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August 15, 2008
CIDM #244782

Colonel Gordon Ward
D.A.E.P.M.(RCS) Director
Department of National Defence
National Defence Headquarters
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- Inspector's Direction -

I, Andrew Keim, duly designated Inspector pursuant to subsection 85 (1) *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, conducted an inspection of the Hall Beach – Hall Main Long Range Radar Site and associated activities on August 10th, 2008. During the period of Inspection I came to believe that Nasittuq Corporation, the operator of the site for the Department of National Defence, Government of Canada had violated the terms and conditions of the issued water licence as well as a Direction issued by the Inspector in 2007.

In 2007 an inspection was conducted on the site in question and a verbal direction was provided staff on site to cease the activity of open burning of garbage and domestic waste. The verbal direction was reinforced in the inspection form generated at the close of the inspection and signed by Bill Rae, FMT- Nasittuq Corp. on July 16th, 2007.

Further to this On February 4th 2008 in the Water License Inspection Report the following information was provided to your offices;

On Page 2 under the heading Part D: Conditions applying to Waste Disposal;

No incinerator was found to in use or present on site. However, a large metal burn box was found to be on site. The burn box contained partially burned; florescent light tubes, 1 gallon paint cans, aerosol cans and other materials.

The Licensee is cautioned that further instances of non-compliance will result in the Licensee being the subject of enforcement and compliance actions as set out in the Nunavut Waters and Nunavut Surface Rights Tribunal Act. .

And,

Under the section on Non-Compliance appearing on page 4, the following issues were identified and listed for your information;



- *Open burning of hazardous wastes is to cease – Verbal direction provided on July 16th, 2007*
- *Location of the treatment facility where hazardous wastes generated or marshalled on site are to be shipped- to be included in annual report.*
- *Submission of Emergency Response Plan and approval of the Nunavut Water Board as addendum to 2007 annual report.*
- *Installation of metering system to accurately record water use.*
- *Submission of sampling results from the Monitoring Program as an addendum to the 2007 annual report*

As noted in this section the Licensee had until the period of the next inspection to ensure compliance with the above.

During the period of inspection on August 10th, 2008 the Inspector again found that Nasittuq Corporation, the contractor for Department of National Defence, Government of Canada had failed to cease this activity and were in fact burning materials that included paint cans and oil filters which the Inspector documented while on site.

At the time of the Inspection it was asserted by staff that a direction from Headquarters to continue the practice of open burning had been issued however documentation confirming this fact was not provided when requested by the Inspector.

A verbal direction was again issued to Jennifer Best, LSS Manager- Maintenance – Hall Beach, Nasittuq Corporation. This was followed by the issuance of an Industrial Water License Inspection Form which outlined the same direction in writing. Additionally, the Direction applies to all sites. This was signed by Jennifer Best and a copy provided at the close of the inspection.

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;

- To immediately cease the activity of open burning at all sites.
- Within 30 days following receipt of this Direction to provide to the Nunavut Water Board and the Inspector a plan to address this issue.
- Within 30 days following receipt of this Direction apply to the Nunavut Water Board for an amendment to the current licenses changing the name and party responsible for the activities on site to Nasittuq Corporation.
- Within 30 days following receipt of this Direction provide the Inspector and the Nunavut Water Board proof of compliance with the items outlined in the 2007 Inspection report.



Failure to comply fully or in part with an **Inspector's Direction** constitutes an 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

Andrew Keim

Inspector

Original signed this date

Inspector's Signature

cc. Nunavut Water Board, Gjoa Haven
Bernie MacIssac, Mgr. Field Operations, INAC