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(Sent by E-mail)

July 15, 2008

**Contravention of the Nunavut Water and Nunavut Surface Rights Tribunals
Act**

- Inspector's Direction -

I, Andrew Keim; a duly designated Inspector pursuant to subsection 85 (1) of the ***Nunavut Waters and Nunavut Surface Rights Tribunal Act (2002, c. 10)***, conducted, on July 12th, 2008 an Inspection of the site known commonly as Eureka in the Qikiqtani Region Nunavut, Canada.

This inspection was conducted to determine compliance with the Nunavut Water and Nunavut Surface Rights Tribunals Act and specifically the facilities and infrastructure as outlined in Environment Canada's Water License 3BC-EUR0611

As stipulated in subsection 12 1(b) of the *Act*: Except in accordance with the conditions of a License, no person shall deposit or permit the deposit of waste in any other place in Nunavut or under any conditions in which the waste, or any waste that results from the deposit of that waste, may enter waters in Nunavut.

During the period of Inspection it was determined that the Department of National Defence, Government of Canada was operating an unlicensed sewage lagoon contrary to the *Act*. On site personnel confirmed the use and rates of discharge during the period of the Inspection.

Additionally, during the same inspection two Dessert King Fuel Bladders, one empty and out of service (because of a leak) and the other approximately at one third capacity, were noted on site. A release of hydrocarbons was confirmed by staff on site during the inspection. The bladders were noted and photographed during the inspection within a vinyl portable berm system laid atop the uneven ground. It appears that an effort to construct a berm was undertaken however it is of insufficient size and depth to prevent the release of the stored Hydrocarbons in the event of a failure.

At the time of the drafting of this direction the Department of National Defence, Government of Canada is in contravention of subsection 12 1 (b) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*.



By copy of this Order and under the authority vested in me pursuant to subsection 87 (1) (ii) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, the Department of National Defence is directed as follows;

In relation to the operation of an unlicensed sewage lagoon and the release of waste into the environment contrary to section 12 (1) of the Act.

- To submit to the Inspector within 60 days a plan by which the Department of National Defence, Government of Canada will bring it's self into compliance with the Nunavut Waters and Nunavut Surface Rights Tribunals Act.

And,

In relation to the use and operation of Fuel Bladders within the Nunavut Territory and in compliance with the verbal direction provided on site to Don Kovanan, Environmental Assistant, National Defence Canada, which allowed for the removal of all fuel currently remaining in the bladder, without the proper secondary containment contrary to Section 87 (1) (a) and (b).

- To install and maintain to the satisfaction of the inspector adequate secondary containment sufficient to prevent the discharge of Waste into the environment and ,
- To cease all activity related to the use of these bladders (2) until such measures have been undertaken and approved by the Inspector.

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.

Andrew Keim

Inspector

(Original Signed and mailed this date)

Inspector's Signature



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

cc.

Nunavut Water Board, Gjoa Haven

Bernie Mac Isaac, Manager – Field Operations INAC