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Deposit of Waste in Contravention of Water License NWB 6 BAF 0409 –
Type “B”

- Inspector's Direction -

I, Andrew Keim; duly designated Inspector pursuant to subsection 85 (1) *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, conducted, on February 12th, 2007 an Inspection of the BAF -3 North Warning System Long Range Radar Station located at Brevoort Island in the Baffin Region Nunavut, Canada. This inspection was prompted by a Spill report filed on January 13th of 2007 which outlined the release of 148,968 litres of aviation fuel.

This inspection was conducted in part to determine the extent and location of the released product as well as inspect and review the containment and clean-up efforts conducted on site approximately one month after the discovery of the release.

Subsequently, it is noted that efforts to contain, control, mitigate and effect a concentrated clean up of the area outside of the footprint surrounding the TS building have largely gone undone.

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 under conditions in which the waste, or any waste that results from the deposit of that waste, may enter waters in Nunavut.



Additionally, as stipulated in Part F (4) of Water License NWB6 BAF 0409 issued to the Department of National Defence, Government of Canada: The Licensee shall ensure that any chemicals, petroleum products or wastes associated with the project do not enter water. All sumps and fuel caches shall be located a minimum of thirty (30) metres from the normal high water mark of any adjacent water body.

At the time of the drafting of this direction the Department of National Defence is in contravention of subsection 12 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*, **K.E (KIM) Kalen, Environmental Officer – North Warning System, Department of National Defence, Government of Canada** is directed as follows:

- To complete, to the satisfaction of the Inspector, clean-up operations on the Baf-3 site related to the fuel spill reported January 13th, 2007, including;
- To have completed by **March 12th, 2007**, a detailed delineation of the BAF-3 site to determine if the contaminant is continuing to migrate, the location and extent if this migration to date, the migration pathways, any areas of pooling.
- To develop and implement a comprehensive clean up plan for the BAF-3 footprint and surrounding areas as defined by the completed detailed delineation by **March 19th, 2007** including but not being limited to;
 - Collection, control and clean-up measures for grounds around and under the Technical Services Module Building (TSB)
 - Collection, control and clean-up measures along any path, route or area where the released contaminant may be located,
 - Installation of absorbent barriers along all located migration paths, extending far enough (based on best science) outward so as to prevent any further travel out of the contaminant area,
 - Plans for the collection, storage and sampling of water collected as a result of the filtering and separating process until it may be determined the water may be released,
- Development of a weekly progress and reporting system by which Regulators are kept aware of the developments at the site as well as to provide any guidance or suggestions necessary to ensure the effective and complete clean up of the site **prior** to spring freshette.



- Development of a by-monthly inspection schedule for regulators to visit the site, collect samples and document the clean up as it progresses through the next 45 to 60 days or as necessary.

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.

If you have any questions or concerns, please do not hesitate to contact me at (867) 975-4289 or keima@inac.gc.ca

Sincerely,

Andrew Keim
Water Resources Officer,
INAC - Nunavut District
P.O. Box 100, Iqaluit, NU, X0A 0H0

cc. Kevin Robertson, Indian and Northern Affairs
 Nunavut Water Board, Gjoa Haven
 Wade Romanko, Environment Canada
 Craig Broom, Environment Canada
 Robert Eno, Government of Nunavut
 Sam Cheng, Nassittuq Corporation