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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

DECISION

LICENCE NUMBER: 8BR-UTI0606

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a Water Licence dated April 21st, 2006 made by:

Transport Canada – Environmental Affaires

to allow for the potential deposition of waste during the removal of utilidor infrastructure proximal to freshwaters at the Iqaluit Airport located within the Qikiqtani Region, Nunavut.

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 considering the 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*, waived the requirement to hold a public hearing and furthermore delegated 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 8BR-UTI0606 be issued subject to the terms and conditions contained therein. (Motion #: 2006-27)

SIGNED this 30th day of June 2006 at Gjoa Haven, NU.

Original signed by :

Philippe di Pizzo
Chief Administrative Officer

LICENCE 8BR-UTI0606

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

TRANSPORT CANADA - Environmental Affaires)

(Licensee)

of

3rd Floor – 344 Edmonton Street, Winnipeg, Manitoba R3C 0P6

(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:

8BR-UTI0606

Licence Number

NUNAVUT 05

Water Management Area

QIKIQTANI REGION, NUNAVUT

Location

WASTE DISPOSAL

Purpose

MISCELLANEOUS – TYPE “B”

Classification of Undertaking

0 CUBIC METRES PER DAY

Quantity of Water Not to Exceed

JUNE 30, 2006

Date of Licence

DECEMBER 31st, 2006

Expiry Date of Licence

Dated this 30th day of June 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 disposal of waste for an undertaking classified as Miscellaneous as per the geographical coordinates indicated in the application.

- i. This Licence is issued subject to the conditions contained herein with respect to 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*;

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

“Licensee” means the holder of this Licence;

“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;

“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.

“Waste Washing” means the process where water is used to clean waste generated from the Appurtenant Undertaking. This includes, but is not limited to, the cleaning of wastes generated through the demolition of infrastructure and the abatement of asbestos.

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 for approval 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 waste disposal activities, including photographic record of the site detailing conditions prior to and after utilidor infrastructure demolition and culvert removal;
 - ii. Detailed discussion on the implemented mitigation measures that prevent erosion and the introduction of sediment into freshwaters. This includes the appropriate

- delineation of installed mitigation measures, material specifications, installation procedures, and any other information that may effectively communicate how freshwaters were protected during the Appurtenant Undertaking;
- iii. Field records from the Engineer referred to in the application and the Transport Canada Officer supervising the Appurtenant Undertaking;
 - iv. A description of all progressive and or final reclamation work undertaken, including photographic records of site conditions before, during and after completion of operations;
 - v. A up-to-date copy of the Spill Contingency Plan;
 - vi. A list of unauthorized discharges of waste and a summary of follow-up actions taken;
 - vii. Results of the Monitoring Program; and
 - viii. 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. 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.
 4. 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.
 5. 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) 975-4298
Fax: (867) 979-6445

6. The Licensee shall submit one paper copy and one electronic copy of all reports, studies, and plans to the Board. Any correspondence submitted to the NWB must appropriately reference the Licence Number. Reports or studies submitted to the Board by the Licensee shall include a detailed executive summary in Inuktitut.
7. 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.
8. This Licence is not assignable except as provided in Section 44 of the *Act*.

PART C: CONDITIONS APPLYING TO WASTE DISPOSAL

1. The Licensee shall locate areas designated for interim waste storage at a minimum distance of thirty (30) metres from the ordinary high water mark of any water body such that the quality, quantity or flow of water is not impaired, unless otherwise authorized by the Board.
2. The Licensee shall contain, store, and dispose of any rinse water used in Waste Washing to the satisfaction of an Inspector.
3. Dust suppressant methods must meet the approval of the Engineer.
4. The Licensee shall ensure that all hazardous wastes, waste oil and waste generated through the course of project operations are disposed of in an approved licensed waste disposal sites.
5. The Licensee shall mitigate erosion to the banks of any body of water and shall provide necessary controls to prevent such erosion.

6. Sediment and erosion control measures shall be implemented prior to and maintained during the operation to prevent entry of sediment into water.
7. The Licensee shall treat and contain all waters downstream of the Appurtenant Undertaking deemed contaminated by an Inspector as a result of the Appurtenant Undertaking to the satisfaction of an Inspector.

PART D: CONDITIONS FOR INFRASTRUCTURE REMOVAL AND OPERATIONS

1. The Licensee shall ensure that waters have been redirected prior to the demolition and removal of the culvert and utilidor located beneath the road and taxiway as described in the application.
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 pavement construction, other earthworks, and infrastructure installation the deposition of debris or sediment into any water body is prohibited.
4. The Licensee, as indicated in the application, shall not conduct in-water works and shall not allow the operation of machinery within freshwaters.

PART E: 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 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.
3. The Licensee shall ensure that any chemicals, petroleum products or wastes associated with the project do not enter water. All 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.
4. 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.
5. 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) 975-4298; 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 F: 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. The Licensee shall backfill and restore the demolition site to the satisfaction of an Inspector.
4. All roads and airport pavements, if any, shall be re-graded to match natural contour to reduce erosion.
5. Areas that have been contaminated by hydrocarbons from normal fuel transfer procedures shall be reclaimed to the satisfaction of an Inspector. The use of reclaimed soils for the purpose of back fill or general site grading may be carried out only upon approval by an Inspector.
6. All disturbed areas shall be contoured and stabilized upon completion of work and restored to a pre-disturbed state.

PART G: CONDITIONS APPLYING TO THE MONITORING PROGRAM

1. The Licensee shall measure and record quantitative and qualitative measures of waters upstream and downstream of the Appurtenant Undertaking to the satisfaction of an Inspector.
2. If hydrocarbon contaminated soil is encountered the Licensee shall measure and record quantitative and qualitative measures of contaminated soils to the satisfaction of an Inspector.
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 the Appurtenant Undertaking are deposited.
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 1 all data and information required by this Part.