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Nunavut Regional Office  
P.O. Box 100  
Iqaluit, NU, X0A 0H0

Your file - Votre référence  
NWB4NUN  
Our file - Notre référence  
9545-3-4-NUN

October 8, 2004

Manager of Licensing  
Nunavut Water Board  
P.O. Box 119  
Gjoa Haven, NU, X0E 1J0

*Via electronic mail to:*  
**licensing@nwb.nunavut.ca**

**Re: NWB4NUN - Water Licence Application for Iqaluit Landfarm**

On behalf of Indian and Northern Affairs Canada (INAC), I would like to thank the Nunavut Water Board (NWB) for the opportunity to provide comment on the Water Licence Application (the Application) for the Nunatta Environmental Services Inc. (the Proponent) Petroleum-Impacted Soil Landfarm Facility (the Landfarm) in Iqaluit.

The Application submitted by the Proponent was well prepared and comprehensive. INAC therefore offers only the following few comments and recommendations:

**Groundwater monitoring**

1. It is not apparent, from the figures provided, where the groundwater monitoring stations are located on the site. The Proponent is requested to provide a map that clearly indicates these stations, including GPS coordinates, as well as water drainage patterns from the site.
2. It is recommended that each groundwater monitoring station be monitored, at minimum, twice per annum.
3. It is noted that the groundwater monitoring stations are constructed from PVC pipe. The compounds of interest in monitoring, hydrocarbons, are hydrophobic and may adsorb to PVC. This may result in decreased concentrations of detected hydrocarbons and/or false negatives in monitoring results. It is therefore recommended that the Proponent provide a QA/QC plan for the groundwater monitoring program.

**Post-closure Trust**

The Proponent has submitted a proposal that provides for a minimum \$50,000 fund to be established cover post-closure costs. Under this proposal, the post-closure fund will be managed by the Proponent, will any withdrawals to be approved by INAC. In the event of bankruptcy of the Proponent, administration of the post-closure fund would be relegated to the NWB for a 10-year period.

INAC commends the Proponent for their foresight in preparing for the long-term maintenance and monitoring of the Landfarm site. With respect to issues of security, however, we must direct the Proponent and NWB to Section 76 of the *Nunavut Waters and Naunavut Surface Rights Tribunal Act (NWNSRTA)*. Specifically, under Section 76(1) of the *NWNSRTA*, the amount of security to be furnished, if any, is determined by the NWB. Also pursuant to Section 76(1), this security is maintained by the Minister of INAC, and returned only once the Minister is satisfied of the permanent closure, as per Section 76(5). Therefore, while the Proponent is free to arrange for the financing of long-term site management and monitoring in whatever way they see fit, these arrangements are beyond the purview of INAC. INAC will become involved in issues of security only as dictated by the *NWNSRTA*.

### **Spill Contingency Plan**

Most of the information required in the Spill Plan is present in the current application. INAC recommends, however, that the core information be consolidated into a spill response framework. In addition to the information provided, this should also clearly delineate:

4. The name, job title, and 24-hour number of the person responsible in the event of a spill.
5. A site map that includes the storage locations of the spill materials identified in the Application.
6. A clear, concise, and consolidated “action plan” for the activation and operation of the spill plan; this would include the spill reporting, clean-up, and disposal steps.
7. In the event of a spill, INAC will be contacted through the regular reporting on the NWT Spill Line. It is therefore not necessary to include the INAC general office as a spill contact number.

Please do not hesitate to contact me if there are any questions or concerns.

Best regards,

### **Original signed by:**

Stephanie Hawkins  
Qikiqtani Regional Coordinator  
Water Resources  
Phone: (867) 975-4555  
Fax: (867) 975-4585  
Email: hawkinss@inac-ainc.gc.ca