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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

DECISION

LICENCE NUMBER: 1BR-IAD0606

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a new Water Licence dated September 19, 2005 made by:

GOVERNMENT OF NUNAVUT DEPARTMENT OF ECONOMIC DEVELOPMENT & TRANSPORTATION

to allow for the rehabilitation of a drainage ditch located within the Qikiqtani Region, Nunavut (contained within the geographical coordinates indicated in the application).

DECISION

After having been satisfied that the application was in conformity with the applicable Land Use Plan and 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* (NWSRTA) 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 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 NWSRTA, 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 NWSRTA, and determined that:

**Licence Number 1BR-IAD0606 be issued subject to the terms and conditions contained therein.
(Motion#. 2006-52)**

SIGNED this 13th day of October 2006 at Gjoa Haven, NU.

Original Signed By:

Philippe di Pizzo
CHIEF ADMINISTRATIVE OFFICER

LICENCE 1BR-IAD0606

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

**GOVERNMENT OF NUNAVUT
DEPARTMENT OF ECONOMIC DEVELOPMENT & TRANSPORTATION**

(Licensee)

of

PO Box 560, Rankin Inlet, X0C 0G0

(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:

1BR-IAD0606

Licence Number

NUNAVUT 05

Water Management Area

QIKIQTANI REGION, NUNAVUT

Location

WASTE DISPOSAL

Purpose

INDUSTRIAL – TYPE “B”

Classification of Undertaking

0 CUBIC METRES PER DAY

Quantity of Water Not to Exceed

OCTOBER 13, 2006

Date of Licence

DECEMBER 31, 2006

Expiry Date of Licence

Dated this 13th day of October 2006 at Gjoa Haven, NU.

Original Signed By:

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 for an undertaking classified as Industrial as per the geographical coordinates indicated in the application.

- 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

“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;

“Appurtenant Undertaking” means an undertaking in relation to which a use of water 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*;

“Contaminated with Petroleum Hydrocarbons” means soil that contains levels of petroleum hydrocarbons that exceed the Canadian Council of Ministers of the Environment, Canada-Wide Standards for Petroleum Hydrocarbon (PHC) in Soil, Industrial Land Use, coarse grain soil, eco soil contact pathway;

“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 Material” means any materials that are designated “hazardous” or “dangerous goods” under Nunavut Territorial or Federal legislation;

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

“Licensee” means the holder of this Licence;

“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;

“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;

“Project Drawings” means the drawing set submitted as Revised-Issued for Tender, titled, Iqaluit, Nunavut, Re-Opening on Taxi “A” & Rehabilitation of Apron 1, stamped by a Professional Engineer submitted to the NWB on October 3, 2006;

“Regulations” means the *Northwest Territories Water Regulations* sor/93-303 8th June, 1993;

“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; and

“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.

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. Water use fees are not required for this Licence.
2. Licensee shall file an Annual Report on the appurtenant undertaking with the Board no later than March 31st of the year following the calendar year being reported which shall contain the following information:
 - i. A list of unauthorized discharges and a summary of follow-up actions taken;
 - ii. A up-to-date copy of the Spill Contingency Plan;
 - iii. A description of all progressive and or final reclamation work undertaken, including photographic records of site conditions before, during and after completion of operations;
 - iv. Results of the Monitoring Program; and
 - v. Any other details on water use or waste disposal requested by the Board by November 1 of the year being reported.
3. 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.
4. If the Licensee contemplates the renewal of this Licence, it is the responsibility of the Licensee 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 this Licence be filed at least three months before the Licence expiry date.
5. If this Licence 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) Manager of Licensing:

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, INAC
Nunavut District, Nunavut Region
P.O. Box 100
Iqaluit, NU X0A 0H0
Telephone: (867) 975-4295
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.
8. It is the responsibility of the Licensee to ensure that any documents or correspondence submitted by the Licensee to the Board have been acknowledged by the Manager of Licensing.
9. This Licence is not assignable except as provided in Section 44 of the *Act*.

PART C: CONDITIONS APPLYING TO THE PROTECTION OF WATER

1. The Licensee shall not do anything that will cause erosion to the banks of any body of water and shall provide necessary controls to prevent such erosion.
2. Sediment and erosion control measures shall be implemented prior to and maintained during the operation to prevent entry of sediment into water.
3. The Licensee shall take steps to ensure waterbodies are protected from any potential contamination from any excavated sediments temporarily stockpiled in the landfarm area between the apron and the runway and adjacent to the Transport Canada landfarm.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. The Licensee is not authorized to dispose of waste.

PART E: CONDITIONS FOR CONSTRUCTION AND OPERATION

1. The Licensee is authorized to complete the drainage ditch rehabilitation as described in the Project Drawings.
2. 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.
3. With respect to earthworks, sediments excavated during the appurtenant undertaking shall be temporarily stockpiled to the satisfaction of an Inspector and/or at a distance of at least thirty (30) metres from the ordinary high water mark in such a fashion that they do not enter the water.
4. The Licensee shall ensure that records are kept of the location of excavated sediment from the drainage ditch corresponding to the sediment characterization samples collected prior to excavation.
5. Should the Licensee encounter any water during excavation of the sediment, the Licensee shall dispose and treat, if necessary, the water to the satisfaction of an Inspector.
6. All sediment determined to be Contaminated with Petroleum Hydrocarbons shall be disposed in a licensed hydrocarbon treatment facility.
7. All sediment determined to be Hazardous Material shall be disposed at an approved facility.
8. All sediment determined not to be contaminated with petroleum hydrocarbons or other contaminants as determined by the sediment characterization shall be disposed as per the application.

PART F: CONDITIONS APPLYING TO DRILLING OPERATIONS

1. The Licensee is not authorized to drill under this Licence.

PART G: CONDITIONS APPLYING TO MODIFICATIONS

1. Modifications do not apply to this Licence.

PART H: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING

1. In accordance with section 6(2)(g)(i) and (ii) of the Regulations, the Licensee shall, within thirty (30) days of issuance of this Licence, keep on the site of operations a Spill Contingency Plan that will describe how petroleum products and hazardous materials will be handled, stored and disposed of, as well as how they will be contained and cleaned-up in the event of a spill. This Plan shall include, but not be limited to, the following:
 - i. The name, address and contact number for the person in charge, management or control of the contaminant (in this case, fuel oil and any other chemicals associated with the program);
 - ii. The name and address and telephone number of the employer;
 - iii. The name, job title and 24 hour contact number for the person or persons responsible for activating the spill plan;
 - iv. A detailed description of the facility, including its geographic location – in UTM coordinates (map sheet number, Eastings and Northings) and geographic coordinates (Lat/Long) – size and storage capacity;
 - v. A description of the type and amount of contaminants stored on site;
 - vi. A description of the spill prevention measures to be undertaken in the handling, storage and disposal of petroleum products and hazardous materials;
 - vii. Steps taken to report, contain, clean up and dispose of a spill;
 - viii. A site map of sufficiently large scale to show the location of buildings, contaminants storage areas, sensitive areas such as water bodies, probable pathways of contaminant flow and general topography;
 - ix. A description of the spill response training provided to employees who will respond to a spill;
 - x. An inventory and location of the response and clean up equipment available to the spill clean up team;
 - xi. The means by which the spill plan is activated; and
 - xii. The date that the spill plan was prepared.
2. The Licensee shall ensure that any chemicals, petroleum products or wastes associated with the project do not enter water. All sumps and fuel caches shall be located at a distance of at least thirty (30) metres from the ordinary high water mark of any adjacent water body and inspected on a regular basis.
3. The Licensee shall ensure that any equipment maintenance and servicing be conducted only in designated areas and shall implement special procedures (such as the use of drip pans) to manage motor fluids and other waste and contain potential spills.
4. If during the term 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 Inspector at (867) 975-4295; and

- iii. For each spill occurrence, submit to the Inspector, no later than thirty (30) days after initially reporting the event, a detailed report that will include the amount and type of spilled product, the GPS location of the spill, and the measures taken to contain and clean up the spill site.

PART I: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

1. The Licensee shall complete all restoration work prior to the expiry of this Licence.
2. The Licensee shall carry out progressive reclamation of any components of the project no longer required for the Licensee's operations.
3. Areas that have been contaminated by hydrocarbons from normal fuel transfer procedures or drill sites shall be reclaimed as directed by an Inspector. The final disposal of the soils may be used for back fill or used for general site grading with the approval of an Inspector.
4. All disturbed areas shall be contoured and stabilized upon completion of work and restored to a pre-disturbed state.

PART J: CONDITIONS APPLYING TO THE MONITORING PROGRAM

1. The Licensee shall measure and record the following volumes of sediment excavated during the appurtenant undertaking:
 - a. Total volume of sediment excavated;
 - b. Sediment Contaminated with Petroleum Hydrocarbon;
 - c. Sediment determined to be Hazardous Material; and
 - d. Sediment determined to be not contaminated.
2. The Licensee shall submit the results of the sediment characterization conducted prior to beginning excavation.
3. The Licensee shall provide either a description of the end use or a map showing the location and volume of all sediment disposed on site.
4. An Inspector may impose additional monitoring requirements.

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 approved by the Board.
6. All analyses shall be performed in a laboratory accredited according to ISO/IEC Standard 17025. The accreditation shall be current and in good standing.
7. The Licensee shall include in the Annual Report required under Part B, Item 2 all data and information required by this Part.

ANNEX A

As per the conditions of Water Licence 1BR-IAD0606 the following documents, and partnered timelines, are to be submitted to the NWB:

Table A.1 *Supplemental information to be submitted by Licensee*

Licence Condition	Report Title	Timeline for Submission
Part B, Item 2	Annual Report	To be submitted March 31 st of the year following the calendar year being reported.
Part H, Item 1	Spill Contingency Plan	To be kept on site thirty (30) days following the issuance of the Licence.
Part J, Item 7	All data and information required by Part J	Shall be included in the Annual Report.