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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File No.: 3AM-GRA1015
To: Rankin Inlet Distribution List
Date: December 30, 2015
Subject: Type “A” Water Licence 3AM-GRA1015: Pre- Hearing Conference Decision Regarding an Application for Renewal

On December 29, 2015 by Motion #2015-21-P10-03, the members of the Rankin Inlet Panel (P10) duly appointed by the Nunavut Water Board (NWB or Board) to consider the Renewal Application in respect of Type “A” Water Licence 3AM-GRA1015, held by the Government of Nunavut, Department of Community and Government Services (GN-CGS, Applicant, or Licensee), approved the release of this Pre-Hearing Conference Decision Report.

In order to facilitate the licensing process for considering the Type “A” Water Licence 3AM-GRA1015 Renewal Application (Application), submitted to the Board by GN-CGS, the Panel directed that, in accordance with Rule 14 of the NWB *Rules of Practice and Procedure* (the Rules), the staff of the NWB hold a technical meeting (TM) and a Pre-Hearing Conference (PHC) for the Application.

As indicated in the Notice of Application, provided on November 2, 2015, the Rankin Inlet Panel directed that the TM/PHC for the Application be conducted in written form. As set out in the NWB’s correspondence accompanying the Notice of Application and as required by Rule 14.1 of the Rules, written technical review comments on the Application were received by the Board from Interveners and interested parties and responses to technical review comments were received from the Applicant. In addition, the Interveners, interested parties and the Applicant were also requested to address, in writing, the following matters relevant to the Application that are typically addressed during the Board’s Pre-Hearing Conference:

- identifying any unresolved issues that may prevent the Application from proceeding to a Public Hearing;
- form (in-person, teleconference, written), timing and location of a Public Hearing;
- whether the party intends to file additional material in advance of a Public Hearing, and if so, the nature of the submissions and expected date for filing this material;



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

- parties that will be participating in the Public Hearing;
- any changes to the Application necessary for the purpose of clarification;
- identifying whether the party requires any changes to the NWB’s Rules of Procedure and general practices for the Public Hearing, in this case;
- identifying any requirements for French or other language translation or interpretation for the file; and
- identifying any other matters that may aid in the simplification and disposition of the Application at the Public Hearing.

Reflecting the submissions of all the parties received, the NWB issued for review and comment a draft List of Parties’ Commitments and list of issues that would form the basis for discussion at the Public Hearing for the Application. This Decision reflects the comments received by the parties by the deadline of December 18, 2015.

Introduction

The following parties provided written submissions to the Board related to the technical review of the Application and the Pre-Hearing Conference issues requested in the NWB’s November 2 correspondence.

- Environment Canada (EC);
- Government of Nunavut, Department of Community and Government Services (GN-CGS or Applicant or Licensee); and
- Indigenous and Northern Affairs Canada (INAC or former AANDC); and

1.0 The Application before the Board

The Application being considered by the Board was filed by the Government of Nunavut, Department of Community and Government Services (GN-CGS or Applicant or Licensee), on March 9, 2015, and requests the renewal of Type “A” Water Licence 3AM-GRA1015 (the Licence).

The project components under the Licence include Water Supply Facilities, Utilidor and a Sewage Treatment Facility required by the Hamlet of Rankin Inlet.



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

The Licence

The Licence 3AM-GRA1015, was issued in respect of a Municipal Undertaking (as now defined under the *Nunavut Waters Regulations*¹), by the Nunavut Water Board (NWB or Board) on June 9, 2010. The Licence was issued to the GN-CGS and authorizes the use of waters and the deposit of waste through the operation of the Water Supply Facilities, Utilidor and Sewage Treatment Facility at the Hamlet of Rankin Inlet. The Licence allows for the use of 850,000 cubic metres (m³) of water on annual basis and the source of the water used for this purpose is Nipissar Lake. The Licence Expiry date was set at May 31, 2015.

The Licence was amended on December 23, 2014, to authorize the Applicant to seasonally withdraw water from the Char River to replenish the community’s main water source, Nipissar Lake. The limit on the volume of water authorized to be withdrawn from the Char River is 3,485 m³ *per* day based on the GN-CGS pumping design capacity. The amendment to the Licence includes a condition that requires the Licensee to cease the pumping activities should In-stream Flow Objectives on the Char River (as established under the Water Pumping Adaptive Management Plan and defined by Fisheries and Oceans Canada’s (DFO’s) “Framework for Assessing the Ecological Flow Requirements to Support Fisheries in Canada”, (DFO 2013, or more recent)), not be met. In accordance with this condition, the Licensee’s withdrawal of water shall not exceed 10 % of the instantaneous flow of the Char River.

On May 19, 2015, recognizing that the Licence was set to expire on May 31, 2015, the Board issued a 180 day Short Term Renewal (STR) Licence renewing the Licence on the same terms and conditions as the expiring Licence, with the new expiry being the earlier of November 27, 2015 or upon the grant of a renewed water licence (if the Board and Minister decide to grant the full term renewal Application of the Licence). As the Applicant did not submit a complete Application, containing all critical information required by the NWB until mid-September, the Board was not in a position to complete their consideration of the Application prior to the expiry of the Licence on November 27, 2015.

Application and Supporting Materials Submitted by the Applicant

On March 9, 2015, GN-CGS submitted a licence renewal application to the NWB. GN-CGS is seeking a renewal of the current licence for a 25 year term. Other than the request for a longer term, no changes to the original scope of licence are requested. GN-CGS is also requesting that “a written Public Hearing is held for the Renewal Application since an in-person Public Hearing

¹ SOR/2013-69.



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

was held recently and there are no changes to the water or sewage facilities currently approved under the Water Licence and Amendment No. 1²”.

Appendix A provides a listing of the specific information provided with the Application, all of which is available from the Nunavut Water Board’s public registry at the following link:

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-GRA1015/1%20APPLICATION/2015%20Renewal/>

The Licensee also advised the Board that two management plans were being reviewed and updated versions would be submitted to the NWB by April 17, 2015, in addition to the Water Pumping Adaptive Management Plan required as per Part C, Item 1 of the Licence.

On May 15, 2015, the Applicant provided responses to the comments provided by Interveners in the context of their completeness review. The Licensee provided a new date for the submission of the Water Pumping Adaptive Management Plan and updated 2 management plans, extending these dates to May 31, 2015.

On September 9, 2015, the Licensee provided the three outstanding documents stated above.

On December 8, 2015 the Applicant provided a submission in response to the technical review comments of Interveners filed by November 30, 2015.

Scope of the Type “A” Renewal Application

The application filed with the NWB by GN-CGS is for the renewal of the Existing Type “A” Water Licence 3AM-GRA1015 (the Application). The Scope of the renewed licence requested in the Application includes the following general Scope (note: terms that are capitalized are as defined in the Licence):

- Use of Water from Nipissar Lake for Municipal Undertaking;
- Withdrawal and use of Water from the upper Char River for the replenishment of Nipissar Lake;
- Operation of the Water Supply Facilities, Utilidor and Sewage Treatment Facility; and
- Discharge of the treated effluent to Hudson Bay.

² Letter to P. Beaulieu, NWB, from M. Lusty, GN-CGS, Re: CGS-Rankin Inlet Water Licence No. 3AM-GRA1015 Renewal Application, March 9, 2015.



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

2.0 Procedural History

Licence history

On June 9, 2010, the Licence, Type “A” Water Licence 3AM-GRA1015, was issued by the Nunavut Water Board (NWB or Board) to the Government of Nunavut, Community and Government Services (GN-CGS) to use water and deposit waste through the operation of the Water Supply Facilities, Utilidor and Sewage Treatment Facility at the Hamlet of Rankin Inlet. The Expiry date of the Licence was set as May 31, 2015. The Licence allowed for the use of 850,000 cubic metres (m³) of water on annual basis and the source of water used for this purpose is Nipissar Lake. The Licence was approved by the Minister of Aboriginal Affairs and Northern Development Canada (AANDC as the Ministry was known then) on July 28, 2010.

On December 23, 2014, the Licence was amended to authorize the Licensee to seasonally withdraw water (up to 3485 m³ *per* day) from the Char River to replenish the community’s main water source Nipissar Lake. This amendment, Amendment No. 1, was subsequently approved by the Minister of AANDC on January 29, 2015.

On May 19, 2015, the Board issued a 180 day Short Term Renewal (STR) Licence renewing the Licence on the same terms and conditions as the expiring Licence, with the new expiry being the earlier of November 27, 2015 or upon the grant of a renewed water licence (if the Board and Minister chose to grant the full term renewal Application for a water licence). This STR Licence 3AM-GRA1015 was subsequently approved by the Minister of AANDC on April 20, 2015.

On November 27, 2015 Licence 3AM-GRA1015 expired.

Pre-Licensing Requirements

With respect to this Application, the following pre-licensing requirements have been completed:

- On April 1, 2015, the Nunavut Planning Commission (NPC) issued correspondence to both the Nunavut Impact Review Board (NIRB) and the NWB indicating that the NPC had reviewed the associated documents related to the Application and had determined it does not change the scope of the originally reviewed project to an extent that would warrant a further review by the NPC at this time.
- On May 27, 2015, the NWB received the NIRB’s decision stating that the Application is exempt from the requirement for screening pursuant to Article 12, Section 12.4.3 of the Nunavut Land Claims Agreement (NLCA) and also indicating the activities proposed in



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

the Application would remain subject to the terms and conditions of the NIRB Screening Decision (File No. 13UN037) as issued on June 26, 2014.

On this basis, the NWB has concluded that the conformity and environmental assessment requirements for the Application under ss. 38 and 39 of *the Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA) have been met and the Application could be processed by the NWB.

Procedural History – Existing Type “A” Water Licence 3AM-GRA1015 Renewal Application

The following includes a brief overview of the procedural history for the Application. It should be noted that the following listing captures only the major procedural steps associated with the Application. All documentation and the complete history of the NWB component of the licensing file are available from the NWB’s ftp site at the link provided in Section 1.0 of this decision.

- **March 9, 2015**
 - GN-CGS submitted an application and supporting documentation for the renewal of the Type “A” Water Licence No. 3AM-GRA1015 authorizing water use and waste deposit associated with a Municipal Undertaking at the Hamlet of Rankin Inlet.
- **March 27, 2015**
 - NWB acknowledged receipt of the Application and asked interested persons to review the scope and completeness of information provided, as well as to identify any deficiencies, by April 27, 2015, extended to May 11, 2015, as requested by Aboriginal Affairs and Northern Development Canada (AANDC).
- **May 11, 2015**
 - NWB received comments on the completeness of the Application from AANDC and Environment Canada (EC).
- **May 15, 2015**
 - GN-CGS provided responses to the comments provided by Interveners in the context of their completeness review.
- **May 22, 2015**



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

- the Board advised the Licensee that there was still some critical information related to the Application that has not been filed to date, and these deficiencies would delay the Board’s issuance of the Notice of Application.
- **September 9, 2015**
 - GN-CGS provided the additional information required to complete the Application.
- **November 2, 2015**
 - the Board gave notice of the application in accordance with s. 55(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA), inviting interested persons to continue their technical review of the Application. The deadline for filing parties’ further technical review comments was set at November 30, 2015, and the Board provided notice that a written Technical Meeting and Pre-Hearing Conference (TM/PHC) would be held.
- **November 30, 2015**
 - NWB received technical review comments from AANDC and EC.
- **December 8, 2015**
 - GN-CGS provided responses to the technical review comments received from AANDC and EC.
- **December 10, 2015**
 - NWB issued a List of Commitments and List of Issues for Parties consideration to be discussed during the Public Hearing.
- **December 18, 2015**
 - the EC provided comments regarding the proposed List of Commitments and List of Issues.

3.0 Written Technical Meeting

Technical Review Comments Received by the Board

During the Board’s review of the Application, two opportunities for comment by interested parties were provided. The Board’s first request for comments requested parties to consider whether the Application was complete and to identify any outstanding issues that should prevent



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

the Board from continuing to process the Application. This comment period closed on May 11, 2015. The second comment period requested parties to file substantive technical review comments in respect of the Application and supplementary information provided by the Applicant in September and closed on November 30, 2015. The sections that follow provide a general summary of the comments provided during these comment periods. It should be noted that the sections that follow are high level summaries only, and parties are encouraged to review the original comment submissions in their entirety as filed with the Board.

Aboriginal Affairs and Northern Development Canada (AANDC)

AANDC (renamed Indigenous and Northern Affairs Canada in November 2015, but generally referenced as AANDC throughout this Decision) administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut, including enforcing the provisions of the Licence. Reflecting AANDC’s responsibilities and jurisdiction, the following key issues were highlighted in AANDC’s initial comment submissions on the completeness of the Application and also in their technical review comment submissions:

- Proposed Term for the Licence renewal;
- Requesting additional information with respect to the pumping of water from Char River (pumping maximum/minimum days, pumping rates, potential increase of pumping days or rates);
- Potential contamination within the catchment area of Char River;
- Annual and quarterly reporting;
- Sustainability of Char River as an additional water source and requesting that options be considered in the event the current location of the intake at Char River is unable to support withdrawal of the required water volume in years of low water flow;
- Assessment of alternative water sources which could be utilized as a supplemental water source(s) for Nipissar Lake;
- Information and documentation on the approvals received that are necessary for the deposit of waste into a marine environment;
- Development of an action plan which outlines how the effluent quality exceedances (copper and cadmium exceedances in 2015) will be reduced to below acceptable levels set out in the Protection of Aquatic Life – Marine Environment guidelines while no effluent quality parameters being set out in the water licence; and
- Requesting the submission of a revised Water Pumping Adaptive Management Plan.



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

Environment Canada (EC)

The focus of EC’s involvement in respect of the Application is based on their jurisdiction under the *Canadian Environmental Protection Act, 1999*, the *Species at Risk Act* and EC’s jurisdiction under the pollution prevention provisions of the *Fisheries Act*. The following key issues were highlighted in EC’s initial comment submissions on the completeness of the Application and also in their technical review comment submissions:

- Proposed Term for the Licence renewal;
- Requesting the Licensee to prioritize improving treatment to achieve secondary treatment of sewage wastewater within a reasonable time frame. Requesting the Applicant optimize the current effluent management system and address the need for treatment going forward to meet the Wastewater Systems Effluent Regulations SOR/2012-139, Fisheries Act Registration 2012-06-29;
- Recommendations related to the monitoring and sampling to be aligned with the requirements of the Wastewater Systems Effluent Regulations, recognizing that the Wastewater Systems Effluent Regulations do not currently apply to the North;
- Details of sludge disposal and estimation of peak wastewater flows into the Sewage Treatment Facility (STF) over the design horizon (25 years) to be included within the updated STF Operation and Maintenance Plan;
- Description of design life and potential future upgrades of STF;
- Description of how hazardous wastes & incompatible materials are diverted from the Wastewater system in order to minimize the effects of the effluent on the receiving environment to be included within the updated STF Operation and Maintenance Plan;
- Monitoring for Total Petroleum Hydrocarbons (TPH) to determine whether these are entering the treatment plant. If TPH are entering the wastewater treatment system, the source(s) should be identified and diverted from the wastewater stream; and
- Collection of appropriate proportion of field blanks and travel blanks during monitoring events associated to the Environmental Monitoring Program and Quality Assurance/Quality Control (QA /QC) Plan; and compliance with monitoring requirements.

GN-CGS Responses to Technical Review Comments



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

The following clarifications and additional information were provided by GN-CGS in response to the Interveners’ comments:

- Term of 8 years suggested by Interveners for a renewed Licence will be acceptable;
- Golder Associates is currently developing a Water supply forecasting and management tool with the Lower Landing Lake water balance study that will allow GN-CGS to forecast the short- and medium-term water supplies in Nipissar Lake and Lower Landing Lake in order to better predict the water supplementation requirements. This forecasting tool will be available with the Water Balance Study by January 31, 2016;
- Until Nipissar Lake is restored to historical levels, the maximum number of pumping days possible based on in-stream flow objectives of Char River will be used. The pumping rate of water from Char River as discussed in this Licence renewal will not be increased beyond 3485 m³/day, as this would exceed the authorized water quantity of Amendment No. 1;
- The Water Balance Study for Lower Landing Lake will include details on the recharge rate and available water in Lower Landing Lake, the impact withdrawing water from Lower Landing Lake will have on Char River, and the volume of water required to be pumped to Nipissar Lake to meet the natural recharge deficit caused by increasing water consumption. The Water Balance Study for Lower Landing Lake will be available by January 31, 2016. Unless the study determines that Lower Landing Lake is not a more suitable location for the resupply pipeline, it is anticipated that the design will be for the intake to be located near the 2015 water level monitoring site;
- Lower Landing Lake has been chosen as an alternative water source for Rankin Inlet. To confirm that Lower Landing Lake will be a sufficient supplemental water source for Nipissar Lake as the population and subsequent water consumption of Rankin Inlet grows, a water balance study is being completed for Lower Landing Lake by Golder Associates. If the water balance study finds that Lower Landing Lake is not suitable as a long-term supplementary water source, additional work will be done to find an appropriate supplementary water source;
- The authority of the NWB applies to inland waters within Nunavut, and the request for approvals for the deposit of waste into a marine environment falls outside of this jurisdiction. GN-CGS requests that AANDC questions regarding the sewage outfall to the marine environment should be addressed outside of the Technical Review for the renewal of Licence 3AM-GRA1015;



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

- As stated by EC, the Wastewater Systems Effluent Regulations (WSER) do not currently apply to Nunavut as it was recognized in the CCME Canada-Wide Strategy for the Management of Municipal Wastewater Effluent that due to the extreme climatic conditions and remoteness of Canada’s Far North, a viable means to improve human health and environmental health protection needs to be carefully considered. As Far North Performance Standards have not yet been proposed, the current renewal of the Licence should not be hindered by comparison of effluent quality to the current WSER standards;
- A revised Water Pumping Adaptive Management Plan will be submitted to the NWB by January 31, 2016. The final Char River hydrological assessment and Water Balance study for Lower Landing Lake will be submitted with the revised plan.
- The Sewage Treatment Facility (STF) was upgraded in 2012, including the installation of the Monster Auger system, and at present there is no infrastructure plan to upgrade the system to achieve secondary treatment;
- The STF Operation & Maintenance Plan will be revised to include a description of how hazardous wastes are diverted from the wastewater system, and submitted to the NWB by January 31, 2016;
- Analysis of Char River and Lower Landing Lake confirmed that there are no hydrocarbons present. As per Part H, Item 14 of Amendment No. 1, Nipissar Lake, Char River and Lower Landing Lake will be sampled annually for Total Petroleum Hydrocarbons (TPH) and BTEX to confirm the absence of hydrocarbons in the drinking water sources; and
- GN-CGS is committed to fulfilling the monitoring requirements of the Licence in the future and providing complete Quarterly and Annual Reports to the NWB. The 2015 Fourth Quarter Report will be submitted to the NWB by January 31, 2016.

By December 8, 2015, the submissions required to complete the written Technical Meeting, including the comments of interveners and interested parties in respect of the technical review of the Application and the Applicant’s responses to comments, were received by the Board. On the basis of these submissions and the technical review of the Application by the Board’s staff, the NWB identified that the Applicant had made a number of commitments and the parties had identified a number of issues that remained to be discussed during the Public Hearing held in respect of the Application. On December 10, 2015, NWB staff prepared and circulated to the parties for comment a draft List of Commitments and a List of Issues.



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

On December 18, 2015, the Board received a submission from EC regarding the draft List of Commitments and List of Issues. EC stated:

that they are prepared to discuss a path forward with the GN in a separate venue from the water licence renewal process regarding the effluent discharge into marine environment and upgrades to the sewage treatment system to achieve the secondary treatment. However, the necessary improvement of effluent quality will require upgrading of facilities which are regulated under water licence 3AM-GRA1015³.

It was also recommended by EC that the Applicant should identify alternative disposal options for animal fats and oil generated by food processing plant and restaurants. The NWB concurs that if there are disposal alternatives identified by the Applicant this should be discussed within the revised STF Operation & Maintenance Plan.

EC indicated that it has no objection to a written hearing and will continue participating in the renewal process. The Board did not receive any indications from other participants that there were outstanding issues that would prevent the Board from moving forward to a Public Hearing in respect of the Application. The NWB expects GN-CGS to comply with the commitments summarized in the List of Commitments provided in Appendix B and attached to this Report.

5.0 Community Comments

No comments were received by the Board from the Community or other members of the public during the comment periods for the Application to date. However, in the Board’s review of this Application, the NWB is mindful of the comments and concerns expressed by the Community during the Public Hearing conducted in the fall of 2014 and associated with the amendment to the Licence.

³ Letter to P. Beaulieu, NWB, S.L. McMillan, EC, Re: 3AM-GRA1015, Government of Nunavut, Department of Community and Government Services, Hamlet of Rankin Inlet: Water Licence Renewal Application, December 17, 2015.



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

6.0 Pre-Hearing Conference (PHC)

Timetable for Pre-Hearing Exchange of Information

The Board notes that it is a requirement of s. 55(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA), that the NWB give the public and parties a minimum of sixty (60) days’ notice in advance of the Board conducting a Public Hearing, regardless of the form of Public Hearing.

In their comments on the completeness of the Application and their technical review comments, the Applicant’s responses and the commitments recorded in the List of Commitments, the Applicant and Interveners identified some outstanding information requirements that must be supplied in advance of a Public Hearing. However, it is the Board’s understanding that as outlined in the commitments prepared by the NWB and circulated on December 10 (as provided in Appendix B) the preparation and submission of additional information is not expected to delay a potential Public Hearing.

On the assumption that the Applicant provides the additional information in keeping with the January 2016 timelines, the Board has established a proposed timetable for the pre-hearing exchange of information as set below. However, the Board reserves the right to revisit this timing in the event that parties are unable to meet the deadlines in the commitments, in response to the requests of the parties, the community, or as may subsequently be considered necessary by the Board. In establishing the following schedule, the Board was mindful that the Licence has expired and as such, it is in the interests of all the parties that the Application be processed in as timely a manner as possible. Unless modified as outlined above, the Board requires the participants to observe the following timetable:

- On or before **Friday, January 8, 2016**, the NWB will issue Notice of the Public Hearing;
- All further and final written submissions to be provided by Interveners must be filed with the Board on or before **Tuesday, February 16, 2016**;
- All further and final responses of the Applicant to the information filed to date must be filed with the Board on or before **Tuesday, February 23, 2016**;
- Any presentations (e.g. PowerPoint Presentations, etc.) upon which anyone intends to rely at the Public Hearing must be filed with the Board on or before **Wednesday, March 2, 2016**;



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

- If the Interveners and/or the Applicant file additional written submissions, final responses and presentation materials as outlined above, they are also required to provide **an Executive Summary of their written submissions in both English and Inuktitut and fully translated copies of their presentation materials or final responses in English and Inuktitut at the same time** as they file the full submission; and
- The Board requires any party requesting French translation of the Executive Summary materials, presentation materials and/or requesting the Board to provide simultaneous French translation at the Public Hearing to make such requests to the Board in writing **on or before Friday, January 22, 2016.**

All submissions will be posted on the NWB’s ftp-site (<ftp://ftp.nwb-oen.ca/>) and in the public registry upon receipt. A copy of the public registry as it relates to the Application will be available for review at the Public Hearing.

Identification of Interested Parties

In their written submissions, the following parties confirmed their continued participation in the Board’s processing of the Application, including the Public Hearing component of the NWB’s review of the Application:

- The Applicant, the Government of Nunavut- Community and Government Services;
- Aboriginal Affairs and Northern Development Canada (now known as Indigenous and Northern Affairs Canada); and
- Environment Canada.

In addition, AANDC’s submissions referenced that an opportunity to participate should also be provided to community members with an interest in the Application and Licence during the Public Hearing component of the Board’s consideration of the Application.

Provision of Final Written Submissions from Interested Parties

As identified in the List of Commitments (attached as Appendix B), the Applicant has committed to providing additional information by the end of January 2016. Assuming that the Applicant meets this timeline, all additional information that the parties wish to have the Board consider during their review of the Application must be filed with the Board in advance of the Public Hearing and in accordance with the timelines outlined above under the heading “Pre-hearing Exchange of Information.”



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

NOTE: If circumstances arise that will affect any parties’ ability to meet the timelines specified by the Board in this decision or otherwise, that party should make a written request to the NWB as soon as the party knows they may have an issue meeting the specified timeline, and the request should include a suggested revised date for submission of the information, a rationale for why the modification of the timeline is required and rationale as to why the Board should grant the parties’ request. Further, if a party thinks that the revised timing could affect subsequent timelines, including the date for the Public Hearing this should also be identified in the request to the Board. The Board, in considering a parties’ request to modify the timelines may, depending on the circumstances, request that the other participants in the process provide the NWB with a response to the request to modify timelines. Parties should be aware that until the Board grants a request to modify the timelines, the unmodified timelines continue to govern the Board’s processing of the Application.

List of Issues

On December 10, 2015 the NWB requested that the parties review the following list of items for discussion at the Public Hearing. The parties did not identify any changes to the draft listing provided by the Board. Therefore, subject to adding issues following the review of information that may be exchanged in advance of the Public Hearing, the NWB expects that the following topics will be items for discussion at the Public Hearing:

1. Projections of the Annual Water Use quantity required by the Hamlet throughout the proposed term of the Licence
2. Sustainability of Char River (Present and Future)
 - Current information regarding pumping volumes, frequency and timing of pumping
 - Projections regarding future pumping volumes, frequency and timing of pumping
 - Details on sustainability of Char River based on the annual recharge to Nipissar Lake
 - Options/alternatives if volumes from Char River are proven to be insufficient
3. Discussion of potential limits/discharge criteria in the water licence related to marine discharges
4. Review and provide comments on updates to management plans and operating procedures (including):



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

- Operations and maintenance plans and procedures
 - Revised Water Pumping Adaptive Management Plan
 - Environmental Emergency Contingency Plan
5. Discussion of potential infrastructure upgrades during proposed term of the renewed Licence
 6. Monitoring Program (including):
 - Updates and amendments to monitoring program
 - Updates and amendments to Environmental Monitoring Program and QA/QC Plan
 7. Proposed term of the Licence
 8. Closure and Reclamation Planning (including progressive reclamation plans)

The parties also did not indicate that any of the issues for discussion associated with the Application and the related information requirements should prevent the Board from proceeding to the next steps in the NWB process; a Public Hearing.

Changes to the Application for the Purposes of Clarification

None of the commenting parties identified that changes to the Application for the purposes of clarification were necessary.

Procedures for the Public Hearing

In the Board’s November 2, 2015 correspondence, the parties were asked to provide the Board with their views regarding the form of the Public Hearing (written, teleconference or in-person).

AANDC indicated that an in-person Public Hearing to be held in Rankin Inlet may be the most appropriate form of Public Hearing. AANDC’s rationale was that an in person format lends itself better to side bar technical discussions amongst the parties if needed. AANDC also indicated an in person Public Hearing better supports participation from the public and ensures that the Board is aware of any community concerns with respect to the Hamlet’s water supply and its sewage disposal.

Environment Canada identified that it had no objections to the Board conducting a written Public Hearing for this Application.

Although the Board is aware of the resource and logistical challenges participants face when arranging for attendance at an in person Public Hearing, the decision as to form and venue of a Public Hearing must be based primarily on the considerations set out in the Nunavut Land Claims Agreement and not on the fiscal or resource constraints of the parties.



3AM-GRA1015 Type “A” – Application for Renewal PHC Decision

Given the obvious public interest in ensuring the Hamlet has an adequate water supply and appropriate waste treatment and disposal systems in place, the NWB has determined that the most appropriate form of Public Hearing is **in person**.

With respect to the location of the Public Hearing, obviously Rankin Inlet is the most directly affected community, the Board’s duly appointed Rankin Inlet Panel (P10), has decided, by Motion #2015-21-P10-04, that an in person Public Hearing should be held in the Hamlet of Rankin Inlet.

At present, based on the time commitments outlined in the discussion of the exchange of documents set out above, the Public Hearing is tentatively scheduled for the **March 9-10, 2016**. These dates are subject to final confirmation by way of the Public Notice to be issued on January 8, 2016, and the Board reserves the right to adjust this schedule if Hearing logistics dictate, if the documentation required to be supplied in advance of the Hearing has not been provided, etc.

To date, no parties have requested deviations from the Board’s *Rules of Practice and Procedure* (May 2005) (Rules). Consequently, the Board directs all parties that the Public Hearing will be conducted in accordance with Parts III and IV of the Board’s Rules.

Measures to Simplify the Disposition of the Application

No measures to simplify the disposition of the Application were identified by the Applicant, interested parties or the NWB.

Steps following the Public Hearing

No comments or issues were identified with respect to additional or modified steps required following the Public Hearing.

Therefore, it is anticipated that when the Panel has reached a decision, which is typically within thirty (30) to forty five (45) days of the close of the Hearing Record, the Board will issue its Record of Proceedings and Decision to the Minister of Indigenous and Northern Affairs Canada for her consideration. If the Panel recommends that the renewal requested in the Application be granted, a draft Licence would also be provided for the Minister’s consideration with the decision.

If you require additional information regarding this Application, the Board’s specific direction or the Board’s processes in general, please do not hesitate to contact the NWB’s Director of



3AM-GRA1015 Type “A” – Application for Renewal
PHC Decision

Technical Services, David Hohnstein, david.hohnstein@nwb-oen.ca. For any administrative matters related to the Public Hearing, please contact the NWB’s Senior Technical Advisor / Acting Manager of Licensing, Karén Kharatyan, at licensing@nwb-oen.ca.

Regards,

Stephanie Autut
Executive Director
Nunavut Water Board

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Attachments:

- Appendix A: List of Application Submissions
- Appendix B: List of Commitments for Licence 3AM-GRA1015, Renewal Application



Nunavut Water Board – PHC Decision
3AM-GRA1015 Type “A” – Application for Renewal and Amendment

APPENDIX A: List of Application Submissions

The following documents were included with the Application:

- A. Initial Cover Letter and Water Licence for Renewal;
- B. Environmental Emergency Contingency Plan, April 2010;
- C. QAQA Plan, April 2010;
- D. Sewage Treatment Facility OM Plan, April 2010;
- E. Spill Contingency Plan, May 2014;
- F. Water Supply Facility OM Plan Addendum, May 2014;
- G. Water Supply Facility OM Plan, April 2010;
- H. Clarification;
- I. GN response to clarification;
- J. Submission date WPA Management Plan;
- K. AANDC Review of OS Compliance Objectives;
- L. Review of Outstanding Compliance Objectives;
- M. Revised Application for Water Licence Renewal;
- N. Environmental Monitoring Program and QAQC Plan, Updated September 2015;
- O. Sewage Treatment Plant Upgrade Works – Phase 2 Rankin Inlet As-built August 2015 (1-4);
- P. Second Quarter Report 2015;
- Q. Sewage Treatment Facility OM Plan, Updated September 2015;
- R. Water Pumping Adaptive Management Plan, September 2015;
- S. Information Request – Char River and Lower Landing Lake;
- T. Submission of Additional Information; and
- U. Third Quarter Report 2015.



Nunavut Water Board – PHC Decision
 3AM-GRA1015 Type “A” – Application for Renewal and Amendment

APPENDIX B: Draft List of Commitments Resulting from Technical Review Comments for Water Licence No. 3AM-GRA1015 Renewal Application

No.	Party Responsible for Commitment	Party(s) who raised (Item#)	Issue - TM Commitment	Timeline for Submission	Form of Submission
1	GN-CGS	AANDC	Pumping details from Char River to Nipissar Lake: including information regarding the number of pumping days per year projected minimum/maximum number of days per year, whether the pumping days or pumping rates are expected to increase in subsequent years...		
2	GN-CGS	AANDC	<p>Details on the sustainability of Char River as a source based on the annual recharge to Nipissar Lake.</p> <p>The identification of options to be considered in the event the current location of the intake at Char River is unable to support withdrawal of the required water volume in years of low water flow.</p>	By January 31, 2016	Char River Hydrological Assessment and Water Balance Study for Lower Landing Lake



3AM-GRA1015 Type “A” – Application for Renewal and Amendment
PHC Decision

No.	Party Responsible for Commitment	Party(s) who raised (Item#)	Issue - TM Commitment	Timeline for Submission	Form of Submission
3	GN-CGS	AANDC	Assessment of alternative water sources to be utilized as a supplemental water source for Nipissar Lake, should Char River prove insufficient as a supplemental water source.	By January 31, 2016	Char River Hydrological Assessment and Water Balance Study for Lower Landing Lake
4	GN-CGS	AANDC	Revised Water Pumping Adaptive Management Plan (submission planned in January 2016) to be submitted within sufficient time for it to be reviewed by Regulators prior to the Public Hearing.	By January 31, 2016	Revised Water Pumping Adaptive Management Plan
5	GN-CGS	EC	<p>A description of how hazardous wastes and incompatible materials are diverted from the wastewater system in order to minimize the effects of the effluent on the receiving environment. Provide a description of how the hazardous materials will be managed.</p> <p>Identifying any possible alternative disposal options for animal fats and oil generated by food processing plant and restaurants.</p>	By January 31, 2016	Revised Sewage Treatment Facility Operation and Maintenance Plan



3AM-GRA1015 Type “A” – Application for Renewal and Amendment
PHC Decision

No.	Party Responsible for Commitment	Party(s) who raised (Item#)	Issue - TM Commitment	Timeline for Submission	Form of Submission
6	GN-CGS	EC	Consideration of analysis of Total Petroleum Hydrocarbons (TPH) as a part of Effluent monitoring? This will allow the municipality to determine whether the more toxic hydrocarbon sources are entering the treatment plant, and to take remedial actions. If TPH are entering the wastewater treatment system, the source(s) should be identified and diverted from the wastewater stream.	By January 31, 2016	Sampling for PTH at MPS GRA-3 to be included within the Fourth Quarter Report
7	GN-CGS	EC	Routinely collect an appropriate proportion of field blanks and travel blanks during monitoring events at each sampling location, in alignment with best practices.	Annually during monitoring	Collection of field blanks based on the feedback from Lab on the appropriate number of field blanks.