filed in... If you wish to provide me the particulars, I am sure a copy of this report can be sent to whomever you wish. Note that a copy of this report will be placed on the Nunavut Water Board FTP site for

the public as well.

I AM THE CONTACT PERSON AS PER THE LICENSE BUT SAM AND ALLEN ARE ALSO PARTNERS AND CAN BE INCLUDED AND TREATED AS SUCH. THEY ARE AS QUALIFIED AS ME TO ANSWER ANY QUESTIONS.

3. Mr. Warner, I point you to your license for clarification of this issue and the comments of the report. The issue we have is not one of latrines but of on-site land filling of plastic "honey" bags of human waste. I noted no latrines on the footprint of the property and as confirmed during the Inspection I note that the bags are transferred to Garbage island, dumped in a hole and covered over... This does not in the Inspector's opinion meet the test for a Latrine..

I WOULD LIKE TO DISCUSS THIS FURTHER WITH YOU SO COULD YOU PLEASE PROVIDE A NUMBER AND TIME THAT IS CONVENIENT. ALSO I APPRECIATE IT MIGHT NOT MEET YOUR PERSONAL OPINION BUT WOULD LIKE TO KNOW WHAT REGULATION WE ARE NOT IN ACCORDANCE WITH.

4. I noted the records on site and indicate that the water usage was not accurately recorded... Specifically the volumes drawn each day.. The records kept indicate that the tank was 1/4 filled, it does not provide an accurate volume but rather an estimate only... That was the point of concern, not the keeping of the records .. per se...

NOTED

5. Spill Contingency Plan.. You will note in your license that a revised copy of the SCP was required by December 2012. There is no record of this being done. If it was done and not recorded by the Board please re-send to the NWB and I a copy for review, and I will remove from your list of requirements in the Direction.

I WILL CHECK MY FILES, WAS THERE SOMETHING WRONG WITH THE INITIAL IF SO THAT WAS NOT MENTIONED.

6. If waste is back hauled a record should be available on site for the Inspector to review.

AGEED MY POINT WAS THERE WAS NONE AT THE TIME OF YOUR INSPECTION (IT OCCURED LATER)

7. With respect to Secondary Containment .. there remains on site well over 4000 l of fuel. I am confident that you will agree that BIL has a responsibility both as a corporate citizen and a user of the Land that fuel in such volumes should be contained in an area where there is the least risk to the environment and thus mitigate the costs of clean up in the event of future leaks and spills. As noted in the report the Inspector did not see any actions or implemented measures to prevent the deposit of waste from barreled fuel storage. Thus a recommendation was made in the report.

MY UNDERSTANTING IS THAT IS IS 4000 LITER PER CONTAINER, ANYTHING UNDER THAT IS NOT REQUIRED. THE LODGE QUITE DOES NOT HAVE 4000 LITER CONTAINERS OR THAT MUCH STORED IN ANY ONE LOCATION

8. Mr. Warner, while I am not sure what your contract with the Government says .. I will leave that issue to you to address civilly with the GN..

However, The purchase of barreled fuel comes with the container it was held in. The party who used the fuel is responsible for the removal or clean up of the barrels or containers they came in. So.. In short, yes.. the party who purchased the fuel is responsible for any clean up and the removal of the barrels.

THIS IS WHERE YOU ARE WRONG. WE BUY THE FUEL FROM THE GOVT NOT THE DRUMS. I CAN SHOW YOU INVOICES THAT SHOW THE PURCHASE OF FUEL ONLY. THEN I CAN SHOW YOU PURCHASES WHERE WE BUY THE DRUMS AND THE PRODUCT. IN THE CASE OF AT THE LODGE WE NEVER BUY THE DRUMS.

Therefore a rough estimate of 40 drums per year for use of the lodge ( as the file and correspondence indicates ) since 1969 would mean to me that the lodge would likely be responsible for the removal; or clean up of approximately 1760 barrels.... This of course is an estimate only and based on a presumption of consistent use.. My understanding is that PPD has a estimated number of barrels they are responsible for and that the same would apply for BIL ( 20 is not a realistic number ) ... I suggest contacting PPD to determine the number of barrels and the options available to your respective organizations.

PERHAPS SOME HISTORY WOULD BE HELPFULL HERE BEFORE YOU JUMP TO CONCLUSIONS. THE COMMUNITY OF BATHURST INLET IS OLDER THAN KUGLUGTUK OR CAMBRIDGE BAY, SINCE 1969 OVER 40 INUIT USED TO LIVE AT BATHURST YEAR ROUND. THE LODGES USE OF THE FUEL AND THE GARBAGE ISLAND IS MINOR COMPARED TO THIS USE. THE LODGE USED TO RUN THE FUEL AND WE TOOK OUT OUR DRUMS EVERY YEAR. THE GOVERNMENT WANTED TO TAKE OVER AND DID AND NOW YOU SEE THE MESS. I AGREE THIS IS BETWEEN US AND PPD BUT MY POINT TO YOU IS THIS IS NOT A LODGE ISSUE AND WE WILL NOT TAKE RESPONSIBILTY FOR THEIR MESS.

Please note Mr. Warner that I am doing my absolute best to ensure that I am not hypocritical or unfair. I concur that the thousands of empty barrels on site pose a significant risk. Is that risk higher than that of 200 plus full barrels of gasoline or the 100 plus barrels of diesel or aircraft fuel on site... I am not sure and personally I would not want to weigh the risks either way, both are levels of risk that in the opinion of the Inspector are not acceptable.

AGEEED, MY POINT AGAIN IS THAT ALL THE LODGE FUEL IS NOT STACKE AND IS STORED LEGALLY. WE DO NOT OWN THE GAS, DIESEL AND ONLY A FEW OF THE AIRCRAFT FUEL DRUMS (LESS THAN 10).

So.. as both parties to this issue have had many years to address this voluntarily and have failed to do so for numerous reasons I see no choice but to require compliance under the authority of the legislation and thus mitigate this risk for all Canadians and Nunavutmiut.

I REALLY HOPE YOU DO FORCE THE GOVERNMENT TO COMPLY, IT IS NOT THE LODGE IN VIOLATION.  
I HAVE STRESSED THIS ISSUE MANY TIMES

Finally, with respect to the terms of the Direction,

- a. BIL has to file within 180 days ( Feb 26th, 2014) any outstanding documents... IE: 2012 Annual Report and the revised SCP.

OK

- b. BIL has until March 31st, 2014 to file an Annual Report for the 2013 year.

AGREED

- c. By September 30th, 2013 BIL has to submit a plan to the Inspector for review and approval that will include a time table, ending September 2014 for the clean up required at the site.

WE NEED TO IDENTIFY SPECIFICALLY WHAT YOU ARE TALKING ABOUT HERE, I WILL TRY AND DO THAT IN THE PHONE CALL.

I hope this makes your requirements clear.

If you have any further questions please do not hesitate to contact our offices at your first convenience. .

Respectfully,

Andrew Keim  
Water Resources Officer  
Field Operations Unit  
Aboriginal Affairs and Northern Development Canada  
Nunavut Regional Office  
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>>> "Boyd Warner" <[boydw@bathurstinlet.com](mailto:boydw@bathurstinlet.com)> 8/27/2013 9:50 AM >>>

Dear Mr. Keim;

Regarding the recent inspection report I feel we need to clear up a few things before a proper response can be given.

First, it should be noted we did not receive our water license until Oct 12, 2012 (which was after the 2012 season) Therefore this past season (summer of 2013) was the first yr operation under the license.

Your report says we failed to submit our annual report, however the license clearly states we have until March 31st to do so and we fully expect to comply with this.

Secondly, your report should be made out to the proper owners. The lodge is a limited company (Bathurst Inlet Lodge Ltd) and is owned 50% by a Inuit company (Kingaunmiut Ltd) and 50% by Bathurst Inlet Developments (1984) Ltd. Sam Kapolak is the President of Kingaunmiut Ltd and I am the President of Bathurst Developments. It is a equal 50 / 50 partnership. There are other owners in both companies I fail to see the need to provide that info but will if requested. You seem to think that I own the lodge personally.

Thirdly, in our application we stated how the black water waste was being disposed. It is deposited in latrines that are 31 meters above high water mark (via the "honey bucket system"). I am unclear if you are now saying this is not a acceptable practice or not. If it is deemed unacceptable can you please provide the legislation that backs this up. It has been a acceptable practice for both the lodge operations and the local Inuit communities since at least 1969.

Forth, we did keep records of the filling of the tank and they will be in the final report in compliance with the license.

Fifthly, a spill contingency plan was submitted and approved with the license, are you now saying a second one must be submitted?

Sixth, we do backhaul waste on flights that have room, due to the short season this past summer there were not many flights. The oil in our 12 kw generator was only changed once and this was after you visited thus there were no records at the time of your inspection. There were no other hazardous waste created by this seasons operation. Once again this will be in the final report.

Seventh, it is my understanding that Federal law only requires secondary containment on fuel containers that are in excess of 4000 liters. Is this not correct? I understand that sometimes recommendations are made but they are not regulations.

Eighth, while you seem aware that the Government of Nunavut owns the empty drums on site (2000 plus) you imply that we are responsible for some of these. We have invoices that prove we purchase

the fuel only and not the drums. Saying the lodge is responsible for the drums would then imply that all the private people who purchased Gas from the Government are responsible for the drums.

While some drums on site are the lodges it amounts to less than 20 or so.

The thousands of empty drums, stacks of full drums (mostly within 30 meters of the high water mark) is a MUCH bigger environmental hazard than anything the lodge is doing and it has been known by INAC inspectors for years yet the Government is not being forced to deal with the issue. Does this not seem hypocritical to you. It appears there are two sets of standards, one for industry and one for Government.

I would be happy to give you a full briefing on how the empties came to be there and show you many letters from the lodge to the government and INAC requesting them to be cleaned up.

For the record Bathurst Inlet Lodge is not the agent for the fuel.

In your report under Measures to be taken you give dates or 180 days (b) than under (d) you say Sept 30<sup>th</sup>. Should we not be given the opportunity as per the license to file our Annual report first?

In conclusion I look forward to hearing from you in the near future to clear the outstanding issue's above up so that we can accurately respond to your report.

Sincerely and without prejudice.

Boyd Warner  
Bathurst Inlet Lodge  
Box 820  
Yellowknife, NT  
X1A 2N6  
867 873 2595

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**From:** Andrew Keim [<mailto:Andrew.Keim@aandc-aadnc.gc.ca>]  
**Sent:** August-26-13 12:39 PM  
**To:** [boydw@bathurstinlet.com](mailto:boydw@bathurstinlet.com); [info@bathurstinlet.com](mailto:info@bathurstinlet.com)  
**Cc:** Alain Grenier; Erik Allain; Phyllis Beaulieu  
**Subject:** 7BL-BIL1215 - Bathurst Inlet Lodge Water License Inspection Report and Inspector's Direction

Boyd Warner  
Bathurst Inlet Lodge  
Ltd. PO Box 820  
Yellowknife, NT X1A 2N6

Mr. Warner,

Please find attached a report based on the Inspection conducted on July 12th,2013 at the Bathurst Inlet Lodge.

Following a review of the file and previous correspondence as well as action items identified in previous Inspections the following report and the associated direction were issued on this date.

Please review the enclosed carefully as there are time sensitive compliance dates by which you must comply.

If you have any questions or concerns regarding either of the enclosed documents please do not hesitate to contact the undersigned at your convenience.

Respectfully,

Andrew Keim  
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Field Operations Unit  
Aboriginal Affairs and Northern Development Canada  
Nunavut Regional Office  
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