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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI

File No.: **1BR-RAD0607**

May 23, 2006

Natalie Plato
Director, Contaminated Sites
Indian and Northern Affairs Canada, Nunavut Regional Office
Building 1553, P.O. Box 2200
Iqaluit, NU X0A 0H0

RE: NWB Licence No. 1BR-RAD0607

Dear Ms. Plato:

Please find attached Licence No. **1BR-RAD0607** issued to Indian and Northern Affairs Canada by the Nunavut Water Board (**Motion #: 2006-12**) pursuant to its authority under Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*. The terms and conditions of the attached Licence related to water use and waste disposal are an integral part of this approval.

Sincerely,

Original Signed By:

Philippe di Pizzo
Chief Administrative Officer

PDP/sg/rqd

Enclosure: Licence No. **1BR-RAD0607**

cc: Lou Spanguolo, Contaminated Sites Project Manager
Distribution List



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NUNAVUT WATER BOARD

NUNAVUT IMALIRIYIN KATIMAYINGI

DECISION

LICENCE NUMBER: 1BR-RAD0607

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a renewal of Licence dated January 11, 2006 made by:

INDIAN AND NORTHERN AFFAIRS CANADA

to allow for the use of water and disposal of waste during camp operations and remediation activities at the Radio Island Remediation Project located within the Qikiqtani Region, Nunavut (located at the general latitude of 61°18' and general longitude 64°52' W).

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* (NWNSRTA) 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 NWNSRTA, decided to waive the requirement to hold a public hearing and determined that:

Licence Number 1BR-RAD0607 be issued subject to the terms and conditions contained therein. (Motion #: 2006-12)

SIGNED this 23rd day of May 2006 at Gjoa Haven, NU.

Original Signed By:

Philippe di Pizzo

Chief Administrative Officer

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	GENERAL CONSIDERATIONS.....	1
A.	TERM OF THE LICENCE.....	1
B.	ANNUAL REPORT.....	1
C.	SPILL CONTINGENCY PLANNING.....	1
D.	ABANDONMENT AND RESTORATION (A&R).....	2
III.	LICENCE 1BR-RAD0607	3
PART A:	SCOPE, DEFINITIONS AND ENFORCEMENT	4
PART B:	GENERAL CONDITIONS.....	7
PART C:	CONDITIONS APPLYING TO WATER USE	8
PART D:	CONDITIONS APPLYING TO WASTE DISPOSAL	9
PART E:	CONDITIONS FOR CAMPS, ACCESS INFRASTRUCTURES AND OPERATIONS.....	9
PART F:	CONDITIONS APPLYING TO DRILLING OPERATIONS.....	10
PART G:	CONDITIONS APPLYING TO MODIFICATIONS.....	10
PART H:	CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING.....	11
PART I:	CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION	12
PART J:	CONDITIONS APPLYING TO THE MONITORING PROGRAM	13

I. INTRODUCTION

On January 11, 2006, a water licence application was filed with the Nunavut Water Board by Indian and Northern Affairs Canada for water use and waste disposal activities during camp operations and remediation activities at Radio Island located within the Qikiqtani Region, Nunavut (general latitude 61°18' and general longitude 64°52' W). This application was supplemented with additional information by the Licensee on January 27, February 9, April 7 and April 10, 2006. After having been satisfied that the application was 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 (NWNSTRA)* and Article 13 of the *NLCA*, public notice of the application was given and interested persons were invited to make representations to the NWB. No public concerns were expressed, and 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 *NWNSTRA*, decided to waive the requirement to hold a public hearing.

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 approximately one year and a half is appropriate. The licence term will allow the Licensee to properly carry out the terms and conditions of the licence and will 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 requirements imposed on the Licensee in this licence are for the purpose of ensuring that the NWB has an accurate annual update of water use and depositions of waste during a calendar year. This information is maintained on the public registry and is available to any interested parties upon request. The requirements of this Annual Report can be found in Part B, Item 1. A standard form for annual reporting under Part B, Item 1 can be downloaded from the NWB ftp site at <ftp://ftp.nunavut.ca/nwb/> in the administration folder.

C. Spill Contingency Planning

The Board generally requires that all Licensees prepare a comprehensive Spill Contingency Plan to establish a state of readiness to ensure a prompt and effective response to possible spills or system failure events. The site-specific spill 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. The Licensee shall submit a site specific spill contingency plan in accordance with Part H, Item 1 of this licence.

D. Abandonment and Restoration (A&R)

The NWB views contaminated site remediation as abandonment and restoration of the site. As such the Board approves the *Remedial Action Plan for the Former Navigational Aid and Weather Station Radio Island, Nunavut* (Public Works and Government Services, 2005) submitted by the Licensee as a conceptual abandonment and restoration plan. The Licensee shall submit the Contractor's Work Methodology Plan in accordance with Part I, Item 3.

III. LICENCE 1BR-RAD0607

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

of INDIAN AND NORTHERN AFFAIRS CANADA
(Licensee)

BUILDING 1553, P.O BOX 2200, IQALUIT, NU X0A 0H0
(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:

Licence Number 1BR-RAD0607

Water Management Area NUNAVUT 04

Location RADIO ISLAND, QIKIQTANI REGION, NUNAVUT

Purpose WATER USE AND WASTE DISPOSAL

Classification of Undertaking Industrial – TYPE “B”

Quantity of Water Not to Exceed 4 CUBIC METRES DAILY

Date of Licence MAY 23rd, 2006

Expiry Date of Licence DECEMBER 31, 2007

Dated this 23rd day of May 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 at Radio Island, located approximately 340 km southwest of the Hamlet of Kimmirut within the Qikiqtani Region, Nunavut (latitude 61°18' and general longitude 64°52' W);

- 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

In this Licence: **1BR-RAD0607**

“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 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* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*;

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

“Contaminated Soil” means soil that has been characterized to contain contaminants that exceed Tier I or Tier II DEW Line Clean-up Criteria.

Tier I Contaminated Soil: Soils containing concentrations of any or all contaminants as follows:

Contaminant	Criteria
Lead	200 to 500 ppm
PCBs	1 to <5 ppm

Tier II Contaminated Soil: Soils containing concentrations equal or in excess of any or all of the contaminants as follows:

Contaminant	Criteria
Arsenic	30 ppm
Cadmium	5 ppm
Chromium	250 ppm
Cobalt	50 ppm
Copper	100 ppm
Lead	500 ppm
Mercury	2 ppm
Nickel	100 ppm
Zinc	500 ppm
PCBs	>5ppm to <50 ppm

“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;

“Greywater” means all liquid wastes from showers, baths, sinks, kitchens and domestic washing facilities, but does not include toilet wastes;

“Hazardous Materials” 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;

“Petroleum Hydrocarbon Contaminated Soil” means soil that has been characterized to contain petroleum hydrocarbon concentrations which exceed the Canadian Council for Ministers of the Environment, *Canada Wide Standard – Petroleum Hydrocarbons in Soil*, for the Residential/Parkland land use.

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

“Sewage” means all toilet wastes and greywater;

“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;

“Sump” means an excavation in soil for the purpose of catching or storing water or waste

“Toilet Wastes” means all human excreta and associated products, but does not include greywater;

“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. 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 summary report of water use and waste disposal activities;
 - ii. A list of unauthorized discharges and a summary of follow-up actions taken;
 - iii. Revisions to the Spill Contingency Plan and Abandonment and Restoration Plan;
 - iv. Reclamation work undertaken; and
 - v. Any other details on water use or waste disposal requested by the Board by November 1 of the year being reported.
2. 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.
3. The Licensee shall install flow meters or other such devices, or implement suitable methods required for the measuring of water volumes, to be operated and maintained to the satisfaction of an Inspector.
4. If the Licensee contemplates the renewal of Licence No. 1BR-RAD0607, 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 Licence No. 1BR-RAD0607 be filed at least three months before the Licence expiry date.
5. If Licence No. 1BR-RAD0607 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
Nunavut District, Nunavut Region
P.O. Box 100
Iqaluit, NU X0A 0H0
Telephone: (867) 975-4298
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. This Licence is not assignable except as provided in Section 44 of the *Act*.

PART C: CONDITIONS APPLYING TO WATER USE

1. The Licensee shall obtain water for domestic use from the un-named pond adjacent to the Main House up to a maximum of 4 cubic meters per day.
2. The Licensee shall equip all water intake hoses with a screen of an appropriate mesh size to ensure that there is no entrainment of fish and shall withdraw water at a rate such that fish do not become impinged on the screen.
3. The Licensee shall not remove any material from below the ordinary high water mark of any water body.
4. 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.
5. Sediment and erosion control measures shall be implemented prior to and maintained during the operation to prevent entry of sediment into water.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. The Licensee shall ensure that all discharges of camp wastewater from the wastewater treatment plant comply with the following effluent quality criteria:

Parameter	Maximum Average Concentration	Maximum Concentration of Any Grab Sample
Biological Oxygen Demand (5 day) - BOD ₅	120 mg/L	180 mg/L
Total Suspended Solid (TSS)	180 mg/L	270 mg/L
Oil and Grease	No visible sheen	

2. All sewage sludge produced during the project activities shall be contained and transported off-site for disposal.
3. The Licensee shall locate areas designated for treated wastewater disposal at least thirty (30) metres from any water body and its respective ordinary high water mark such that the quality, quantity or flow of water is not impaired, unless otherwise authorized by an Inspector.
4. No open burning or on-site land filling of domestic waste is permitted.
5. The Licensee shall incinerate all combustible solid waste associated with the camp.
6. The Licensee shall provide to the Board for review 30 days, prior to mobilization into camp, the technical specifications for the camp incinerator.
7. All non-combustible solid waste generated by the project activities shall be containerized and transported off-site to an approved facility.
8. All waste oil and hazardous waste generated by the project activities or currently located on-site shall be consolidated and transported off-site to an approved facility.

PART E: CONDITIONS FOR CAMPS, ACCESS INFRASTRUCTURES AND OPERATIONS

1. The Licensee shall not erect camps or store material on the surface of frozen streams or lakes except what is for immediate use. Camps shall be located such as to minimize impacts on surface drainage.
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. Winter lake and stream crossings, including ice bridges, shall be constructed entirely of water, ice or snow; stream crossings shall be removed or notched prior to spring break-up.
4. With respect to access road, pad construction or other earthworks, the deposition of debris or sediment into any water body is prohibited. These materials shall be disposed of above the ordinary high water mark in such a fashion that they do not enter the water.

PART F: CONDITIONS APPLYING TO DRILLING OPERATIONS

1. No drilling that requires the use of water or deposit of waste is authorized under this licence.

PART G: CONDITIONS APPLYING TO MODIFICATIONS

1. The Licensee may, without written consent from the Board, carry out Modifications to the Water Supply Facilities and Waste Disposal Facilities provided that such Modifications are consistent with the terms of this License 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 License or the *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 Modifications.
2. Modifications for which all of the conditions referred to in Part G, Item 1 have not been met can be carried out only with written approval from the Board.
3. The Licensee shall provide as-built plans and drawings of the Modifications referred to in this License within ninety (90) days of completion of the Modification. These plans and drawings shall be stamped by an Engineer.

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 site specific 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;
 - xii. The date that the spill plan was prepared; and
 - xiii. The Licensee shall annually review the Plan referred to in this Part and if needed, modify it to reflect changes in operation and/or technology. The Plan and any revisions shall be submitted with the Annual Report.
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 a minimum of thirty (30) metres above the ordinary high water mark of any adjacent water body and inspected on a regular basis. The Licensee is encouraged to use some form of secondary containment.
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 fluids, 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 INAC Water Resources Inspector at (867) 975-4298; and
 - iii. Submit to the INAC Water Resources Inspector on each occurrence, a detailed report including the GPS location, no later than thirty (30) days after initially reporting the event.

PART I: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

1. With the exception of the Main House and the Beacon Tower, the following shall be containerized, removed from site and disposed of in an approved disposal facility:
 - i. All buildings and infrastructure;
 - ii. Hazardous Materials;
 - iii. Contaminated Soil;
 - iv. Petroleum Hydrocarbon Contaminated Soil; and
 - v. Physical debris, including barrels.
2. The approximately 100,000 litres of contaminated water in the pond adjacent to the main house shall be treated on-site. The treated effluent shall comply with the following criteria in accordance with the Canadian Council of Ministers of the Environment, Canadian Environmental Guidelines for Cu (Copper) and Zn (Zinc) for Freshwater Aquatic Life :

Parameter	Maximum Average Concentration
Cu (Copper)	4 µg/l
Zn (Zinc)	30 µg/l

3. The Licensee shall submit the Board, for Board approval, 60 days, prior to mobilization to the site, the Contractor's Work Methodology Plan, including but not limited to:
 - i. Camp operation;
 - ii. Equipment details;
 - iii. Project drawings, including the staging/containerization area;

- iv. Management of water generated by project activities; and
 - v. A detailed work schedule.
4. The Licensee shall submit a plan to the Board for approval, 60 days prior to mobilization to the site that will describe the steps to be undertaken by the Licensee to prevent and mitigate impacts to water by the project activities, including field and laboratory confirmation of the removal of contaminants and hazardous materials from the site.
 5. In the event that the Plans referred to in Part I, Item 3 and 4, is not approved by the Board, the Licensee shall provide a revision to the Board for review within 30 days of notification by the Board.
 6. The Licensee shall implement the Plans referred to in the Part I, Item 3 and 4 as and when approved by the Board.
 7. Upon completion of the activities in the Plan referred to in Part I, Item 3 the Licensee shall submit to the Board for review a report which confirms the removal of all contaminants and evaluation if post-closure monitoring is required for the site.
 8. All disturbed areas shall be stabilized and re-vegetated as required, 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 in cubic metres the daily quantities of water utilized for all purposes.
2. The Licensee shall determine the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where sources of water are utilized for all purposes.
3. The Licensee shall determine the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where wastes associated with camp operations are deposited.
4. The Licensee shall monitor compliance with respect to Part D Item 1, by collecting one sample:
 - i. Upon initial release; and
 - ii. Every four weeks thereafter.
5. An Inspector may impose additional monitoring requirements.

6. If post-closure monitoring is required in accordance with Part I, Item 7 the Licensee shall file, for Board approval, a plan to address post-closure monitoring with the Annual Report, Part B, Item 1.
7. In the event that the Plan referred to in Part J, Item 6 is not approved by the Board, the Licensee shall provide a revised version to the Board for review within 30 days of notification by the Board.
8. The Licensee shall implement the Plan referred to in this Part as and when approved by the Board .
9. 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.
10. All analyses shall be performed in a laboratory accredited according to ISO/IEC Standard 17025. The accreditation shall be current and in good standing.
11. The Licensee shall include in the Annual Report required under Part B, Item 1 all data and information required by this Part.