

Phyllis Beaulieu

From: Jim Rogers [rogersji@inac-ainc.gc.ca]
Sent: Wednesday, May 07, 2008 6:19 AM
To: Phyllis Beaulieu
Cc: Anne Wilson; Helen Yeh; Peter Kusugak; Carl McLean
Subject: Re: 2BB-MRY0710 - Baffinland Iron Mines Corporation - MaryRiver Project - Request for Open Burning

INAC believes that the control of open burning does not belong within a Nunavut Water Board water license, therefore agrees with the request from Baffinland Iron Mines Corporation to alter their license for the Mary River Project. INAC believes that other authorities with the necessary legislation already exist to act on the air quality issue. Also, by including the control of open burning under the water license, the Board has assigned jurisdictional inspection and enforcement responsibilities to DIAND that may be outside the legislation.

During the development of the Water License for the town of Iqaluit in 199-2000, Nunavut Water Board included a term in the Type A water license to control open burning and air quality. In August 2001, the Minister responsible for DIAND rejected the license issued by the Board in 2000 and his rejection was upheld through judicial review. Therefore, INAC's guidance to the Nunavut Water Board is that it should not try to control open burning through a water license issued under the Nunavut Waters and Nunavut Surface Rights Tribunal Act.

However, INAC will support the Nunavut Water Board on requiring the company to meet waste water effluent requirements downstream of the burn pits and from the solid waste storage sites where solid waste and ash has been disposed into.

>>> "Phyllis Beaulieu" <licensing@nunavutwaterboard.org> 24/04/2008
>>> 6:01:24 pm >>>

Please review the attached and provide comments on or before 5:00 pm MST on Friday, May 2, 2008.
Regards,

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