



Your file - Votre référence
1BR-NIR1419

September 24, 2015

Our file - Notre référence
IQALUIT-#950811

Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
GJOA HAVEN, NU X0E 1J0

Sent via email: licensing@nwb-oen.ca

Dear Ms. Beaulieu,

Re: Aboriginal Affairs and Northern Development Canada's August 2013 Surface Water Sampling Result. Part K, Item 2 Requirement of Water Licence No. 1BR-NIR1419

Thank you for your email of August 24, 2015 concerning the above mentioned submission. A memorandum is provided for the Nunavut Water Board's consideration. Comments and recommendations have been provided pursuant to Aboriginal Affairs and Northern Development Canada's mandated responsibilities under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and the *Department of Indian Affairs and Northern Development Act*.

Please do not hesitate to contact me by telephone at 867-975-4555 or email at David.Abernethy@aandc-aadnc.gc.ca for further information.

Sincerely,

David Abernethy

Regional Coordinator
Water Resources Division
Resource Management Directorate
Aboriginal Affairs and Northern Development Canada
IQALUIT, NU X0A 0H0

Encl.

c.c.: Andrew Keim, A/Manager, Water Resources Division, AANDC Nunavut
Erik Allain, Manager, Field Operations Division, AANDC Nunavut
Sarah Forté, Mary River Water Resources Regional Coordinator, AANDC Nunavut
Karen Costello, Director Resource Management, AANDC Nunavut

Memorandum

To: Phyllis Beaulieu, Nunavut Water Board

From: David Abernethy, Aboriginal Affairs and Northern Development Canada

CC: Andrew Keim (AANDC), Erik Allain (AANDC), Sarah Forté (AANDC) and Karen Costello (AANDC)

Date: September 24, 2015

Re: **Submission of August 2013 Surface Water Sampling Results. Part K, Item 2 Requirement of Water Licence No. 1BR-NIR1419**

Applicant: Aboriginal Affairs and Northern Development Canada, Contaminated Site Program
Project: Nottingham Island Site Remediation
Region: Qikiqtani

Comments:

A. Background

On August 24, 2015, the Nunavut Water Board (NWB) invited interested parties to review Aboriginal Affairs and Northern Development Canada's (the proponent) August 2013 surface water sampling results that were submitted on July 29, 2015 with respect to Part K, Item 2 of water licence no. 1BR-NIR1419¹. As stated in the licence reasons for decision (Section H: Monitoring, General Considerations) a monitoring plan is required:

the NWB included the condition to submit a Surface Water Monitoring Plan because a preliminary surface water monitoring program performed at site during the Phase III Environmental Site Assessment had indicated water concentrations above natural background levels and in exceedance of the Canadian Council of Ministers of the Environment guidelines for water. The identified exceedances (copper, aluminum, lead, selenium, zinc, silver, fluoride, and chloride) are based upon a single limited data set and are potentially a result of naturally occurring background conditions, or may be a result from site operations. The NWB considers that further surface water sampling shall be conducted to determine the origin of this impact.

Interested parties were asked to review the submitted surface water sampling results and provide comments by September 24, 2015.

¹ The Licensee shall submit to the Board for approval, at least 60 days prior to initiating the monitoring, a proposal for the development of a Surface Water Monitoring Plan (SWMP). The proposal for the SWMP shall have objectives and requirements directed to determine if surface water exceedances are due to site activities or natural conditions at site.

B. Results of review

On behalf of Aboriginal Affairs and Northern Development Canada's (AANDC) Water Resources Division, the following comments and recommendations are provided:

1. Requirement to Submit a Surface Water Monitoring Plan Not Satisfied

A proposed Surface Water Monitoring Plan (licence requirement) cannot be found on the NWB public registry. This monitoring plan was to be submitted to the NWB for approval at least 60 days prior to initiating any monitoring and was to include objectives and requirements to determine if surface water exceedances are due to site activities or natural site conditions. Rather, the proponent has submitted a September 20, 2013 memorandum prepared by KGS Group Consulting Engineers that presents August 2013 surface water sampling results for two potential drinking water sources and six ponded water locations near on-site buildings. The purpose of this memorandum is not clear. The conclusion states that "natural surface waters are not expected to impact on-site remedial activities." It may have been prepared to identify potential drinking water sources.

Recommendation

The department's Water Resources Division does not agree with the proponent's claim that the submitted August 2013 surface water sampling results satisfy the Part K, Item 2 licence requirement.

The proponent should provide a proposed Surface Water Monitoring Plan to the NWB for approval pursuant to licence requirements. This plan should demonstrate how all areas of potential environmental concern identified in the Phase III Environmental Assessment² will be further evaluated to determine if observed surface water exceedances are due to site activities or natural site conditions (objectives and requirements should be provided). The submitted surface water sampling results memorandum does not reference areas of potential concern identified in the Phase III Environmental Assessment (including 2010 Environmental Site Assessment results) or consider background water concentrations.

Given the high concentration of certain parameters (i.e., fluoride, copper, and zinc) found in a subset of the samples, a Surface Water Monitoring Plan is warranted.

Prepared by David Abernethy

² EBA A Tetra Tech Company. *Phase III Environmental Site Assessment, Nottingham Island, Nunavut*. Prepared for Public Works and Government Services Canada. EBA File No. Y22101291. January 2013.