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the Board expects to publish on October 9, 2020. Parties should also be aware that after the Notice of Public Hearing has been issued, the Board may have to modify the schedule and format of the Public Hearing if Hearing logistics dictate, if the documentation required to be supplied in advance of the Hearing has not been provided, if public health measures required to prevent the spread of COVID-19 are adjusted, etc.

In accordance with Rule 14 of the NWB *Rules of Practice and Procedure* (the *Rules*), and the previous direction and delegation of authority from the Igloolik Panel to the staff of the NWB, the NWB's staff held a technical meeting (TM) and a Pre-Hearing Conference (PHC) for the Application by teleconference on July 21 and 22, 2020. The list of the parties who attended these teleconference meetings are provided in this Report in [APPENDIX B: Attendees at TM/PHC](#).

An application was originally received by the NWB on January 31, 2020, for renewal of the Type "B" Licence No: 3BM-IGL1520 for a 5-year term. The NWB responded back to the Applicant indicating that because the undertaking would involve storage of more than 60,000 cubic metres of water, under Schedule 2 of the *Nunavut Waters Regulations*,² the undertaking now requires a Type "A" Water Licence to replace the previous Type "B" Water Licence. On February 25, 2020, the Municipality of Igloolik submitted the Application seeking a new Type "A" Water Licence for a term of 10 years.

Following an internal and external completeness review, on March 02, 2020, the NWB acknowledged receipt of the Application, and began the NWB's formal processing of the Application. Following the completion of a technical review and public comment period in respect of the Application and the submission of additional information and clarifications submitted by Applicant, on June 30, 2020, the NWB provided correspondence confirming that the Application could proceed to the Technical Meeting (TM) and Pre-Hearing Conference (PHC) stage and advising that the TM and PHC were scheduled to take place on July 21-22, 2020, and would be conducted via teleconference.

The TM/PHC Agendas for the meetings as conducted on July 21-22, 2020, are attached to this Decision in [APPENDIX A: TM/PHC Agenda](#). The Applicant, Crown-Indigenous Relations and Northern Affairs (CIRNA), Environment and Climate Change Canada (ECCC) and the NWB staff attended the teleconference TM/PHC. The specific participants in these meetings are listed in [APPENDIX B: Attendees at TM/PHC](#). The commitments generated and reviewed by the parties during the TM/PHC are listed in [APPENDIX D: List of Commitments generated during the Technical Meeting/Pre-Hearing Conference held on July 21-22, 2020](#).

² SOR/2013-69.



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As set out in Rule 14.1 of the Rules, the PHC dealt with the following matters relevant to the Application:

- Timetable for the Pre-Hearing exchange of information;
- Identification of interested parties;
- Submissions of interested parties;
- List of issues to be dealt with at the Public Hearing;
- Desirability of amending the Application for the purpose of clarification;
- Procedures for the Public Hearing; and
- Identification of any other matters that may assist in the simplification and disposition of the Public Hearing.

Introduction and Registration

The following participants registered in advance and attended the TM/PHC teleconference on July 21 and 22, 2020:

Municipality of Igloolik representatives:

- Bhabesh Roy, Municipal Planning Engineer – GN-CGS
- Greg Morash, Chief Administrative Officer – Municipality of Igloolik

Crown-Indigenous Relations and Northern Affairs (CIRNA) representatives:

- Spencer Dewar, Director Resource Management
- Bridget Campbell, Coordinator Water Resources

Environment and Climate Change Canada (ECCC)

- Eva Walker, Environmental Assessment Coordinator
- Megan Tobin, Water Quality Analyst

The listings of the parties participating in the TM/PHC teleconference for each day are attached as [APPENDIX B: Attendees at TM/PHC](#) to this Report.



1.0 The Application before the Board

The Municipality of Igloolik is the second largest community in the Baffin Region and located in the Foxe Basin. The population of the community is 1682 (2016 Census). Water is extracted from South Lake, which is the community’s water source, and stored in a reservoir with a capacity of 126,440 cubic metres. Since the water storage capacity exceeds 60,000 cubic metres (m³), a Type “A” Water Licence is required.

The Application seeks the replacement of the Applicant’s previous Type “B” Water Licence No: 3BM-IGL1520 (expired on March 30, 2020) with a new Type “A” Water Licence to authorize the continued use of Water and deposit of Waste for a Municipal Undertaking.³

Application and Supporting Materials Submitted by the Applicant

The initial application received on January 31, 2020 was for a renewal of the Type “B” Licence and consisted of the following documents:

- Application for the Renewal of the Type “B” Water Licence No: 3BM-IGL1520
- Executive summary in English
- Executive Summary in Inuktitut
- Plan for Compliance
- Annual Report 2019
- NPC’s letter to CGS dated November 08, 2019
- Support letter from the Municipality

On January 31, 2020, the NWB explained to the Applicant that under Schedule 2 of the *Nunavut Waters Regulations*⁴ any use of waters related to the storage of water in an amount of 60,000 m³ or more triggers the requirement for a Type "A" Water Licence.⁵ As the amount of water stored in Igloolik’s expanded water reservoir exceeds the threshold of 60,000 m³, the undertaking now requires a Type "A" Water Licence to replace the previous Type “B” Water Licence. At that time, the NWB also advised the Applicant to contact the Nunavut Planning Commission (NPC) and Nunavut Impact Review Board (NIRB) to inform them of the change to the type of Water Licence

³ As defined under the *Nunavut Waters Regulations*, SOR/2013-69, Schedule 1, Item 3, column 2 describes a Municipal Undertaking to include “A waste disposal or water system for a municipality”.

⁴ SOR/2013-69.

⁵ Email correspondence from Mohammad Ali Shaikh to Bhabesh Roy on January 31, 2020 in response to the Type “B” Renewal Application for Water Licence No: 3BM-IGL1520.



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requested, as the land use conformity and impact assessment requirements applicable to a Type “A” Water Licence differ from the requirements applicable to a Type “B” Water Licence.

On February 25, 2020, the NWB received an updated Application for a Type “A” Water Licence, consisting of the following documents:

- Executive Summary – English and Inuktitut
- Type “A” Water Licence Application
- Cover Letter
- Municipality of Igloolik’s support letter
- O&M Manuals for Igloolik Waste Water Facility (Vol I & II)
- Municipality of Igloolik Water Supply Improvement Drawings
- Wastewater Management Facility Drawings
- Igloolik Truck fill station Electrical and Plumbing Drawings
- Water Reservoir expansion Drawing

The documents filed by the Applicant in support of the Application are listed in detail in [APPENDIX C: List of Application Submissions](#).

The Applicant’s submissions in respect of the Application are available from the NWB’s public registry at the following link:

<ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-IGL----/1%20APPLICATION/2020%20Renewal/>

All documentation associated with the Application and received from the Applicant, the Board, intervening parties and the public is available from the NWB’s public registry at the following link:

<ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-IGL----/2%20ADMIN/>

Scope of the Current Application

The Application before the NWB is for a Type “A” Water Licence to replace the existing (currently expired) Type “B” Water Licence. The general scope of the Application includes the following:

- Replacement of the Type “B” Water Licence No: 3BM-IGL1520 (expired as of March 30, 2020) with a new Type “A” Water Licence for a ten (10) year term to allow for the continued use of Water and deposit of Waste associated with a Municipal Undertaking;



- Storage and use of up to approximately 110,000 cubic metres (m³) of freshwater annually. The Water is extracted from the South Lake as the primary source and Fish Lake as the secondary source;
- A recently upgraded Water Storage Reservoir (capacity of 102,800 m³) which is filled during the summer from South Lake;
- A recently upgraded sewage lagoon system for Wastewater treatment (treatment capacity of 124,220 m³ per year);
- An existing municipal landfill; and
- The proposed construction of a new engineered solid waste disposal facility in the next three to five years.

2.0 Procedural History

Licences Issued to the Project

Reflecting the NWB's jurisdiction for licensing undertakings resulting in the use of water and deposit of waste as established under Article 13 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA or Act*), the NWB has issued three (3) Licences for this undertaking to date.

1. Licence No: NWB3IGL0308
 - Issued September 01, 2003 and expired on August 31, 2008
 - Allowed for the use of 70,000 cubic metres of water annually and the deposit of waste in support of an Municipal Undertaking
2. Licence No: 3BM-IGL0911
 - Issued July 10, 2009 and expired on July 31, 2011
 - Allowed for the use of 70,000 cubic metres of water annually and the deposit of waste in support of an Municipal Undertaking
3. Licence No: 3BM-IGL1520
 - Issued March 31, 2015 and expired on March 30, 2020
 - Allowed for the use of 81,208 cubic metres of water annually and the deposit of waste in support of an Municipal Undertaking
 - Licence No: 3BM-IGL1520 Amendment No. 1
 - Issued February 16, 2016
 - Allowed for the construction of a new lagoon cell and the rehabilitation of the Modified Sewage Lagoon Facility



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- Licence No: 3BM-IGL1520 Amendment No. 2
 - Issued September 01, 2016
 - Allowed for the expansion of the water supply reservoir, construction of a new truck-fill station, replacement of the transmission main that supplies water from the South Lake water source and the use of Fish Lake as an alternative water source

Pre-Licensing Requirements

The Nunavut Planning Commission (NPC)

On February 26, 2020, the Nunavut Planning Commission (NPC) issued its conformity determination⁶ for the Application which stated the following:

- The project is located outside of a region with an approved land use plan and therefore no land use plan conformity assessment was required by the NPC;
- The activities associated with this proposal were previously reviewed by the NPC on December 30, 2008, August 13, 2014, March 31, 2015, June 9, 2015, March 1, 2016, December 20, 2019 and most recently on February 26, 2020, which still applies;
- The Nunavut Impact Review Board (NIRB) previously screened the works and activities associated with the current proposal including a Type “A” Water Licence and a Screening Decision Report was issued on May 13, 2016 (NIRB FILE No. 15UN040); and
- The Application is exempt from further screening by the NIRB because the Application did not change the general scope of the original or previously amended project activities.

On this basis, the NPC did not refer the Application to the NIRB for screening and forwarded the Application to the NWB for processing.

The Nunavut Impact Review Board (NIRB)

As noted by the NPC, the Nunavut Impact Review Board (NIRB) previously screened the works and activities associated with the current proposal including a “Type A” Water Licence and a Screening Decision Report was issued on May 13, 2016 (NIRB FILE No. 15UN040), and the

⁶ Correspondence dated February 26, 2020 from G. Djalogue, Nunavut Planning Commission to R. Dwyer, NWB (and others) Re: NPC File # 149307 [Renewal and Amendment of the Hamlet of Igloolik Water Licence # 3BM-IGL 1520 for 10 yrs. term].



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scope of the Application did not constitute significant modifications of the activities included within the general scope of the proposal as previously screened by the NIRB in 2016. Consequently, the scope of the undertaking as proposed in the Application was considered by the NPC to be exempt from further screening and was forwarded to the applicable regulators to commence the regulatory phase.

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

Procedural History – Hamlet of Igloolik Type "A" Water Licence 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 of Application's processing. All documentation and the complete record of the NWB processing of the file are available from the NWB's ftp site at the links provided in Section 1.0 of this Report.

January 31, 2020

- NWB received an application for the renewal of Type "B" Water Licence No: 3BM-IGL1520 from the GN-CGS on behalf of Hamlet of Igloolik
- NWB informed the Applicant that a Type "A" Water Licence will be required due to their expanded water storage capacity of 126,440,000 litres (126,440 m³)

February 25, 2020

- NWB received an application for a Type "A" Water Licence 3AM-IGL---- from the GN-CGS (the Application)

March 02, 2020

- Following an internal review of documents, NWB requested that parties conduct their completeness check and initial technical assessment of the information in the Application, with the deadline for submission set for March 24, 2020

March 20, 2020

- CIRNA provided comments and identified Information Requests (IR) in relation to the completeness of the Application



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March 24, 2020

- ECCC provided comments and identified Information Requests (IR) in relation to the Application completeness

April 17, 2020

- The Applicant replied to CIRNA's comments

April 22, 2020

- The Applicant replied to ECCC's comments

April 27-28, 2020

- CIRNA provided a Reply to Applicant Responses with some recommendations, indicating that they are ready to commence the technical review stage of the process
- ECCC replied with no further comments

May 15, 2020

- The NWB provided public Notice of Application for a Type "A" Water Licence, commencing a thirty (30) day technical review period, and outlining the next steps in the Licensing process

June 08, 2020

- ECCC responded by indicating that the Applicant's responses to their comments during the Completeness Check were sufficient to address their technical comments and ECCC would not participate further in the Application process unless explicitly asked to do so

June 12, 2020

- CIRNA provided their technical review comments

June 24, 2020

- NWB invited ECCC to attend the TM/PHC so their concerns and Applicant responses could be discussed, and follow-up commitments recorded

June 25, 2020

- NWB advised parties that due to the delay with Applicant responses to technical comments, the next licensing steps, including the TM/PHC for the Application will be also delayed

June 26, 2020



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- NWB received a letter from the Applicant stating reasons for the delay in responses and providing an update as to the timeline for their responses

June 30, 2020

- NWB distributed the draft Agenda for the TM/PHC along with the updated timelines for the next steps in the process

July 13, 2020

- The NWB received confirmation of participation and presentation documents for the TM/PHC from CIRNA, ECCC and the Applicant

July 16, 2020

- NWB provided correspondence with the final Agenda for the TM/PHC

July 21, 2020

- NWB hosted the Technical Meeting (TM) via teleconference

July 22, 2020

- NWB hosted the Pre-Hearing Conference (PHC) via teleconference

3.0 Technical Review Comments Received by the Board

Prior to the TM/PHC two opportunities for comment on the Application were provided to Interveners and members of the public. 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 the Board from continuing to process the Application, including any additional information requests. This comment period closed on March 24, 2020. The second comment period requested parties to file substantive technical review comments on or before June 15, 2020. The sections that follow outline the comments provided during these review periods, and also reflect comments provided to the Board staff during the TM/PHC.



GN-CGS on behalf of the Municipality of Igloolik

The original application and supplemental information was received from the Government of Nunavut, Community and Government Services (GN-CGS) on behalf of the Municipality of Igloolik (the Applicant or Licensee) by the NWB on January 31, 2020, seeking the renewal of Type "B" Water Licence No: 3BM-IGL1520 for a 5 year term. Subsequently on February 25, 2020, the Applicant, as advised by the NWB, submitted a new application for a Type "A" Water Licence, along with supplemental information associated with the continued use of Water and deposit of Waste for a Municipal Undertaking. The Applicant requested a term of 10 years and requested annual water use of up to 95,000 cubic meters.

By April 22, 2020, the NWB had received responses from GN-CGS following a formal NWB request for public review of the completeness of the Application and information request (IRs). This information included revisions to management plans and responses to the IRs.

By July 12, 2020, the NWB had received comments and IRs following the technical review of the application by various intervening parties, including Crown-Indigenous Relations and Northern Affairs (CIRNA) and Environment and Climate Change Canada (ECCC). The Applicant was unable to provide a response to any of the comments before the deadline of June 22, 2020.

On June 25, 2020, NWB advised parties of a delay in the technical review of the Application. On June 26, 2020, GN-CGS sent a letter to the NWB explaining that the delayed responses were due to COVID-19 travel restrictions, and advising that the Applicant would require one year to fully satisfy some responses requested by the Interveners. GN-CGS requested that the NWB include these outstanding longer term obligations as conditions in the new Licence and move the Application to the TM/PHC stage.

During the Technical Meeting (TM), GN-CGS was able to provide responses to most of the comments and IR's received from the Interveners, including the following:

- Future revisions to O&M Manuals and Spill Contingency Plan,
- Rehabilitation of the filter strip wetland slopes,
- Installation of flow meters,
- Sewage lagoon berm monitoring,
- Leachate management,
- Including of Carbonaceous Biochemical Oxygen Demand (cBOD) in the future analysis of effluent from the sewage lagoon.



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During the Technical Meeting (TM), GN-CGS indicated that the annual water quantity of 95,000 m³ originally requested in the Application should be updated to approximately 110,000 m³, based on revised water use calculations. The Interveners did not object to this increase in the quantity of water requested by GN-CGS. The NWB inquired whether throughout the requested ten-year term of the Licence the reservoir capacity would be sufficient to continue to supply the Municipality with water during the winter when some of the water volume in the reservoir becomes ice and unavailable for usage. The NWB also questioned whether the updated water volume requested would be sufficient to accommodate the increased population in Igloolik and associated water demand throughout the ten-year term of the Licence. GN-CGS responded by informing the NWB that the reservoir will be upgraded in the future to ensure the facility has sufficient capacity to supply water throughout the winter and will notify the NWB if there are any additional volumes required after having discussions with their Capital Works Department.

The Applicant reaffirmed their commitment to provide the NWB with the specified information summarized in [APPENDIX D: List of Commitments generated during the Technical Meeting/Pre-Hearing Conference held on July 21-22, 2020](#).

On July 31, 2020, GN-CGS confirmed that the Municipality of Igloolik would submit the outstanding submissions on or before September 30, 2020, so that the Public Hearing for the Application could be conducted in early December 2020.

Crown Indigenous Relations and Northern Affairs (CIRNA)

CIRNA administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut, including enforcing the provisions of water licences issued by the NWB. Reflecting CIRNA’s responsibilities and jurisdiction, the following key issues were highlighted in CIRNA’s initial comment submissions on the completeness of the Application, their technical review comment submissions and in their submissions at the Technical Meeting (TM).

CIRNA provided comments about the following during the completeness check:

- Revision to the Plan of Compliance to include all conditions outlined in the expired Type “B” Water Licence No: 3BM-IGL1520, including Amendments 1 & 2;
- Revisions to the Operations and Maintenance (O&M) Manual for the Water Supply System and additional information including as-built drawings, drawing notes and sequence of operations;
- Detailed specifications for the design, equipment and materials for new/upgraded facilities, including sections discussion on commissioning of these facilities;



- Construction summary reports;
- Feasibility Study for the proposed new solid waste disposal facility;
- Inclusion of roads management and watercourse crossings in the new Licence;
- Identifying that culverts should adhere to northern standards; and
- Tabular summaries of the water quality data generated under at Monitoring Stations IGL-2, IGL-4, and IGL-5.

The technical review comments from CIRNA included the following:

- Submission of an O&M Manual for the proposed new solid waste disposal facility;
- Submission of Spill Contingency Plan for the solid waste disposal facility;
- Interim strategy to prevent existing landfill’s leachate and windblown garbage from migrating into water bodies;
- Submission of O&M Manual for the Truck Fill Station and Potable Water Reservoir;
- Revisions to the existing O&M Manual Vol 1 & II;
- Clarifications on the Filter Strip Wetland Rehabilitation;
- IRs regarding berm monitoring, for temperature and settlement, of each lagoon;
- Recommendation to install flow meters on the water intake and the wastewater train; and
- Recommending that the new Water Licence specifically outline, and include conditions for all types of waste expected to be treated and stored at the proposed engineered waste management facility.

Environment and Climate Change Canada (ECCC) Comments

The focus of ECCC’s involvement in respect of the Application is based on their jurisdiction under the *Canadian Environmental Protection Act, 1999*,⁷ the *Species at Risk Act*⁸ and ECCC’s jurisdiction under the pollution prevention provisions of the *Fisheries Act*.⁹ The following key issues were highlighted in ECCC’s initial comment submissions on the completeness of the Application and in their submissions at the Technical Meeting (TM). No submissions were received from ECCC during the technical review.

The comments received from ECCC included the following:

- ECCC recommended that the Applicant take measures to capture all leachate from the landfill site to prevent it from discharging into the receiving environment;

⁷ S.C. 1999, c. 33.

⁸ S.C. 2002, c. 29.

⁹ R.S.C. 1985, c. F-14.



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- ECCC requested that information on the quality, quantity, and locations of leaching should be provided;
- ECCC recommended that the Applicant include Carbonaceous Biochemical Oxygen Demand (cBOD) in the analysis of effluent from the sewage lagoon; and
- ECCC recommended that the Applicant provide effluent quality monitoring data for the three individual sewage lagoons (IGL-4) as well as at the end of the filter strip wetland, to properly characterize final effluent quality prior to release to the environment (IGL-5).

ECCC was generally satisfied with the responses provided by the Applicant during the technical review of the Application and confirmed their position at the TM/PHC.

Term of the Licence Requested

During the TM it was confirmed that there was general support for the replacement of the expired Type “B” Water Licence with a new Type “A” Water Licence. Although in response to a question from CIRNA regarding whether the Municipality had considered applying for a longer term for the Licence GN-CGS initially indicated that perhaps a 15-20 year term may be sought, upon further discussion with the NWB regarding the additional information that would be required to support a longer term, GN-CGS indicated that they would not modify the term of the Licence from the original ten-years requested in the Application. None of the Interveners made submissions (either for or against) the proposed ten-year term.

4.0 Technical Meeting (TM)

The TM for the Application was held via teleconference from 10:00 a.m. to 5:00 pm EST on July 21, 2020. As is the Board’s practice, the TM was an informal meeting and was chaired by Karén Kharatyan, the Board’s Director of Technical Services. The meeting was attended by:

- the NWB’s staff and legal counsel;
- the Applicant, which included a representative of the GN-CGS and Municipality of Igloolik’s Chief Administrative Officer; and
- the Interveners, CIRNA and ECCC.

In keeping with the Board’s normal practice, the Panel Members of the Board (Igloolik Panel, P22), the decision-makers for the Application, were not present at the TM or the subsequent Pre-Hearing Conference (PHC), having delegated the conduct of these meetings to the Board’s staff. The TM included the following:



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- Discussion of the technical issues identified by Interveners and the NWB staff during their technical review of the Application;
- Examination of technical data, comment submissions and other materials submitted as part of the Application;
- Discussion, and where possible, resolution of technical matters or issues raised by Interveners and the Applicant, particularly those matters that could affect the Board's determination on any Pre-Hearing Conference (PHC) issues, prior to holding the PHC;
- Providing an opportunity for the Municipality of Igloolik and participants to identify and confirm for the Board the issues and concerns that have been resolved and to discuss any unresolved or ongoing issues related to the Application;
- Identification of opportunities for streamlining the issues and process so as to eliminate existing or potential duplication or delay in the NWB's processing of the Application going forward; and
- Documenting any commitments made by the various parties during the Technical Meeting, with the aim of carrying over the commitments to the PHC and Public Hearing stages of the NWB's consideration of the Application.

The TM participants were advised that, upon completion of the TM, the Board expected any outstanding issues in respect of the Application to be resolved, or if not resolved, that some form of agreement, including commitments by the parties, would be provided by the parties to enable the Application to proceed to the next step of the licensing process, the Public Hearing, notwithstanding any unresolved issues.

At the TM, the following general topics were discussed:

- The Scope of the proposed new Type “A” Water Licence;
- The term of the proposed new Type “A” Water Licence;
- The status of decommissioned, existing and proposed facilities;
- Outstanding requests for additional information by the NWB and the parties; and
- The status of various updates and additions to management and monitoring plans.

Following these discussions, in the evening of July 21, 2020, the NWB circulated to all teleconference participants, an electronic copy of the draft list of issues in respect of the Application that the NWB expects to be discussed at the Public Hearing for the file, as well as a draft list of all commitments made by the parties during the TM.

5.0 Pre-Hearing Conference (PHC)



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As the parties confirmed in the TM that there were no outstanding issues that would prevent the Application from being considered by the Board in a Public Hearing, the PHC portion of the Agenda proceeded on the morning of July 22, 2020, at 10.00 AM EST via teleconference.

The PHC was chaired by the Board's Director of Technical Services, Karén Kharatyan with the same parties as the TM. The purpose of the PHC was to discuss the various matters as set out in Rule 14 of the Rules in preparation for the Public Hearing. Specifically, Rule 14 directs that the following matters be addressed through the PHC:

- To set a timetable for the Pre-Hearing exchange of information;
- To finalize the list of issues to be dealt with at the Public Hearing;
- To identify interested parties;
- To consider the desirability of amending the application for the purposes of clarification;
- To finalize procedures to be followed in the Public Hearing; and
- To consider any other matters that may aid in the simplification and disposition of the application at the Public Hearing.

The PHC commenced with the review and refinement of both the list of issues and the list of commitments to reflect the clarifications and subsequent agreement of the parties. The wording in [APPENDIX D: List of Commitments generated during the Technical Meeting/Pre-Hearing Conference held on July 21-22, 2020](#) of this Report reflects these discussions. For the convenience of the parties, where commitments made by the Applicant will result in the submission of additional or updated documentation, the Board has included a description of the timelines for submission of this information and the form of submission expected by the parties.

Similarly, the list of issues (discussed in more detail under the subheading [List of Issues](#) below) was also reviewed and revised during the PHC to reflect the discussions of participants during the TM.

Timetable for Pre-Hearing Exchange of Information

It was noted at the beginning of this discussion that, as required by s. 55(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWSRTA), the NWB must give the public and parties a minimum of sixty (60) days' notice in advance of a Public Hearing.

The Applicant and CIRNA were polled regarding any outstanding information requirements that must be supplied in advance of a Public Hearing and indicated, that as outlined in [APPENDIX D: List of Commitments generated during the Technical Meeting/Pre-Hearing Conference held on](#)



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[July 21-22, 2020](#) is provided in accordance with the timelines specified in the list, the preparation and submission of additional information should not delay the potential Public Hearing for the Application.

On this basis, the Board has established a proposed timetable for the pre-Hearing exchange of information as set below. The Applicant and all participants should remember, however that the Board reserves the right to revisit the timing proposed below if the Municipality is unable to meet the deadlines established in the commitments, or that may be required in response to the requests of the parties, the community, or as may subsequently be considered necessary by the Board. Unless modified as noted above, the Board requires the participants to observe the following timetable:

- **On or before Wednesday, September 30, 2020**, the Applicant to file all outstanding documentation that must be filed before the Public Hearing, in keeping with the [APPENDIX D: List of Commitments generated during the Technical Meeting/Pre-Hearing Conference held on July 21-22, 2020](#);
- **On or before Friday, October 9, 2020** the NWB will issue Notice of the Public Hearing;
- **On or before Thursday, October 22, 2020** 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 should make such requests to the Board in writing;
- **On or before Thursday, October 29, 2020** the Interveners and interested parties must file any further and final written submissions in respect of the Application with the Board;
- **On or before Thursday, November 12, 2020** the Applicant must file any further responses to the information filed in advance of the Public Hearing and final written submissions with the Board; and
- **On or before Thursday, November 26, 2020** all parties intending to present to the Board during the Public Hearing must file any presentation materials (e.g. PowerPoint Presentations, etc.) upon which they intend to rely at the Public Hearing.

NOTE: 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. 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

During the PHC, the following parties confirmed their participation during the Public Hearing:

- The Municipality of Igloolik
- GN-CGS
- Crown-Indigenous Relations and Northern Affairs (CIRNA)
- Environment and Climate Change Canada (ECCC)

When asked at the PHC, parties indicated that, with the exception of interested community members, there are no additional interested parties that would need to participate in the Public Hearing.

Provision of Final Written Submissions from Interested Parties

Any additional information that the Applicant, Interveners or interested parties may wish the Board to 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 [Timetable for pre-Hearing Exchange of Information](#).

List of Issues

The intervening parties in attendance at the TM/PHC confirmed that none of the issues for discussion associated with the Application and the related information requirements should prevent the Board from proceeding with the Public Hearing.

At the end of the TM, the parties reviewed the following list of issues that are expected to be discussed at the upcoming Public Hearing and agreed that, subject to adding issues following the review of information that may be exchanged in advance of the Public Hearing, the following issues will be addressed at the Public Hearing:

- Scope of the Licence
 - Amendments to original scope of expired Water Licence No: 3BM-IGL1520 to reflect addition of new engineered solid waste disposal facility (planned for the next 3-5 years)
- Licensee – Municipality of Igloolik, supported by GN-CGS as the technical representative
- Term of Licence (10 year term originally sought by the Applicant)
- Compliance



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- Status of outstanding compliance obligations under expired Water Licence No: 3BM-IGL1520
- Water Supply
 - Increase of Water use from 82,000 cubic metres to approximately 110,000 cubic metres per annum
 - Primary source (South Lake) and secondary source (Fish Lake)
 - Installation of flow meters at water intake at South Lake
- Waste Management
 - Management of existing solid waste disposal facility
 - Design/construction of new solid waste disposal facility
- Wastewater Treatment
 - Newly constructed facultative containment lagoon and new sewage lagoon cells
 - Wastewater Effluent quality criteria
 - Installation of water flow meters along the wastewater train
- Management Plans and Reports
 - Updated Spill Contingency Plan
 - Operation and Maintenance (O&M) Manuals, including updated O&M Manual for Wastewater Treatment System (Sewage Disposal Facility), Water Supply System and an O&M Manual for proposed new Solid Waste Disposal Facility
 - Timing of approval of Plans
- Monitoring Program
 - Compliance with sampling requirements
 - Modifications and required updates to sampling methods, sampling points to reflect new/upgraded facilities
- Closure and Reclamation Planning
 - Preparation, submission and Board review of decommissioning and reclamation plans for:
 - Old Water Treatment Plant
 - Existing Waste Management Facility

Changes to the Application for the Purposes of Clarification



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During the TM, the question was raised whether the Applicant wished to increase the term of the new Licence from 10 years, as requested in the Application to a longer term of 15-20 years. Subsequently, the NWB requested that if the Applicant wished to apply for a longer term, the Applicant would need to provide the NWB with confirmation in writing of this modification to the Application and would be required to submit additional information in support of the request. The NWB also requested that the Applicant provide their request and supporting information as soon as possible so that interested parties can include their comments about the longer term in their final submissions in advance of the Public Hearing. The Applicant subsequently confirmed with the NWB that they will not be requesting a modification to the 10 year term requested in the Application.

Procedures for the Public Hearing

Parties were asked for their views with respect to the form of the Public Hearing (written, teleconference or in-person). The Applicant, noting that there is a high level of interest in this undertaking and the plans of GN-CGS for upgrades and improvements to water supply and waste disposal/treatment systems, favored that the Public Hearing be conducted in-person in the community of Igloolik. CIRNA supported the GN-CGS request, but noted that there are restrictions on travel and limits on public gatherings in place in Nunavut associated with the directions of public health authorities to prevent the spread of COVID-19 and identified that the form of in-person Public Hearing must reflect these restrictions. ECCC, identifying limits on travel for their personnel and also noting that the technical issues raised by ECCC have been resolved requested that if an in-person Public Hearing is conducted in Igloolik, that the Board permit ECCC to participate in the Public Hearing via teleconference. While acknowledging that their preference was for an in-person Public Hearing, GN-CGS also discussed that if the Board's direction was to conduct the Public Hearing via teleconference, the Applicant would take steps to ensure that opportunities would be provided to community representatives to participate in the teleconference Public Hearing at a central location in the community.

Although the NWB understands the views of the parties that a Public Hearing held by teleconference may be more convenient or perceived to be more expedient for the Interveners, GN-CGS and the Applicant's consultants, the NWB must also give due weight and consideration to the requirements of the *Nunavut Agreement*, including respect for the importance of the oral tradition. Given the likely public interest in Igloolik with respect to the GN-CGS's plans, in both the short and long term, in respect of the municipal water supply and waste disposal/treatment systems, the NWB decision-making Panel for the file (Igloolik Panel or P22) has determined that it is most appropriate for the Board to hold an in-person Public Hearing to support decision-making for the file.



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The Board has directed that the in-person Public Hearing must be modified to reflect the applicable public health measures currently in place to prevent the spread of COVID-19. Specifically, the Board notes that there are limits on the number of people who can gather indoors in the community and that travel restrictions may mean that participants who do not reside in Nunavut or the Northwest Territories may not be able to travel to Igloolik. Recognizing these limits, the NWB proposes to use two locations/ "hubs" in the Municipality of Igloolik that would be linked together via videoconference and audio conference links, and would provide a teleconference link for those participating outside of Nunavut to call into the Public Hearing.

At present, the NWB expects that NWB Board Members on Panel P22, the Board's staff and Nunavut-based representatives from the Applicant and the Interveners would be able to participate by attending at one of the in-person hubs in Igloolik, with the Interveners outside Nunavut calling into the Public Hearing. The Board will be working to confirm logistics to support this approach and more specific details regarding the Board's modified approach to conducting the in-person Public Hearing will be provided when the formal Notice of Public Hearing is issued on October 9, 2020.

With respect to the location of the in-person component of the modified Public Hearing, Igloolik is obviously the most directly affected community. On this basis, the Panel has decided, by Motion #2020-08-P22-04, that the in-person component of the modified Public Hearing should be held in the community of Igloolik.

All parties should be advised, however, that this procedural direction, including the proposed timing and format of the Public Hearing may be modified by the Board in future as may be required to reflect changed circumstances such as:

- The failure of any participants to meet the timelines for the pre-Hearing exchange of documentation;
- Updates to applicable guidance from public health authorities and changes to public health measures put in place to prevent the spread of COVID-19;
- Technological innovations and limits; and
- The receipt of the required Public Hearing funding from Crown-Indigenous Relations and Northern Affairs.

At present, based on the time commitments outlined in the discussion of the exchange of documents set out above and the discussions with the parties at the PHC, the Public Hearing is tentatively scheduled for the week of **December 7-11, 2020**. These dates are subject to final confirmation by way of the Public Notice to be issued on October 9 2020, and the Board reserves



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the right to adjust this schedule if Hearing logistics dictate, if the documentation required to be supplied in advance of the Public Hearing has not been provided, or otherwise.

The parties have confirmed that they do not anticipate that, other than measures that are required to be put in place to reflect the directions of public health authorities to prevent the spread of COVID-19, they will not require the Board to deviate from the Board’s normal *Rules of Practice and Procedure* (May 2005) (*Rules*) during the conduct of the Public Hearing. As such, the Board directs all parties that, other than as specifically required to protect the health and safety of the public and all participants during the Public Hearing, 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 at the PHC.

Steps following the Public Hearing

Following the closure of the Public Hearing Record (usually at the end of the Public Hearing), the Application is remitted to the Panel for decision-making. When the Panel has reached a decision, which is typically within thirty (30) to forty five (45) days of the close of the Public Hearing Record, the Board will issue its Record of Proceedings and Decision to the Minister of Northern Affairs. If the Panel recommends that the new Type “A” Water Licence as requested in the Application be granted, a draft of the new Type “A” Water Licence would also be attached to the NWB’s Decision for the Minister’s consideration.

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 Board’s Director of Technical Services, Karén Kharatyan, karén.kharatyan@nwb-oen.ca or the Board’s Manager of Licensing, Richard Dwyer, at richard.dwyer@nwb-oen.ca for any other matters related to the Application.

Regards,

Stephanie Autut
Executive Director

NUNAVUT WATER BOARD

SA/MAS



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Attachments:

- Appendix A: Technical Meeting and Pre-Hearing Conference Agenda
- Appendix B: List of Participants at the Technical Meeting and Pre-Hearing Conference
- Appendix C: List of Application Submissions
- Appendix D: List of Commitments generated during the Technical Meeting/Pre-Hearing Conference held on July 21-22, 2020



APPENDIX A: TM/PHC Agenda

FINAL AGENDA

TECHNICAL MEETING AND PRE-HEARING CONFERENCE

HAMLET OF IGLOOLIK - USE OF WATER AND DEPOSIT OF WASTE

WATER LICENCE (TYPE “A” LICENCE 3AM-IGL----)

Technical Meeting

Date: July 21, 2020

Time: 8:00 AM – 3:00 PM (MT)

Via Teleconference (Toll Free #: 1-888-289-4573; Access Code: 7270413)

1. Introduction
2. Opening remarks/Application to the Board (15 Minutes)
 - a. Overview of scope and procedural history of the application
3. Purpose of the Technical Meeting and Pre-Hearing Conference
4. Technical Review of the Application
 - a. Introduction of Participants
 - b. Presentation by Applicant (GN-CGS) (up to 45 minutes, excluding time for questions and answers)
 - i. Questions from Parties, other conference call participants and the NWB regarding the Applicant’s Presentation
 - c. Identification of interested parties
 - d. Presentations by interested parties (up to 30 minutes, excluding time for questions and answers)
 - Presentation by CIRNA
 - Presentation by ECCC
 - e. Formulation of outstanding issues
 - f. Identification of the parties’ commitments to resolve relevant technical issues, service of documents to parties (deadline, public registry, form)
5. Closing of Technical Meeting



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Pre-Hearing Conference

Date: July 22, 2020

Time: 8:00 AM – 3:00 PM (MT)

Via Teleconference (Toll Free #: 1-888-289-4573; Access Code: 7270413)

1. Pre-Hearing Conference

- a. Identify issues that may prevent the Application from proceeding to a Public Hearing
- b. Discuss form, timing, and location of a potential Public Hearing for the Application
- c. Establish timetable for the Pre-Hearing exchange of information including:
 - i. preparation and filing of additional documents by the parties (deadlines, form, public registry)
 - ii. document-translation requirements
 - iii. documentation to be included in the Public Hearing Record
- d. Finalize list of issues to be addressed at the Public Hearing
- e. Identify interested parties / parties that should be invited to participate in the Public Hearing
- f. Identify any changes required to the Application for the purposes of clarification
- g. Final procedures to be followed at the Public Hearing including:
 - i. requested modifications to the applicable NWB Rules of Practice and Procedure for Public Hearings (May 2005)
 - ii. language requirements at the Public Hearing
- h. Consideration of any other matters that may aid in the simplification and disposition of the Application at the Public Hearing

2. Other issues

3. Closing of the meetings.



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APPENDIX B: Attendees at TM/PHC

Participant	Position	Company/ Organization	Representing
Bhabesh Roy	Municipal planning Engineer, Baffin Region	GN-CGS	Municipality of Igloolik
Greg Morash	Chief Administrative Officer, Municipality of Igloolik	Municipality of Igloolik	Municipality of Igloolik
Spencer Dewar	Director, Resource Management	CIRNA	CIRNA
Bridget Campbell	Coordinator, Water Resources	CIRNA	CIRNA
Eva Walker	Environmental Assessment Coordinator	ECCC	ECCC
Megan Tobin	Water Quality Analyst	ECCC	ECCC
Karén Kharatyan	Director Technical Services	NWB	NWB
Mohammad Ali Shaikh	Technical Advisor	NWB	NWB
Robin Ikkutisluk	Licensing Administrator	NWB	NWB
Teresa Meadows	Legal Counsel	Meadows Law	NWB



APPENDIX C: List of Application Submissions

January 31, 2020 submissions

- Application for the Renewal of the Type “B” Water Licence #3BM-IGL1520
- Executive summary in English
- Executive Summary in Inuktitut
- Plan for Compliance
- Annual Report 2019
- NPC’s letter to CGS dated November 08, 2019
- Hamlet’s support letter

February 25, 2020 submissions

- Executive Summary – English and Inuktitut
- Type “A” Water Licence Renewal Application
- Cover Letter
- Hamlet of Igloolik’s support letter
- O&M Manuals for Igloolik Waste Water Facility (Vol I & II)
- Hamlet of Igloolik Water Supply Improvement Drawings
- Wastewater Management Facility Drawings
- Igloolik Truck fill station Electrical and Plumbing Drawings
- Water Reservoir expansion Drawing

April 17, 2020 submissions

- Applicant response to CIRNA comments

April 22, 2020 submissions

- Applicant response to ECCC comments

June 08, 2020 submissions

- Letter from ECCC (indicating insufficient responses from Applicant)

June 26, 2020 submissions

- Letter from Applicant stating reasons for delay in responses



July 10, 2020 submissions

- Executive summary for Type “A” Water Licence Application in English and Inuktitut
- Presentation fro TM-PHC received from the Applicant

July 13, 2020 submissions

- Confirmation of participation and presentation documents from CIRNA and ECCC

July 15, 2020 submissions

- Executive summary for Type “A” Water Licence Application in French

July 19, 2020 submissions

- Updated presentation for TM-PHC received from the Applicant



APPENDIX D: List of Commitments generated during the Technical Meeting/Pre-Hearing Conference held July 21-22, 2020

No.	Party Responsible for Commitment	Party(s) who raised (Item#)	Issue - TM Commitment	Timeline for Submission	Form of Submission
1	GN-CGS	CIRNA	Feasibility study for proposed new Solid Waste Disposal Facility.	On or before September 30, 2020	Report
2	GN-CGS	CIRNA	Updated O&M Manual for Water Supply System	On or before September 30, 2020	Updated O&M Manual
3	GN-CGS	CIRNA	Updated O&M Manual for Wastewater Treatment Facility (Sewage Lagoons) be updated to reflect the current state of the facilities, operational procedures, sampling procedures, location maps, health & safety guides and monitoring stations	On or before September 30, 2020	Updated O&M Manual



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No.	Party Responsible for Commitment	Party(s) who raised (Item#)	Issue - TM Commitment	Timeline for Submission	Form of Submission
4	GN-CGS	CIRNA	Updated Spill Contingency Plan to include: size and storage of each lagoon, locations of spill kits, current site photos and disposal method for temporarily contained spill materials, mitigations for spills that may occur at the waste treatment facility (ie. Hazardous waste leachate)	On or before September 30, 2020	Updated Spill Contingency Plan
5	GN-CGS	CIRNA, NWB	Construction summary reports, including as-built drawings for all new infrastructure	On or before September 30, 2020	O&M Manuals Note: Construction summary information will be part of the O&M Manuals
6	GN-CGS	CIRNA, ECCC, NWB	Technical Summary of strategy for leachate and windblown garbage management within the existing solid waste disposal facility will be included in an updated O&M Manual for the existing Solid Waste Disposal Facility	On or before September 30, 2020	Updated O&M Manual for the existing Solid Waste Disposal Facility