



NWB Tools

Megan Porter <megan.porter@nwb-oen.ca>

[Licensing] Fwd: 1BR-CIL1217 Amendment

Karén Kharatyan <karen.kharatyan@nwb-oen.ca>
To: Licensing Department <licensing@nwb-oen.ca>

Tue, Jun 3, 2014 at 3:06 PM

FYI

Karén Kharatyan, Ph. D- ԵՂ^ա ԵՏՈԴ^ա

Technical Advisor- Conseiller Technique

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NUNAVUT WATER BOARD - OFFICE DES EAUX DU NUNAVUT
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www.nwb-oen.ca

P.O. Box 119
Gjoa Haven, NU, X0B 1J0

C.P. 119
Gjoa Haven (Nunavut), X0B 1J0

በበኛቴል፤ 119
፲፪፻፵፭, ፳፻፲፱ X0B 1J0

Titigaqavua 119
Uqhuqtuuq, NU, X0B 1J0

Tel / Téléphone / ᐅᐅᐅᐅ / Hivayauta: (867) 360-6338 | Fax / Télécopieur / ᐅᐅᐅᐅ / Fax-kut: (867) 360-6369
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----- Forwarded message -----

From: **Karén Kharatyan** <karen.kharatyan@nwb-oen.ca>

Date: Mon, Feb 24, 2014 at 8:56 AM

Subject: Re: 1BR-CIL1217 Amendment

To: "Teresa L. Meadows" <Teresa@shoresjardine.com>

Cc: Damien Côté <damien.cote@nwb-oen.ca>, David Hohnstein <david.hohnstein@nwb-oen.ca>

Good morning Teresa,

It is clear yes, and this is what i was expecting.

Thanks once again,



Karén Kharatyan, Ph. D- ԵՂՁ ԵՏՈՂՁ

Technical Advisor- Conseiller Technique

Technical Advisor - Consumer Technique
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Gjoa Haven, NU, X0B 1J0

C.P. 119
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በበኞቹል 119
፲፫፻፵፭, ጳጳስ X0B 1J0

Titigaqavua 119
Uqhuqtuuq, NU, X0B 1J0

Tel / Téléphone / ᐅᐅᐅᐅ / Hivayauta: (867) 360-6338 | Fax / Télécopieur / ᐅᐅᐅᐅ / Fax-kut: (867) 360-6369
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On Mon, Feb 24, 2014 at 8:27 AM, Teresa L. Meadows <Teresa@shoresjardine.com> wrote:

Dear Karén,

As much as I know that it seems sort of “after the fact” to process an application where something is already constructed as it SHOULD have been received prior to construction, the Board’s process needs to remain unchanged and should progress exactly as it would if the darn thing had not already been built. The reason that the Board needs to proceed as it would normally is because the Board cannot permit an applicant who chooses to beg for forgiveness after the fact to be in a better situation than an applicant who actually applies for the required licence in advance. What I mean by this is that technically, someone who constructs without a licence should bear the risk that the Board, when conducting its normal technical review and hearing process could determine that the landfill is not properly located/constructed and could refuse to licence it on that basis, so the landfarm would have to be removed and reclaimed or operated as unlicensed (in which case it is an enforcement matter).

If the NWB changed its process (so for example, eliminating the technical review component of siting in the application because the Board recognizes that the darn thing has already been sited), the Board would be “fettering/limiting” the discretion the Board has been given to fully review applications for undertakings, including considering whether the undertaking has been properly sited. The Board cannot allow the actions of the applicant to fetter its review of any given application in the circumstances, and must proceed in accordance with our standard practice and procedure, and maintaining the Board’s discretion to grant or deny a given application and if granting a licence determining all the appropriate terms and conditions for that licence, EVEN IF the terms and conditions are inconsistent with how the undertaking was constructed in the absence of the licence.

I hope this is clear, but if you have any additional questions or require further follow up, please let me know,

Teresa



Teresa L. Meadows

Associate

Suite 2250 Bell Tower | 10104 – 103 Avenue |
Edmonton, Alberta T5J 0H8

Direct Tel [780.702.4284](tel:780.702.4284) | Fax [780.423.0163](tel:780.423.0163) | www.shoresjardine.com

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From: Karén Kharatyan [mailto:karen.kharatyan@nwb-oen.ca]

