



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

ᓄᓇᓂᓪ ᐃᓕᓕᓂᓪ ᑲᑎᓚᓪᓴᓯ
NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI

DECISION

LICENCE NUMBER: NWB5BYR0305

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a Licence dated December 19, 2002 made by:

Defence Construction Canada

for implementation of decommissioning and clean-up of the Byron Bay (PIN-4) DEW Line Site.

With respect to this application, the NWB gave notice to the public that Defence Construction Canada had filed an application with the NWB, and no public concerns were expressed to the Board.

DECISION

After having been satisfied that the application had been screened pursuant Article 12 of the Nunavut Land Claims Agreement and pursuant to NIRB decision to allow licensing to proceed under Article 12.10.2 (b), the NWB decided that the application could proceed through the regulatory process. After reviewing the submission of the Applicant, the NWB, having given due regard to the facts and circumstances, and to the purpose, scope and intent of the Nunavut Land Claims Agreement, determined that:

Licence Number NWB5BYR0305 be issued subject to the terms and conditions contained therein (Motion # 2003-06).

SIGNED this _____ day of April 2003 at Gjoa Haven, NU.

Original signed by:

Philippe di Pizzo
Chief Administrative Officer

APPROVAL FOR WATER USE AND WASTE DISPOSAL

Pursuant to Article 13 of 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 Defence Construction Canada authorization to use water and dispose of waste into water in conjunction with a Site Investigation for the Byron Bay (PIN-4) DEW Line Site subject to the terms and conditions outlined herein and in the applicable land use permits.

APPLICATION NO:	NWB5BYR0305
LICENSEE:	Defense Construction Canada, Place de Ville, Tower B 112 Kent Street, Ottawa, ON K1A 0K3 Scott Hamilton Environmental Officer, DLCU E-mail: hamiltons@dcc-cdc.gc.ca Phone: (613) 998-4583 Fax: (613) 998-1061
START DATE:	April 18, 2003
EXPIRY DATE:	December 31, 2005
PURPOSE:	Water Use and Waste disposal associated with Site Investigation
LOCATION:	PIN-4 DEW Line Site, Byron Bay, Nunavut General Latitude: 68°45' 30" N; Longitude: 109°04' 12" W

This approval issued and recorded at Gjoa Haven includes and is subject to the annexed conditions.

Original signed by:

Philippe di Pizzo
Chief Administrative Officer

PART A: SCOPE, DEFINITIONS & ENFORCEMENT

1. SCOPE

- i. This Licence entitles Defense Construction Canada (DCC) to use water and dispose of waste during operations at the PIN-4 Distant Early Warning (DEW) Line Site, Byron Bay, Nunavut (68°45' 30" N/ 109 °04' 12" W). Activities include: construction camp mobilization and operation, road construction and maintenance including stream crossings, and sampling activities associated with the delineation of contamination on the PIN-4 DEW Line site.
- ii. 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.
- iii. Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with all applicable legislation, guidelines and directives.

2. DEFINITIONS

In this Licence: **NWB5BYR0305**

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

“Board” means the Nunavut Water Board established under the *Nunavut Land Claims Agreement*;

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

“Greywater” means all liquid wastes from showers, baths, sinks, kitchens and domestic washing facilities, but does not include toilet wastes;

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

“Licensee” means the individual or organization to who Licence NWB5BYR0305 is issued or assigned;

“Hazardous waste” means waste which is 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;

“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;

“Sewage” means all toilet wastes and greywater;

“Solid Waste” means non-hazardous waste, Type A soil, Tier I soil and Tier II soil;

“Toilet Wastes” means all human excreta and associated products, but does not include greywater;

“Waste” means waste as defined in Section 85 (1) of the *Act*;

“Water Supply Facilities” comprises the Water Supply Lake area and associated infrastructure designed to collect and supply water.

3. ENFORCEMENT

- i. Failure to comply with this Licence will be a violation of the *Act*, exposing 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. Inspectors appointed under the *Act* enjoy-with respect to this Licence, and for the purpose of enforcing this Licence, and with respect to the use of water and deposit or discharge of waste by the licensee-all powers, privileges and protections that are conferred upon them by the *Act* or by other applicable law

PART B: GENERAL CONDITIONS

1. Within thirty (30) days upon expiration of this approval, the Licensee shall submit to the Board a summary report on the following, but not limited to:
 - i. water use and waste disposal activities;
 - ii. list of unauthorized spills
 - iii. abandonment and restoration of the site;
 - iv. methods for storage of materials and equipment;
 - v. results of site-investigations; and,
 - vi. follow-up action to be taken.
2. The NWB shall be notified of any changes in operating plans or conditions associated with this project at least thirty (30) days prior to any such change.

PART C: CONDITIONS FOR THE USE AND PROTECTION OF WATER

1. The Licensee shall obtain water for domestic purposes, using the Water Supply Facilities, from Water Supply Lake up to a maximum of 30 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 entrapment 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. The Licensee shall not deposit any waste in any body of water, or on the banks thereof, which may impair the quality, quantity, or flow of water.
2. The Licensee shall discharge and contain all toilet waste in pits located at least one hundred (100) metres from the high water mark of any water body at a site where direct flow into a water body is not possible and no additional impacts are created.

3. The Licensee shall discharge and contain all greywater in a sump located at least thirty (30) metres from the high water mark of any water body at a site where direct flow into a water body is not possible and no additional impacts are created.
4. The Licensee shall incinerate all combustible waste in an approved incinerator.
5. The Licensee shall containerize, and securely store, all non-combustible waste generated during site activities for later disposal in an approved landfill.
6. The Licensee shall ensure that all hazardous wastes generated through the course of the operation are disposed of in an approved offsite waste disposal facility.
7. The Licensee shall not bury any scrap metal and other bulky wastes. All scrap metal, discarded machinery and parts, and other bulky material shall be disposed of in an approved disposal site.

PART E: CONDITIONS FOR CAMPS AND ACCESS INFRASTRUCTURES

1. All activities shall be conducted in such a way as to minimize impacts on surface drainage and the Licensee shall immediately undertake any corrective measures in the event of any impacts on surface drainage.
2. With respect to access road and pad construction or other earthworks, the deposition of debris or sediment into any water body is prohibited. These materials shall be disposed of above the high water mark in such a fashion that they do not enter the water.
3. Camps shall be located on gravel, sand or other durable land in order to minimize impacts on surface drainage.

PART F: CONDITIONS APPLYING TO SPILL PREVENTION AND CONTINGENCY PLANNING

1. The Licensee shall ensure that any chemicals, fuel or wastes associated with the project do not enter water. All sumps and fuel caches shall be located a minimum of a hundred (100) metres from the normal high water mark and in such a manner that no fuel can enter any such water body.
2. The Licensee shall submit to the Board for approval by 15 July 2003 a revised "Spill Contingency Plan" containing contractor-specific information in accordance with the Board's "Guidelines for Contingency Planning, January 1987".

3. The Licensee shall revise the “Spill Contingency Plan” referred to in Part F, Item 2, if not acceptable to the Board. The Revised Plan shall be submitted to the Board for approval within thirty (30) days after notification.
4. The Licensee shall revise the “Spill Contingency Plan” annually to reflect changes in operation, technology and personnel. Any proposed modification shall be re-submitted to the Board for approval.
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 from the “Site Specific Investigation 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 on each occurrence no later than thirty (30) days after initially reporting the event.

PART G: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

1. The Licensee shall backfill and restore to the satisfaction of the Inspector all sumps back to the natural surrounding contours of the land prior to the expiry of this permit.
2. The Licensee shall undertake progressive restoration for any components of the project no longer required for the Licensee’s operations.
3. All disturbed areas shall be stabilized and re-vegetated as required, upon completion of work and restored to a pre-disturbed state.

**GENERAL CONDITIONS FOR THE ADMINISTRATION OF LICENCES
ISSUED BY THE NUNAVUT WATER BOARD (NWB)**

The following conditions form an integral part of Licence No. **NWB5BYR0305**:

1. At the time of issuance, a copy of the Licence is placed on the Water Register in the NWB Head Office in Gjoa Haven. **Documents in the Register are available to the public.**
2. If the Licensee contemplates the renewal of Licence No. **NWB5BYR0305**, 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 an application for the renewal of Licence No. **NWB5BYR0305** be filed **at least three months** before the Licence's expiry date.
3. If Licence No. **NWB5BYR0305** requires 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.
4. Any communication with respect to this Licence shall be made **in writing** to the attention of:

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

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

5. 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**.