



P.O. Box 119
GJOA HAVEN, NU X0B 1J0
TEL: (867) 360-6338
FAX: (867) 360-6369

ᓄᓇᓂᓪ ᐃᓕᓕᓂᓪ ᑲᑎᓕᓂᓪ
NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI

File No: NWB4REP0506

September 6, 2005

Mr. Marc Losier
Technical Coordinator
Mosher Engineering Ltd.
1358 Queen
Halifax, NS B3J 2H5

RE: NWB Licence No. NWB4REP0506

Dear Mr. Losier:

Please find attached Licence No. NWB4REP0506 issued to Mosher Engineering Ltd. by the Nunavut Water Board (**Motion #: 2005-29**) pursuant to its authority under Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*. The terms and conditions of the attached Licence related to water use and waste disposal are an integral part of this approval.

Sincerely,

Philippe di Pizzo
Executive Director

Enclosure: Licence No. **NWB4REP0506**

cc: Jim Rogers, DIAND Iqaluit
Scott Stewart, DIAND Inspector
Tongola Sandy, Kivalliq Inuit Association
Gladys Joudrey, Nunavut Impact Review Board
Josee Gallipeau, Nunavut Wildlife Management Board
Colette Spagnuolo, Environment Canada
Earle Baddaloo, GN-DOE
Derrick Moggy, Department of Fisheries and Oceans



P.O. Box 119
GJOA HAVEN, NU X0B 1J0
TEL: (867) 360-6338
FAX: (867) 360-6369

ᓄᓇᓂᓪ ᐃᓕᓕᓂᓪ ᓅᓂᓕᓂᓪ
NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI

DECISION

LICENCE NUMBER: NWB4REP0506

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a Licence dated June 6, 2005, made by:

Mosher Engineering Ltd.

to allow for the use of water and disposal of waste during hydrostatic testing of fuel tanks located in the Hamlet of Repulse Bay, Kivalliq Region, Nunavut (66°32'N, 86°15'W). With respect to this application, the NWB gave notice to the public that Mosher Engineering Ltd. had filed an application for a water licence.

DECISION

After having been satisfied that the application was exempt from the requirement for screening by the Nunavut Impact Review Board in accordance with Schedule 12.1, Paragraph 5 of the *Nunavut Land Claim Agreement* (NLCA), the NWB decided that the application could proceed through the regulatory process. In accordance with S.55.1 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA) and Article 13 of the NLCA, public notice of the application was given and interested persons were invited to make representations to the NWB.

After reviewing the submission of the Applicant and written comments expressed by interested parties, the NWB, having given due regard to the facts and circumstances, the merits of the submissions made to it and to the purpose, scope and intent of the *Nunavut Land Claims Agreement* and of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA), decided to waive the requirement to hold a public hearing and furthermore to delegate its authority to approve the application to the Chief Administrative Officer pursuant to S. 13.7.5 of the NLCA and S. 49(a) of the NWNSRTA and determined that:

Licence Number NWB4REP0405 be issued subject to the terms and conditions contained therein. (Motion #: 2005-29)

SIGNED this 6th day of September, 2005 at Gjoa Haven, NU.

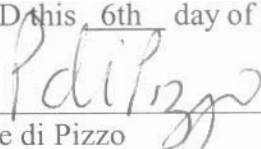

Philippe di Pizzo
Chief Administrative Officer

TABLE OF CONTENTS

DECISION	i
TABLE OF CONTENTS	ii
I. INTRODUCTION	1
II. GENERAL CONSIDERATIONS	1
A. Term of the Licence	1
B. Annual Report	1
C. Spill Contingency Plan	2
III. LICENCE NWB4REP0506	3
PART A: SCOPE DEFINITIONS AND ENFORCEMENT	4
PART B: GENERAL CONDITIONS	6
PART C: CONDITIONS APPLYING TO WATER USE	7
PART D: CONDITIONS APPLYING TO WASTE DISPOSAL	8
PART E: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING	9
PART F: CONDITIONS APPLYING TO THE MONITORING PROGRAM	10

I. INTRODUCTION

On June 6, 2005 an application was filed with the Nunavut Water Board by Mosher Engineering Ltd. to allow for the use of water and disposal of waste during hydrostatic testing of fuel tanks located in the Hamlet of Repulse Bay, Kivalliq Region, Nunavut (66°32'N, 86°15'W). This application was supplemented with additional information by the Licensee on July 26, 2005. After having been satisfied that the application was exempt from the requirement for screening by the Nunavut Impact Review Board in accordance with Schedule 12.1, Paragraph 5 of the *Nunavut Land Claim Agreement (NLCA)*, the NWB decided that the application could proceed through the regulatory process.

In accordance with S.55.1 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)* and Article 13 of the *NLCA*, public notice of the application was given and interested persons were invited to make representations to the NWB. No public concerns were expressed, and after reviewing the submission of the Applicant and representations made by interested persons, the NWB, having given due regard to the facts and circumstances, the merits of the submissions made to it and to the purpose, scope and intent of the *NLCA* and of the *NWNSRTA*, decided to waive the requirement to hold a public hearing and furthermore to delegate its authority to approve the application to the Chief Administrative Officer pursuant to S.13.7.5 of the *NLCA* and S.49(a) of the *NWNSRTA*.

II. GENERAL CONSIDERATIONS

Term of the Licence

In accordance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* S. 45, the NWB may issue a licence for a term not exceeding twenty-five years. The NWB believes that a term of one year is appropriate. The 1-year licence will allow the Licensee to properly carry out the terms and conditions of the licence and will ensure that sufficient time is given to permit the Licensee to develop, submit, and implement the plans required under the licence to the satisfaction of the NWB.

Annual Report

The requirements imposed on the Licensee in this licence are for the purpose of ensuring that the NWB has an accurate annual update of water use and depositions of waste during a calendar year. This information is maintained on the public registry and is available to any interested parties upon request.

C. Spill Contingency Planning

The Board generally requires that all Licensees prepare a comprehensive stand alone Spill Contingency Plan to establish a state of readiness to ensure a prompt and effective response to possible spills or system failure events. The site-specific spill contingency plan will assist the Licensee in responding to emergencies such that the impacts to water in particular and the environment and public health in general are minimized. The Plan submitted by the Licensee has been conditionally approved by the Board with the requirement that additional information be submitted as an addendum to the approved Plan as per Part E, Item 1 of this license.

LICENCE NWB4REP0506 –Type “B”

Pursuant to the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*, the Nunavut Water Board, hereinafter referred to as the Board, hereby grants to

MOSHER ENGINEERING LTD.

(Licensee)

of

1358 QUEEN, HALIFAX, NS B3J 2H5

(Mailing Address)

hereinafter called the Licensee, the right to alter, divert or otherwise use water for a period subject to restrictions and conditions contained within this licence:

NWB4REP0506 - Type “B”

Licence Number

NUNAVUT 06

Water Management Area

REPULSE BAY, KIVALLIQ REGION, NUNAVUT

Location

WATER USE AND WASTE DISPOSAL

Purpose

INDUSTRIAL UNDERTAKINGS

Classification of Undertaking

3200 CUBIC METRES PER ANNUM

Quantity of Water Not to Exceed

SEPTEMBER 06, 2005

Date of Licence

SEPTEMBER 30, 2006

Expiry Date of Licence

Dated this 6th day of September 2005 at Gjoa Haven, NU.


Philippe di Pizzo
Chief Administrative Officer

PART A: SCOPE, DEFINITIONS AND ENFORCEMENT

1. Scope

This Licence allows for the use of water and the disposal of waste during hydrostatic testing of fuel tanks located at Repulse Bay, Kivalliq Region, Nunavut (66°32'N, 86°15'W);

- i. This Licence is issued subject to the conditions contained herein with respect to the taking of water and the depositing of waste of any type in any waters or in any place under any conditions where such waste or any other waste that results from the deposits of such waste may enter any waters. Whenever new Regulations are made or existing Regulations are amended by the Governor in Council under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, or other statutes imposing more stringent conditions relating to the quantity or type of waste that may be so deposited or under which any such waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be subject to such requirements; and;
- ii. Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with the requirements of all applicable Federal, Territorial and Municipal legislation.

2. Definitions

In this Licence: **NWB4REP0506**

“**Act**” means the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*;

“**Amendment**” means a change to original terms and conditions of this licence requiring correction, addition or deletion of specific terms and conditions of the licence; modifications inconsistent with the terms of the set terms and conditions of the Licence;

“**Analyst**” means an Analyst designated by the Minister under Section 85 (1) of the *Act*;

“**Appurtenant Undertaking**” means an undertaking in relation to which a use of waters or a deposit of waste is permitted by a licence issued by the Board;

“**Board**” means the Nunavut Water Board established under the *Nunavut Land Claims Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*;

“**Chief Administrative Officer**” means the Executive Director of the Nunavut Water Board;

“Engineer” means a professional engineer registered to practice in Nunavut in accordance with the Engineering, Geological and Geophysical Act (Nunavut) S.N.W.T. 1998, c.38, s.5;

“Hazardous waste” means waste classified as “hazardous” by Nunavut Territorial or Federal Legislation, or as “dangerous goods” under the *Transportation of Dangerous Goods Act* at the time of clean-up;

“Inspector” means an Inspector designated by the Minister under Section 85 (1) of the *Act*;

“Licensee” means the holder of this Licence;

“Nunavut Land Claims Agreement” (NLCA) means the “*Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada*”, including its preamble and schedules, and any amendments to that agreement made pursuant to it;

“Spill Contingency Plan” means a Plan developed to deal with unforeseen petroleum and chemical events that may occur during the operations conducted under the Licence;

“Waste” means, as defined in S.4 of the *Act*, any substance that, by itself or in combination with other substances found in water, would have the effect of altering the quality of any water to which the substance is added to an extent that is detrimental to its use by people or by any animal, fish or plant, or any water that would have that effect because of the quantity or concentration of the substances contained in it or because it has been treated or changed, by heat or other means;

“Waste Disposal Facilities” means all facilities designated for the disposal of waste, including the “*Test Water Solid Particle Collector*”, as referenced in the Application for Water Licence in “*Sketch #4*” originally filed by the Applicant on June 6th, 2005; and

“Water Supply Facilities” comprises the area and associated intake infrastructure at the water source used to supply water for hydrostatic testing as described in the Application for Water Licence originally filed by the Applicant on June 6th, 2005.

3. Enforcement

- i. Failure to comply with this Licence will be a violation of the *Act*, subjecting the Licensee to the enforcement measures and the penalties provided for in the *Act*;
- ii. All inspection and enforcement services regarding this Licence will be provided by Inspectors appointed under the *Act*; and

- iii. For the purpose of enforcing this Licence and with respect to the use of water and deposit or discharge of waste by the licensee, Inspectors appointed under the *Act*, hold all powers, privileges and protections that are conferred upon them by the *Act* or by other applicable law.

PART B: GENERAL CONDITIONS

1. The Licensee shall file an Annual Report on the Appurtenant Undertaking with the Board not later than March 31st of the year following the calendar year reported which shall contain the following information:
 - i. A summary report of water use and waste disposal activities;
 - ii. A list of unauthorized discharges and a summary of follow-up actions taken;
 - iii. Progressive reclamation work undertaken;
 - iv. Revisions made to the Spill Contingency Plan;
 - v. All information as required by Part D, Item 1;
 - vi. All information as required by Part F, Item 5;
 - vii. Site photographs with complimentary documentation detailing the Water Supply Facilities, Waste Disposal Facilities and general site; and
 - viii. Any other details on water use or waste disposal requested by the Board by November 1 of the year being reported.
2. The Licensee shall notify the NWB of any changes in operating plans or conditions associated with this project at least thirty (30) days prior to any such change.
3. Flow meters or other such devices used for measuring the volumes of water used shall be installed by the Licensee, and operated and maintained to the satisfaction of an Inspector.
4. If the Licensee contemplates the renewal of Licence No.NWB4REP0506, it is its responsibility to apply to the NWB for its renewal. The past performance of the Licensee, new documentation and information, and issues raised during a public hearing, if the NWB is required to hold one, will be used to determine the terms and conditions of the Licence renewal. Note that if the Licence expires before the NWB issues a new one, then water use and waste disposal must cease, or the Licensee will be in contravention of the Nunavut Land Claims Agreement. The NWB recommends that any application for the renewal of Licence

No. NWB4REP0506 be filed at least four months before the Licence's expiry date.

5. If Licence No. NWB4REP0506 requires an amendment, a public hearing may be required. The Licensee should submit applications for amendment as soon as possible to give the NWB sufficient time to go through the amendment process. The process may vary depending on the scope of the amendment requested
6. The Licensee shall ensure a copy of this Licence is maintained at the site of operations at all times. Any communication with respect to this Licence shall be made in writing to the attention of:

(i) Chief Administrative Officer:

Executive Director
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0
Telephone: (867) 360-6338
Fax: (867) 360-6369

(ii) Inspector Contact:

Water Resources Officer
Nunavut District, Nunavut Region
P.O. Box 100
Iqaluit, NU X0A 0H0
Telephone: (867) 975-4298
Fax: (867) 979-6445

7. The Licensee shall submit one paper copy and one electronic copy of all reports, studies, and plans to the Board. Reports or studies submitted to the Board by the Licensee shall include a detailed executive summary in Inuktitut.

PART C: CONDITIONS APPLYING TO WATER USE

1. The Licensee shall obtain water from the designated water source as indicated in the application for hydrostatic testing operations up to a maximum of 600 cubic metres per day.
2. The Licensee shall equip all water intake hoses with a screen with an appropriate mesh size to ensure that there is no entrainment of fish.
3. The Licensee shall not remove any material from below the ordinary high water mark of any water body.

4. The Licensee shall not do anything that will cause erosion of the banks of any body of water on or adjacent to the land and shall provide necessary controls to prevent such erosion.
5. Sediment and erosion control measures shall be implemented prior to and maintained during the operation to prevent entry of sediment into water.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. Prior to the discharge of any water utilized in hydrostatic testing operations, the Licensee shall analyze and report in Licensee's Annual Report, as required *per* Part B, Item 1, the effluent for the following parameters:

Table D.1. Effluent parameters to be evaluated prior to discharge

pH	Total Suspended Solids (TSS)
Major Ions	Hardness
Conductivity	Total Petroleum Hydrocarbons (TPH)
Metals (Pb, Hg, As, Cr, Cd, Cu, As, Zn, Fe)	Total Dissolved Solids (TDS)
Benzene, Toulene, Ethylbenzene, Xzylene (BTEX)	Total Organic Carbons (TOC)

2. Any waters utilized in hydrostatic testing operations shall be treated using a hydrophobic sorbent filter system prior to discharge.
3. The Licensee shall incinerate all combustible waste, and shall ensure that all hazardous wastes, waste oil and non-combustible waste generated through the course of the operation are backhauled and disposed of in an approved waste disposal site.
4. Complimenting the information required in Part D, Item 1, each sample data set shall be supplemented with an appropriate spatial and temporal delineation signature.

PART E: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING

1. The Licensee shall revise the approved Spill Contingency Plan to reflect the following:
 - i. The addition of DIAND Water Resources and Environment Canada personnel in Iqaluit to the spill response contact list for Nunavut;
 - ii. The notification of the DIAND Water Resources Inspector at (867) 975-4298 following the occurrence of any spill of chemicals, petroleum products or waste associated with the project;
 - iii. The inclusion of a title page, table of contents, and description of hydrostatic test site;
 - iv. The inclusion of the name, address, title, and 24-hour contact number of the individual designated by Mosher Engineering Ltd to overlook and undertake site responsibility on site during site setup, hydrostatic testing and test decommissioning;
 - v. The inventory and location of equipment and supplies on site;
 - vi. A listing of the training provided to all on-site personnel;
 - vii. The date the plan was prepared and the effective period of the revised plan;
 - viii. Provide current Material Safety Data Sheets (MSDS) for fuels and chemicals encountered and anticipated on site; and
 - ix. The location and make-up of spill kits to be provided on site.
2. The information required in Part E, Item 1 shall be submitted as an addendum to the approved Plan within thirty (30) days of issuance of the Licence.
3. The Licensee shall ensure that any chemicals, petroleum products or wastes associated with the project do not enter water. Any fuel caches shall be located a minimum of thirty (30) metres from the normal high water mark of any adjacent water body.
4. The Licensee shall ensure that any equipment maintenance and servicing shall be conducted only in designated areas and shall implement special procedures (such as the use of drip pans during re-fueling operations) to manage fluids, waste and contain potential spills.
5. If during the duration of this Licence an unauthorized discharge of waste occurs, or if such a discharge is foreseeable, the Licensee shall:

- i. Employ the Spill Contingency Plan;
- ii. Report the spill immediately to the 24-Hour Spill Line at (867) 920-8130 and to the DIAND Water Resources Inspector at (867) 975-4298; and
- iii. Submit to the DIAND Water Resources Inspector a detailed report, including the GPS location, on each occurrence no later than thirty (30) days after initially reporting the event.

PART F: CONDITIONS APPLYING TO THE MONITORING PROGRAM

1. The Licensee shall measure and record in cubic metres the daily quantities of water utilized for camp operations for all purposes.
2. The Licensee shall determine the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where sources of water are utilized for all purposes. The Licensee shall report the manufacture type of GPS receiver used in the determination of the co-ordinates and the number of iterations taken for the determination each co-ordinate.
3. The Licensee shall determine the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where wastes associated with the hydrostatic testing are deposited. The Licensee shall report the manufacture type of GPS receiver used in the determination of the co-ordinates and the number of iterations taken for the determination each co-ordinate.
4. Additional sampling and analysis may be requested by an Inspector.
5. The Licensee shall include all of the data and information required by the "Monitoring Program" in the Licensee's Annual Report, as required per Part B, Item 1.
6. Modifications to the Monitoring Program may be made only upon written approval of the Chief Administrative Officer.
7. All sampling, sample preservation and analyses shall be conducted in accordance with methods prescribed in the current edition of "Standard Methods for the Examination of Water and Wastewater", or by such other methods as approved by the Board.
8. All analyses shall be performed in a Canadian Association of Environmental Analytical Laboratories (CAEAL) Certified Laboratory, or as approved by the Board.