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## [Licensing] Water Inspections Comments for Type A Amendment

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Wed, Apr 22, 2015 at 2:52 PM

To: Sean Joseph &lt;sean.joseph@nwb-oen.ca&gt;

Cc: Erik Allain &lt;Erik.Allain@aandc-aadnc.gc.ca&gt;, david.hohnstein@nwb-oen.ca, licensing@nwb-oen.ca

Hi Sean,

Please see the below comments with regards to AANDC's Water Inspection jurisdictional limits with respect to terms and conditions in the 2AM-MRY1325 Water Licence.

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 and amendments 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.

AANDC would like to bring to the attention of the NWB the following conditions that were part of the water licence 2AM-MRY1325 that have been considered during this review and the subsequent recommendations of Field Operations Unit.

### Review Findings

The following conditions do not appear to have 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. Field Operations would like to propose the following recommendations for the Board's consideration to ensure all terms and conditions reflect AANDC's jurisdictional ability to enforce.

### Part B: General Conditions

#### Item

*Existing text:* The Licensee shall, for all Plans submitted under this Licence, include a proposed timetable for implementation. Plans required to be submitted for Board approval, cannot be undertaken without subsequent written Board approval and direction. The Board may alter or modify a Plan if necessary to achieve objectives of the Licence or other regulatory instruments. For plans submitted for Board approval, the Board will notify the Licensee in writing to the Board for review and/or comment do not require Board approval prior to implementation, but the Board may request revisions to those plans.

*Proposed text:* 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.

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#### **Part E: Conditions Applying to Water Use and Management**

##### **Item 16**

*Existing text:* The Licensee shall not utilize any equipment or vehicles in the course of this undertaking unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. Overland travel of equipment shall cease if rutting occurs.

*Proposed Change:* Recommend the removal of this condition.

#### **Part G: Conditions Applying to Modifications**

##### **Item 1**

*Existing text:* 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:

- 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;
- 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.

*Proposed 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 conditions of this Licence and within the scope of the water licence application. The Licensee is required to provide a 30 day notification to the Inspector and the Board prior to the modifications.

#### **Part H: Conditions Applying to Emergency Response and Contingency Planning**

## **Item 10**

*Existing text:* The Licensee shall, in addition to Part H, Item 9, regardless of the quantity of release of a harmful substance, report to the NWT/NU Spill Line if the release is near or into a Water body.

*Proposed Change:* The Licensee shall, in addition to Part H, Item 9, 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.

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## **Part F: Conditions Applying to Waste Disposal and Management**

### **Item 7**

*Existing text:* The Licensee is authorized to dispose of all acceptable food waste, paper waste and untreated wood products in an Incinerator System.

*Proposed Change:* Recommend the removal of this condition.

### **Item 8**

*Existing text:* The Licensee shall test the bottom ash generated by all Incinerator Systems, by using the acceptable test procedures for analyzing residuals, prior to being disposed of at any Landfill facility. If the composition of the ash makes it unsuitable for disposal at the Landfill facilities, the Licensee shall direct the Waste to an appropriate facility for disposal. The records of analysis results and volumes of ash shall be maintained and provided to the Inspector upon request.

*Proposed Change:* The Licensee shall not allow deposition of waste materials from combustion and/or leachate from contaminated ash residual, from impacting any surrounding waters, unless otherwise approved by Board in writing.

### **Item 9**

*Existing text:* The Licensee shall not open burn plastics, wood treated with preservatives, electric wire, Styrofoam, asbestos or painted wood, to prevent the deposition of waste materials of incomplete combustion and/or leachate from contaminated ash residual, from impacting any surrounding waters, unless otherwise approved by the Board in writing.

*Proposed Change:* The Licensee shall not allow deposition of waste materials from combustion and/or leachate from contaminated ash residual, from impacting any surrounding waters, unless otherwise approved by Board in writing.

### **Item 11**

*Existing text:* The Licensee shall submit to the Board and the Inspector, thirty (30) days prior to the removal and transfer of waste, a declaration of authorization from any community receiving waste from the project, which clearly states that authorization has been granted for the deposit by the Licensee at the Hamlet's appropriately licensed facilities.

*Recommend Removal of this condition:* 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 addressed by the GN-Environmental Protection Act/Regulations or through municipal by-laws

#### **Item 14**

*Existing text:* The Licensee shall remove any waste generated from temporary and permanent shelters along the tote road and along the railway corridor for treatment at appropriately licensed Waste Management Facilities.

*Proposed Change:* Recommend removal of this condition.

#### **Item 20**

*Existing text:* Sludge generated from the Sewage Treatment Facilities or any other facilities shall be confirmed to be non-hazardous and the results provided to the Board for review prior to disposal at any Landfill Facility or as otherwise approved by the Board in writing.

*Proposed Change:* Recommend removal of this condition.

#### **Item 29**

*Existing text:* The Licensee shall remove from the project site, all hazardous wastes generated through the course of the Construction and Operations Phases, for disposal at an approved Waste Disposal Facility.

*Remove:* 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 addressed by the *GN-Environmental Protection Act/Regulations* or through municipal by-laws

#### **Item 30**

*Existing text:* The Licensee shall maintain records of all Waste backhauled from the Mary River Project and confirmation of proper disposal through the use of Waste manifest tracking systems and registration with the Government of Nunavut, Department of Environment. These records shall be made available upon request, to an Inspector or the Board.

*Proposed Change:* Recommend removal of this condition.

#### **Part I: Conditions Applying to General and Aquatic Effects Monitoring**

##### **Item 19**

*Existing text:* 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 an Analyst.

*Proposed 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 a laboratory certified by the Canadian Association of Environmental Analytical Laboratories (CAEAL).

#### **Part J: Conditions Applying to Abandonment, Reclamation and Closure**

##### **Item 7**

*Existing text:* The Licensee shall backfill and restore, to the satisfaction of an Inspector, all sumps to the pre-existing natural contours of the land.

*Proposed Change:* Recommend removal of this condition.

##### **Item 9**

*Existing text:* The Licensee shall contour and stabilize all disturbed areas to a pre-disturbed state upon completion of work.

*Proposed Change:* The Licensee shall contour and stabilize all disturbed areas to reduce erosion and sedimentation to water to minimize erosion and sedimentation to Inland waters.

##### **Item 10**

*Existing text:* In order to promote growth of vegetation and the needed microclimate for seed deposition, all disturbed surfaces shall be prepared by ripping, grading, or scarifying the surface to conform to the natural topography.

*Proposed Change:* The Licensee shall contour and stabilize all disturbed areas to reduce erosion and sedimentation to water to minimize erosion and sedimentation to Inland waters.

#### **Item 11**

*Existing text:* The Licensee shall implement progressive reclamation including re-vegetation as soon as practically possible and shall update all Plans to reflect such measures.

*Proposed Change:* The Licensee shall implement progressive reclamation as soon as practically possible and shall update all Plans to reflect such measures to prevent erosion and sedimentation to water.

#### **Item 12**

*Existing text:* Areas that have been contaminated by hydrocarbons from normal fuel transfer procedures shall be reclaimed to meet objectives as outlined in the Government of Nunavut's Environmental Guideline for Site Remediation, 2010. The use of reclaimed soils for the purpose of back fill or general site grading may be carried out only upon consultation and approval by the Government of Nunavut, Department of Environment and an Inspector.

*Proposed Change:* Recommend removal of this condition.

#### **Item 15**

*Existing text:* The Licensee shall remove from the site, all infrastructure and site materials, including but not limited to, all fuel caches, drums, barrels, buildings and contents, docks, water pumps and lines, material and equipment prior to the expiry of this Licence.

*Proposed Change:* Recommend removal of this condition.

#### **Schedule B: General Conditions**

The following information does not appear to have 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 and AANDC is recommending this information be excluded from the Annual Report.

**b. WASTE**

- iv. the monthly and annual volumes in cubic metres of Sludge removed from each Sewage Treatment Facility and disposed of at each Landfill Facility or any approved alternative disposal facility;
- v. the monthly and annual volume in cubic metres of hazardous waste generated and transported from the Project sites to Licensed facility outside of Nunavut for treatment;
- vi. the monthly and annual volume in cubic metres of any wastes backhauled to communities in Nunavut for treatment;
- vii. the monthly and annual volume in cubic metres of waste deposited at each Landfill Facility;
- viii. monthly and annual volume in cubic metres of hydrocarbon impacted soil and water deposited at each Landfarm Facility;
- xii. a summary report of solid waste disposal activities including monthly and annual quantities in cubic metres of waste generated and location of disposal;

**g. PLANS/ REPORTS/ STUDIES**

- vii. the results of chemical analyses conducted on residue generated from each incinerator system prior to disposing of in any landfill;
- x. monthly and annual quantities of aggregates excavated and used from Quarries and Borrow Pits associated with the Licence;

Regards,

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