



Environment
Canada

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Environmental Protection Operations
Prairie and Northern
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December 17, 2009

Our File No.: 4517 000 025
Your File No.: 3BC-FOD0919/TR/G1

Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU, X0B 1J0

Via Email at licensing@nunavutwaterboard.org

Dear Phyllis Beaulieu,

RE: 3BC-FOD – Nasittuq Corp. –Submission of Spill Contingency Plan

Environment Canada (EC) has reviewed the information submitted with the above-mentioned application. The following specialist advice is provided pursuant to EC's mandated responsibilities arising from the *Canadian Environmental Protection Act* (CEPA), Section 36(3) of the *Fisheries Act*, and the *Migratory Birds Convention Act*.

It is our understanding that Nasittuq Corp. (the Proponent) has updated their 2009 Spill Contingency Plan for the FOX-3 site from the 2008 Spill Contingency Plan at the request of the Nunavut Water Board (NWB). This updated plan has been submitted to the NWB for review. The Spill Contingency Plan for FOX-3 applies to all activities and facilities at the North Warning System (NWS) radar site located on Baffin Island north of Dewar Lakes, Nunavut.

This review is of the Spill Contingency Plan dated 4 November 2009 including all attachments which were submitted to the NWB.

Comments and Recommendations:

General

1. All mitigation measures identified by the proponent, and the additional measures suggested herein, should be strictly adhered to in relation to the Spill Contingency Plan. This will require awareness on the part of the proponents' representatives (including contractors) conducting operations in the field. EC recommends that all field operations staff be made aware of the proponents' commitments to these mitigation measures and provided with appropriate advice / training on how to implement these measures.
2. Meeting the requirements of the *Fisheries Act* is mandatory, irrespective of any other regulatory or permitting system. Section 36(3) of the *Fisheries Act* specifies that unless authorized by federal regulation, no person shall deposit or permit the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water. The legal definition of deleterious substance provided in section 34(1) of the *Fisheries Act*, in conjunction with court rulings, provides a very broad interpretation of deleterious and includes any substance with a potentially harmful chemical, physical or biological effect on fish or fish habitat.

Fuel / Spill Contingency

3. Please note the new *CEPA Storage Tank System for Petroleum Products and Allied Petroleum Products Regulations* that came into force on June 12, 2008. These regulations apply to both outside, aboveground and underground storage tank systems (including the piping and other tank associated equipment) under federal jurisdiction containing petroleum and allied petroleum products that have a capacity greater than 230 litres. This includes tanks located on federal or Aboriginal lands. Exceptions are pressurized tanks, mobile tanks, tanks regulated by the National Energy Board, and outdoor, aboveground storage tank systems that have a total combined capacity of 2500 litres or less and are connected to a heating appliance or emergency generator. All storage tank system owners must identify their tank systems to EC and installation of new systems must comply with the regulation's design requirements. Further information on these regulations can be found at www.ec.gc.ca/st-rs.
4. All fuel caches should be located above the high water mark of any water body. Further, EC recommends the use of secondary containment with an impervious liner, such as self-supporting insta-berms, for storage of all barreled fuel rather than relying on natural depressions to contain spills.
5. The proponent should not store any materials on the surface ice of lakes or streams.
6. All remote fuel caches should have a spill kit available.
7. A supply of spill kits, shovels, barrels, sorbents, pumps, etc. should be consistently maintained and readily available at sites where fuel is being stored or transferred.
8. Secondary containment or a surface liner (drip pans, fold-a-tanks, etc.) should be placed under all containers or vehicle fuel tank inlet and outlet points, hose connections and hose ends during fuel or hazardous substance transfers. Secondary containment should be of adequate size and volume to contain and hold fluids for the purpose of preventing spills (the worst-case scenario).
9. Appropriate spill response equipment and clean-up materials (absorbents, containment devices, etc) must be on hand during any transfer of fuel or hazardous substances and at vehicle-maintenance areas.
10. Transfer operations should be attended by trained personnel at all times.
11. Please note that any spill of fuel or hazardous / deleterious materials, adjacent to or into a water body, **regardless of quantity** must be reported immediately to the NWT 24-hour Spill Line, **(867) 920-8130**. EC will be notified through this process. The phone number for EC – Environmental Protections, Emergencies is 1-866-845-6057.

Waste Treatment & Disposal

12. The proponent shall ensure that any fuel or hazardous wastes associated with the proposed project are to be properly handled, transported and disposed of at an approved disposal site.
13. All solid wastes (e.g. potable water bottles) should be disposed of at an appropriate facility. The proponent is encouraged to make use of recycling facilities for all recyclable materials.

14. All sewage sumps are to be located above the high water mark and in such a manner as to prevent the contents from entering any waterbody frequented by fish. Further, all sumps should be backfilled and contoured to match the existing landscape upon completion of the project.

Wildlife

15. Section 5.1 of the *Migratory Birds Convention Act* prohibits persons from depositing substances harmful to migratory birds in waters or areas frequented by migratory birds or in a place from which the substance may enter waters or such an area. Therefore, the Canadian Wildlife Service recommends that sumps be backfilled or made otherwise inaccessible to migratory birds prior to their arrival in spring and that the proponent ensure all spills are thoroughly cleaned up.

If there are any changes in the project proposal or more information is available, EC should be notified, as further review may be necessary. Please do not hesitate to contact me at (867) 669-4748 or Stacey.Lambert@ec.gc.ca with any questions concerning the above points.

Yours truly,

Original signed by

Stacey Lambert
Environmental Assessment Coordinator, EPO

cc: Louise Chawner (Senior Supervisor, Contracts, Nasittuq Corp.)
Carey Ogilvie (Head, Environmental Assessment North, EPO)
Lisa Perry (Sr. Environmental Assessment Coordinator, EPO)