



20 May 2011

Serial No.: 0146-ENV

Dionne Filiatrault
Executive Director
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU, X0B 1J0

Dear Ms Filiatrault,

Subject: Technical Comments on Draft Nunavut Waters Regulations

In advance of the Technical Meeting and Pre-Hearing Conference on the Draft Nunavut Waters Regulations (Draft Regulations), written technical comments follow. Each section below refers to the Draft Regulations.

1. S. 3 Section 3 does not mention the water source. Is any water source allowed such as a lake, river, stream, meltwater run-off, etc? Or is this evaluated case-by-case?
2. S. 3 Is an application for approval of unlicensed use of waters required if the water is taken from an artificial (man-made) reservoir that uses precipitation (snow, rain, etc.) as its sole source of water?
3. S. 3(f)(ii) This line states "the quantity of water, in cubic meters, that will be used per day,".
Does "used" mean the quantity of water drawn from a water source or the quantity used for the purpose stated under s. 3(f)(i)?
Example: 1 cubic meter of water is drawn from a lake and stored in raw water tanks on a given day. 0.2 cubic meter is treated for use as drinking water on that day. Please confirm that the quantity of water "used per day" is the 1 cubic meter value.
4. S. 3(f)(iii) This line states "whether the use of the waters will involve watercourse crossing or training, and".
Please define training. Does training include installation or maintenance of a culvert located under a road to guide water under the road in order to avoid water flowing over the road or flooding a road?
5. S. 3(g) This subsection does not mention the location of the deposit of waste.
Must the location or estimated location be submitted?

6. S. 3(g)(iv) This line states "the period or periods during which the waste will be deposited."
Will advance notification of the deposit of waste to the inspector be required?
Example: Currently some water licenses require a minimum 10 days advance notice of a deposit of waste be given to the inspector. Will this practice be continued?
7. S. 4(1)(b) This line states "would not substantially affect the quality, quantity or flow of the waters;"
S. 4(1)(c) This line states "would not substantially affect the quality, quantity or flow of the waters flowing through Inuit owned land; and".
What is the definition of "substantially affect"? What criteria will be used? Will the NWB be required to state the source of the criteria set (example: guideline, code of practice, etc.)?
If no criteria are set, then how will "substantially affect" be interpreted by the inspector, and how can the applicant ensure they are meeting the requirements of the above lines?
8. S. 4(5) Does s. 4(5) mean that an application for approval of unlicensed use of waters or deposit of waste must be submitted every year before the previous approval expires?
9. S. 5(1)(b),
S. 5(1)(c) These lines state "would not substantially affect".
Same comment as for Item 7 above.
10. S. 5(4)(b) This line states "the waste must not contain more than 15 mg/L of petroleum or petroleum product . . . "
What parameter(s) must be analyzed for -- TPH or BTEX or both or other?
11. S. 6 Is the location of the waste deposit to be included in the "books and records"?
12. S. 6(1)(a) Can the "books and records" be in electronic form or on paper?
13. S. 6(1)(a)(i) This line states "the quantity of water, in cubic meters, used each day".
Same comment as for Item 3 above.
14. S. 6(1)(a)(iv) The NWB sets the parameters and criteria for analysis of wastes in water licenses. For an approved unlicensed deposit of waste, who will determine the "substance, or substances" to be analyzed for?
Example: For the approved unlicensed deposit of sewage to a sump, does the applicant analyze for fecal coliforms and/or pH and/or other parameters?



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15. S. 6(1)(b) Can the inspector set the parameters to analyze for? If yes, must the inspector give the source of the selected criteria (example: guideline, code of practice, etc.) so that the applicant can ensure the criteria are suitable for the given situation? Example: Analysis for Compound X is suitable at a location where Compound X was used or is used or at a location where it occurs naturally. Analysis for Compound X is not required otherwise.
16. S. 12 Please confirm that a license of a "municipal undertaking" does not pay a fee for the right to use waters.
17. S. 13 Can the "books and records" be in electronic form or on paper? (Same comment as for Item 12 above.)
18. S. 13(a)(i) This line states "the quantity of water, in cubic meters, used each day". Same comment as for Item 3 above.
19. S. 6(1)(a)(iv),
S. 13(a)(iv) For the deposit of noncombustible nonhazardous waste in a landfill, is any analysis for "concentration" of substance(s) required? What records will be required for noncombustible nonhazardous waste deposited in a landfill?
20. S. 6(1)(b),
S. 13(b) If the location of the undertaking is normally unattended (unmanned), can the books and records be kept at a different location that is attended (manned)?
21. S. 14(2)(b) What proof is required to be "an authorized agent of the licensee"?
Must the authorization be included in the annual report?
22. General The Draft Regulations do not include a section on the information required in an application for approval of licensed use of waters or deposit of waste.
Will the Draft Regulations include details on the information required in applications for licenses?

Thank you for the opportunity to submit comments on the Draft Regulations. Should you have any questions, please contact Barb Thomson at (613) 787-3867 or e-mail barb.thomson@nasittuq.com.

Yours truly,
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