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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI

DECISION

LICENCE NUMBER: NWB5HAL0308

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a Licence dated January 29, 2003, made by:

Defense Construction Canada

to allow for the use of water and disposal of waste during DEW Line Clean-up Activities at the FOX-M DEW Line Site, Hall Beach, Nunavut.

With respect to this application, the NWB gave notice to the public that Defense Construction Canada 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 S. 12.3.2 of the *Nunavut Land Claim Agreement* (NLCA), the NWB decided that the application could go through the regulatory process. 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* (NWNSTRTA), 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. 49(a) of the NWNSTRTA and determined that:

Licence Number NWB5HAL0308 be issued subject to the terms and conditions contained therein. (Motion #:2003-05)

SIGNED this 18th day of April, 2003 at Gjoa Haven, NU.

Original signed by:

Philippe di Pizzo
Chief Administrative Officer

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I. INTRODUCTION

On January 29, 2003, Defense Construction Canada filed an application with the Nunavut Water Board for a water licence for water use and waste disposal activities associated with DEW Line Clean-up Activities at the FOX-M DEW Line Site located at Hall Beach, Nunavut. Pursuant to Article 13 of the Nunavut Land Claim Agreement (NLCA), the application was referred to the Nunavut Impact Review Board (NIRB) for environmental screening. In its March 4, 2003 screening decision, NIRB concluded that the project could proceed without an environmental review under Part 5 or 6. In accordance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* S. 55.1 and Article 13 of the *Nunavut Land Claims Agreement*, public notice of the application was posted. In this notice, the NWB invited the public and interested parties to comment on the application. No public concerns were expressed, and the NWB waived the requirement to hold a public hearing for the application. Authority to approve the application was delegated to the Chief Administrative Officer pursuant to S. 13.7.5 of the *Agreement*. After considering and reviewing the comments submitted by interested parties, the NWB has issued licence NWB5HAL0308.

II. GENERAL CONSIDERATIONS

A. 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 five years is appropriate. The 5-year licence will allow the Licensee to properly carry out the terms and conditions of the licence and to 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.

B. Annual Report

The NWB requests that the Licensee provide an executive summary in Inuktitut of all studies and reports prepared under this Licence. The Board feels that it is important that the information collected and analyzed as requirements of this Licence be summarized in the appropriate languages and given back to the residents of nearby communities potentially affected by the project.

C. Regulated Parameters

Effluent quality criteria imposed in this Licence are consistent with the *Guidelines for the Discharge of Treated Municipal Wastewater in the Northwest Territories* (Northwest Territories Water Board; 1992), and follow advice received from both the Department of Indian and Northern Affairs and Environment Canada.

D. Spill Contingency Planning

The Board generally requires that all Licensees prepare comprehensive Spill Contingency Plans to establish a state of readiness to ensure a prompt and effective response to possible spills or system failure events. The site-specific 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.

E. Monitoring Program

To measure the performance of the reclamation measures and to assess the mitigation of potential impacts to the environment associated with the appurtenant undertaking over the short and long term, the Board requests that the Licensee implement a site specific Monitoring Program. To accomplish these objectives, the NWB considers that additional detailed information from the Licensee is necessary.

F. Quality Assurance/Quality Control (QA/QC) Plan

The requirements to develop a QA/QC Plan imposed on the Licensee in this licence are for the purpose of ensuring the NWB that samples taken in the field as part of the Monitoring Program will maintain a high quality, so as to accurately represent the physical and chemical nature of the samples being taken.

LICENCE NWB5HAL0308

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

DEFENSE CONSTRUCTION CANADA

(Licensee)

**Place de Ville, Tower B, 112 Kent Street,
Ottawa, ON K1A 0K3**

of

(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:

NWB5HAL0308

Licence Number

NUNAVUT 06

Water Management Area

**FOX-M DEW LINE SITE, HALL BEACH,
NUNAVUT (68°45' N / 81°11' W)**

Location

WATER USE AND WASTE DISPOSAL

Purpose

**CAMP MOBILIZATION & OPERATION,
ENVIRONMENTAL CLEAN UP AND ASSOCIATED USES**

Description

30 CUBIC METRES DAILY

Quantity of Water Not to be Exceeded

APRIL 18, 2003

Date of Licence

APRIL 30, 2008

Expiry Date of Licence

Dated this 18th of April 2003 at Gjoa Haven, NU.

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 required for the clean-up of the FOX-M Distant Early Warning (DEW) Line Site, Hall Beach, Nunavut (68°45' N / 81 °11' W). Activities include: construction camp mobilization and operation; landfill construction and remediation; petroleum impacted soil landfarm facility construction and operation; road construction and repairs including stream crossings; barrel and debris consolidation; blasting ; and demolition of infrastructure no longer required for the operation of the North Warning System Short Range Radar 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; and.
- 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: **NWB5HAL0308**

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

“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*;

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

“Demolition Rinse Water” means water and associated waste generated by the operation of decontamination and decommissioning activities;

“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*;

“Landfarm Facility” means an area designed to biologically treat Type B soils;

“Licensee” means the individual or organization to whom Licence NWB5HAL0308 is issued or assigned;

“Modification” means an alteration to a physical work that introduces a new structure or eliminates an existing structure and does not alter the purpose or function of the work, but does not include an expansion;

“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;

“Municipal Sewage Disposal Facility” comprises the area and engineered structures designed to contain and treat sewage operated by the Hamlet of Hall Beach under the terms and conditions of NWB Water licence NWB3HAL0308;

“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;

“On-Site Sewage Disposal Facility” comprises the area and engineered structures designed to contain and treat sewage, as described in the Application for Water Licence filed by the Applicant on January 29, 2003;

“Sewage” means all toilet wastes and greywater;

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

“Solid Waste Disposal Facility” comprises the area and associated structures designed to contain solid waste and to permanently isolate the contents of the disposal facility from the environment, as described in the Application for Water Licence filed by the Applicant on January 29, 2003;

“Monitoring Program” means a program established to collect data on surface water and groundwater quality to assess impacts to the environment of an appurtenant undertaking.

“Tier I Soil” means soil containing contaminant concentrations within the types and ranges defined as DCC Tier I in Appendix E of the *“Agreement Between Nunavut Tunngavik Incorporated and Her Majesty the Queen in the Right of Canada, as Represented by the Minister of National Defense for the Clean-up and Restoration of Distant Early Warning Sites within the Nunavut Settlement Area-Environmental Provisions”* including its preamble and schedules, and any amendments to that agreement made pursuant to it (see Table I);

“Tier II Soil” means soil containing contaminant concentrations within the types and ranges defined as DCC Tier II in Appendix E of the *“Agreement Between Nunavut Tunngavik Incorporated and Her Majesty the Queen in the Right of Canada, as Represented by the Minister of National Defense for the Clean-up and Restoration of Distant Early Warning Sites within the Nunavut Settlement Area-Environmental Provisions”* including its preamble and schedules, and any amendments to that agreement made pursuant to it (see Table I);

“Type A Soil” means soil contaminated with hydrocarbons in which the primary petroleum product present in the soil as determined by laboratory analysis consists of lubricating oil and grease;

“Type B Soil” means soil contaminated with hydrocarbons in which the primary petroleum product present in the soil as determined by laboratory analysis consists of fuel oil and/or diesel fuel and /or gasoline;

“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, as described in the Application for Water Licence filed by the Applicant on January 29, 2003.

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. The Licensee shall file an Annual Report with the Board no later than March 31 of the year following the calendar year reported, which shall contain the following information:
 - i. The monthly and annual quantities (in cubic metres) of fresh water obtained from all sources;
 - ii. The monthly and annual quantities (in cubic metres) of sewage generated;
 - iii. The monthly and annual quantities (in cubic metres) of material deposited in Solid Waste Disposal Facilities;
 - iv. A summary of any construction work, modification and major maintenance work carried out on the Water Supply and Solid Waste Disposal Facilities, including all associated structures;
 - v. Tabular summaries for all data and information generated under the “Monitoring Program”;
 - vi. An analysis of data collected during the “Monitoring Program” and a brief description of any future studies planned by the Licensee;
 - vii. A summary of any abandonment and restoration work undertaken during the year and an outline of any work anticipated for the next year;
 - viii. A summary of any studies requested by the Board that relate to waste disposal, water use or reclamation, and a brief description of any future studies planned;
 - ix. A list of unauthorized discharges and summary of follow-up actions taken;
 - x. Any revisions to the approved “Operation and Maintenance Plan”;
 - xi. Any revisions to the approved “Spill Contingency Plan”;
 - xii. If applicable, a description of any trenches and sumps excavated, including but not limited to the following: GPS coordinates, dimensions, depth below active layer, and secondary containment features;

- xiii. A public consultation/participation report describing consultation with local organizations and the residents of the nearby communities;
 - xiv. A brief summary of work done to address concerns or deficiencies listed in the inspection reports and/or compliance reports prepared by an Inspector;
 - xv. An executive summary in English and Inuktitut of all plans, reports, or studies conducted under this Licence; and
 - xvi. Any other details on water use or waste disposal requested by the Board by November 1st of the year being reported
- 2. Meters, devices, or such methods as approved by the Board for measuring the volumes of water used and waste discharged shall be installed, utilized and maintained by the Licensee to the satisfaction of an Inspector.
 - 3. Modifications to the “Monitoring Program” may be made only upon written approval of the Chief Administrative Officer.
 - 4. The Licensee shall, within sixty (60) days of issuance of this Licence, post signs in the appropriate area to inform the public of the location of the Water Supply Facility, Solid Waste Disposal Facilities, Landfarm Facility, and the stations of the “Monitoring Program”. All postings shall be in the Official Languages of Nunavut and located and maintained to the satisfaction of an Inspector.
 - 5. The Licensee shall ensure a copy of this Licence is maintained at the municipal office and at the site of operation 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

(iii) Analyst Contact:

Taiga Laboratories
Department of Indian and Northern Affairs
4601 - 52 Avenue, P.O. Box 1500
Yellowknife, NT X1A 2R3
Telephone: (867) 669-2781
Fax: (867) 669-2718

6. 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 all freshwater for domestic and contractor-use purposes from the lake known as Water Supply Lake using the Water Supply Facilities or as otherwise approved by the Board.
2. The Licensee shall implement measures to prevent the deposition of dust and/or sediment arising from contractor activities or on-site vehicular travel into the Water Supply Lake.
3. The daily quantity of water obtained for all purposes shall not exceed 30 cubic metres.
4. The freshwater intake shall be equipped with a screen with a mesh size sufficient to ensure no entrainment of fish.

PART D: CONDITIONS APPLYING TO SEWAGE DISPOSAL

1. The Licensee shall direct all sewage to the Municipal Sewage Treatment Facility or to the On-Site Sewage Treatment Facility, or as otherwise approved by the Board.
2. The Licensee shall, prior to the construction and operation of the On-site Sewage Treatment Facility, submit to the Board for approval design drawings stamped by a qualified engineer registered in Nunavut.

3. All waste discharged from an approved On-site Sewage Disposal Facility shall not exceed the following effluent quality standards at the point of discharge to the receiving water as defined in Part J, Item I :

PARAMETER	MAXIMUM AVERAGE CONCENTRATION
Oil and Grease	no visible sheen
Total Suspended Solids	180 mg/l
BOD	120 mg/l
Faecal Coliforms	10000 CFU/dl
The waste shall have a pH between 6.0 and 9.0.	

4. The Licensee shall collect and temporarily store, in preparation for future disposal, all Demolition Rinse Water from decontamination procedure.
5. All pump out water from excavation and borrow pits shall be pumped to an area approved by an Inspector.

PART E: CONDITIONS APPLYING TO SOLID WASTE DISPOSAL

1. The Licensee shall dispose of Tier I soil, Tier II soil, Type A soil, non-hazardous waste and waste generated during site construction and remediation activities in landfills constructed according to the Plans contained in the application submitted to the Board by the Licensee.
2. The Licensee shall dispose of material coated with Polychlorinated Biphenyl (PCB) - amended paints, hazardous materials and soils containing contaminants in excess of Canadian Environmental Protection Agency (CEPA) Guidelines off site at an approved treatment facility.

PART F: CONDITIONS APPLYING TO THE UNDERTAKING

1. The Licensee shall ensure that the location and construction parameters of the Tier II contaminated soil and non-hazardous waste landfills, petroleum-impacted soil land-farms, roads including stream crossings, active layer monitoring wells, thermal monitoring sites and any other associated structures conform to the plans submitted to the Board by the Applicant on January 29, 2003.

2. The Licensee, if any constructed facilities were to fail, shall repair such facilities immediately.
3. The Licensee shall implement proper handling, storage and transportation procedures for hazardous materials during clean-up activities.
4. The Licensee shall minimize disturbance to terrain, permafrost and drainage during extraction of granular material, development and closure of landfills, movement of contractor's equipment and personnel around the site and removal of site debris.
5. Stream crossings shall be appropriately designed and constructed to minimize erosion or contamination of waterways.
6. The Licensee shall ensure that the existing creek channels are maintained at their normal width and depth to the extent possible, both during and after construction.
7. Granular materials and rock rip-rap used for any temporary stream crossings, approaches or as may be required for bank stabilization must be obtained from a source approved by an Inspector, and be clean and free of contaminants. Such material must not be removed or gathered from below the ordinary high water mark of the creek, stream or from any nearby water body.
8. All sites affected by construction or removal activities shall be stabilized, landscaped as necessary, and suitable erosion control measures implemented to minimize sediment deposition into watercourses located on or adjacent to the site, to the satisfaction of an Inspector.
9. The Licensee shall restore and stabilize all areas affected by the undertaking upon completion of the work, to the satisfaction of an Inspector.
10. 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.
11. Areas designated for waste disposal shall not be located within thirty (30) metres of the ordinary high water mark of any body of water, unless otherwise authorized.
12. All scrap metal, discarded machinery and parts, and other bulky material shall be disposed of in a manner which conforms to the Plans submitted to the Board by the Licensee.

13. The Licensee shall ensure that:
- i. Any in-stream construction is carried out during low water periods;
 - ii. In-stream activity is limited and machinery is prohibited from traveling up the streambed;
 - iii. Fording of streams is minimized;
 - iv. Equipment used in in-stream construction is clean and free of oil and grease;
 - v. Mechanized clearing is not permitted within thirty (30) metres of the normal high water mark of on-site streams in order to maintain a vegetative mat for bank stabilization; and
 - vi. Debris from clearing activities should not be dragged or skidded across watercourses and all slash and debris is to be disposed of above the high water mark so that it does not enter the water.

PART G: CONDITIONS APPLYING TO SPILL PREVENTION AND CONTINGENCY PLANNING

- 1. The Licensee shall ensure that any fuels, chemicals, or wastes associated with this undertaking do not enter any waters. All fuel is to be stored at a location that is a minimum of thirty (30) metres from the ordinary high water mark of any water source.
- 2. The Licensee shall submit to the Board for approval sixty (60) days prior to the commencement of operations a revised "Spill Contingency Plan" 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 G, 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 period 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 Reporting Line (867) 920-8130 and to an Inspector; and
 - iii. Submit to an Inspector a detailed report on each occurrence no later than thirty (30) days after initially reporting the event.

PART H: CONDITIONS APPLYING TO MODIFICATIONS

1. The Licensee may, without written approval from the Board, carry out modification to the water supply and waste disposal facilities provided that such modifications are consistent with the terms of this Licence and the following requirements are met:
 - i. The Licensee has notified the Board in writing of such proposed modifications at least sixty (60) days prior to beginning the modifications;
 - ii. Such modifications do not place the Licensee in contravention of the Licence and/or *Act*;
 - iii. The Board has not, during the sixty (60) days following notification of the proposed modifications, informed the Licensee that review of the proposal will require more than sixty (60) days; and
 - iv. The Board has not rejected the proposed modification.
2. Modifications for which all of the conditions referred to in Part H, Item 1 have not been met may be carried out only with written approval from the Board.
3. The Licensee shall provide to the Board as-built plans and drawings of the modifications referred to in Part H, Item 1 within ninety (90) days of completion of the modifications.

PART I: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

1. The Licensee shall submit to the Board six (6) months prior to the completion of onsite activities an Abandonment and Reclamation Plan to address contractor demobilization and site remediation operations.
2. The Licensee shall implement the Plan referred to in Part I, Item 1, as and when approved by the Board.
3. The Licensee shall revise the Abandonment and Reclamation Plan referred to in Part I, 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 complete all reclamation work within the time schedule specified in the Plan submitted to the Board, unless otherwise approved by the Board.

PART J: CONDITIONS APPLYING TO MONITORING PROGRAMS

1. The Licensee shall by September 30, 2003 submit to the Board for approval a “Monitoring Program” which shall include but not be limited to the following:
 - i. GPS coordinates of all surface and subsurface sampling points;
 - ii. Specific components of the visual, soil/water and thermal monitoring program;
 - iii. Sampling frequency; and
 - iv. Physical and chemical parameters for analyses;
2. The Licensee shall revise the “Monitoring Program” referred to in Part J, Item 1 if not acceptable to the Board. The Revised Plan shall be submitted to the Board for approval within thirty (30) days after notification.
3. The Licensee shall thirty (30) days prior to any sampling, submit to the Board a Quality Assurance/Quality Control (QA/QC) Plan approved by an Analyst which addresses both field and laboratory requirements.
4. The QA/QC Plan referred to in Part J, Item 3 shall be implemented as approved by the Board.
5. 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.
6. All analyses shall be performed in a Canadian Association of Environmental Analytical Laboratories (CAEAL) Certified Laboratory, or as approved by the Board.

Table I
Tier I and Tier II
DEW Line Clean-up Criteria

Substance	Units	DCC Tier I	DCC Tier II*
Arsenic	ppm	-	30
Cadmium	ppm	-	5.0
Chromium	ppm	-	250
Cobalt	ppm	-	50
Copper	ppm		100
Lead	ppm	200**	500
Mercury	ppm	-	2.0
Nickel	ppm	-	100
Zinc	ppm	-	500
PCB's	ppm	1.0***	5.0

* concentrations exceeding these limits are classified as Tier II soils except when the concentrations exceed federal regulations (CEPA soils)

** concentrations between 200 and 500 ppm are classified as Tier I soils

*** concentrations between 1.0 and 5.0 ppm are classified as Tier I soils