



Field Operations Division
Nunavut Regional Office
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May 15, 2015

Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU, X0A 1J0

RE: 1BR-SIM0813 Licence Renewal – Review of current terms and conditions by Field Operations

Dear Ms. Beaulieu:

As part of AANDC's program review as conveyed to Mr. Hohnstein on January 30, 2015 through correspondence from Erik Allain, Manager of Field Operations, the Field Operations Unit is reviewing previous conditions within existing water licenses and is making recommendations to the NWB to ensure the jurisdiction of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* applies to all terms and conditions and to maintain the integrity of the program delivery.

At this time AANDC is providing comments to the NWB on water licence applications where there appears to lack a clear connection between water use, waste deposit to water, or appurtenant undertakings related to water use and/or deposit of waste to water, subject to the Act and regulations. Some comments may also be included for clarification of terms and conditions.

The Field Operations Unit would like to propose the following recommendations for the Board's consideration with respect to the water licence 1BR-SIM0813. Should you have any questions or comments, please do not hesitate to contact me.

Eva Paul

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Review Findings:

	Existing text:	Proposed change:
	Part B General Conditions	
Item 4	Recommend change:	
	The Licensee shall, for all plans submitted under this licence, include a proposed timetable for implementation. Plans submitted, cannot be undertaken without subsequent written Board approval and direction. The Board may alter or modify a Plan if necessary to achieve the legislative objective and will notify the Licensee in writing of acceptance, or rejection or alterations of the Plan.	The Licensee shall, for all Plans submitted under this Licence, include a proposed timetable for implementation. Plans submitted, cannot be undertaken without subsequent written Board approval and direction. The Board or an Inspector may alter or modify a Plan if necessary to achieve the legislative objectives and will notify the Licensee in writing of acceptance, rejection or alteration of the Plan. The Inspector will notify the Board of any alteration or modification. Conditions and clauses within all plans manuals will be enforced where there is a clear connection between water use, waste deposit to water, or appurtenant undertakings related to water use and/or deposit of waste to water, subject to the act and regulations.
	Part C CONDITIONS APPLYING TO WATER USE	
Item 3	Recommend change:	
	The Licensee shall not remove any material from below the ordinary high water mark of any water body.	The Licensee shall not conduct work below the ordinary high water mark of any water body unless authorized.
	Part D CONDITIONS APPLYING TO WASTE DISPOSAL	
Item 2	Recommend removal:	
	The Licensee shall direct all acceptable food waste, paper waste and untreated wood products in an incinerator.	Item will be recommended for inclusion under the land authorization.
Item 3	Recommend removal:	Rationale:
	The Licensee shall provide to the Board with documented authorization from any community in Nunavut receiving wastes for storage or disposal.	AANDC lacks the legislation and jurisdiction to track and control the shipping of hazardous wastes, waste oil and non-combustible waste generated by a proponent in Nunavut. AANDC can only tell a proponent that such waste cannot be deposited to Inland water or Arctic waters. This issue can be address by the <i>GN-Environmental Protection Act/Regulations</i> or through municipal by-laws.



	Existing text:	Proposed change:
Item 4	Recommend change:	
	The Licensee shall backhaul and dispose of all hazardous wastes, waste oil and non-combustible waste generated through the course of the operation at a licensed waste disposal site.	All Hazardous Waste generated by the project shall be managed in accordance with the <i>Government of Nunavut Environmental Guideline for the General Management of Hazardous Waste (2010)</i> . Material contaminated with metals and considered as remnant of Hazardous material will be excavated and managed in accordance with procedures for Hazardous materials.
Item 7	Recommend change:	
	The Licensee shall dispose of all toilet wastes through backhauling, incineration, chemical or composting toilets. Any remaining residue generated through the course of the operation shall be backhauled and disposed of in an approved waste disposal site.	The Licensee shall dispose of all Toilet Wastes at least thirty one (31) metres above the OHWM and in such a manner as to prevent impacts to surrounding waters, unless otherwise approved by the Board in writing.
Item 16	Recommend change:	
	The Licensee shall provide proper storage, treatment and disposal at an approved facility for any hazardous waste materials, including waste oil generated through the demolition and remediation activities, unless otherwise approved by the Board in writing.	The Licensee shall implement proper handling, storage and transportation procedures for hazardous materials to prevent entry to any water body.
Item 17	Recommend removal:	Rationale:
	The Licensee shall utilize the Solid Waste Disposal Facility for the disposal of all nonhazardous waste and waste generated during site demolition and remediation activities, including Type A soil and contaminated soils that exceed Tier I criteria and are less than Tier II criteria.	See recommendation for Part D item 4
Item 18	Recommend removal:	Rationale:
	The Licensee shall dispose of all soils containing substances in excess of Tier II criteria, as indicated in Table No.1, by collection, containment and shipment off-site to a licensed disposal facility.	See recommendation for Part D item 4
Item 19	Recommend removal:	Rationale:
	The Licensee shall not mix or blend soils that exceed the maximum levels of Tier II criteria for the expressed purpose of attaining the specific limits of Tier I as listed under Table No.1.	See recommendation for Part D item 4



	Existing text:	Proposed change:
Item 20	Recommend removal:	Rationale:
	The Licensee shall dispose of any material coated with Polychlorinated Biphenyl (PCB) - amended paints or lead painted products, hazardous materials at an approved treatment facility.	See recommendation for Part D item 4
Part E CONDITIONS APPLYING TO THE UNDERTAKING		
Item 3	Recommend change:	
	The Licensee shall implement proper handling, storage and transportation procedures for hazardous materials during clean-up activities.	The Licensee shall implement proper handling, storage and transportation procedures for hazardous materials to prevent entry to any water body.
Part G CONDITIONS APPLYING TO DRILLING OPERATIONS		
Item 3	Recommend change:	
	The Licensee shall dispose of all drill waste, including water, chips, muds and salts (CaCl ₂) in any quantity or concentration, from land-based and on-ice drilling, in a properly constructed sump or an appropriate natural depression located at a distance of at least thirty one (31) metres from the ordinary high water mark of any adjacent water body, where direct flow into a water body is not possible and no additional impacts are created.	The Licensee shall dispose of all drill wastes in a sump or an appropriate natural depression at a distance of at least 31 metres from the ordinary high water mark of any adjacent water body, where any flow into a water body is not possible and no additional impacts are created.
Part H CONDITIONS APPLYING TO MODIFICATIONS		
Item 1	Recommend change:	
	The Licensee may, without written approval from the Board, carry out modifications 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:	The Licensee may, without written approval from the Board, carry out modifications to the Water Supply and Waste Disposal Facilities provided that such modifications are consistent with the conditions of this Licence and within the scope of the water licence application. The Licensee is required to provide a 60 day notification to the Inspector and the Board prior to the modifications.
	a. the Licensee has notified the Board in writing of such proposed modifications at least sixty (60) days prior to beginning the modifications;	
	b. these modifications do not place the Licensee in contravention of the Licence or the Act;	



	Existing text:	Proposed change:
	c. 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	
	d. the Board has not rejected the proposed modifications.	
	Part I CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING	
Item 4	Recommend change:	
	The Licensee shall prevent any chemicals, petroleum products or wastes associated with the project from entering water. All sumps and fuel caches shall be located at a distance of at least thirty one (31) metres from the ordinary high water mark of any adjacent water body and inspected on a regular basis.	The Licensee shall prevent any chemicals, petroleum products or wastes associated with the project from entering water. All sumps, fuel caches, and hazardous waste shall be located at a distance of at least thirty one (31) metres from the ordinary high water mark of any adjacent water body and inspected on a regular basis.
Item 7	Recommend addition:	
		The Licensee shall, in addition to Part H, Item 5, regardless of the quantity of releases of harmful substances, report to the NWT/NU Spill Line and to the Inspector if the release is near or into a Water body.
	Part J CONDITIONS APPLYING TO ABANDONMENT, RECLAMATION AND CLOSURE	
Item 4	Recommend change:	
	All disturbed areas shall be stabilized and re-vegetated as required, upon completion of work, and restored as practically as possible to a pre-disturbed state.	The Licensee shall contour and stabilize all disturbed areas to prevent ponding, and reduce erosion and sedimentation to water.
	Part J CONDITIONS APPLYING TO THE MONITORING PROGRAM	
Item 4	Recommend change:	
	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.	The Licensee shall <u>provide</u> 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.
Item 5	Recommend change:	
	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.	The Licensee shall <u>provide</u> the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where wastes associated with the project are deposited.



	Existing text:	Proposed change:
Item 8	Recommend change:	
	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 in writing.	All sampling, sample preservation and analyses shall be conducted in accordance with methods prescribed in the current edition of <i>Standard Methods for the Examination of Water and Wastewater</i> , or by such other methods approved by <u>a laboratory certified by the Canadian Association of Environmental Analytical Laboratories (CAEAL)</u> .