

February 10, 2000

Mr. Thomas Kudloo
Chairman
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NT
X0E 1J0

Sent By Fax: (867) 360-6369

Pages: 4

Dear Mr. Kudloo:

Subject: 1999 Iqaluit Licence Renewal

I am writing to you on behalf of the Iqaluit Town Council to express our concerns with the terms and conditions of the recently drafted water licence. Since you have declined to meet with the Council to discuss these issues I would like to outline them in a letter and ask for your assistance in helping us resolve these issues to your satisfaction.

Overall I can say that we were surprised with both the tone and requirements set out in the decision by your Board. There would also appear to be some issues raised about jurisdiction of the Board and the ability to enforce requirements as set out in the licence. I would suggest that the Municipality is not responsible for resolving questions of jurisdiction and enforcement, however, we feel that these issues may have impacted on the tone and requirements of our licence. I agree that one way to clarify the situation would be through the courts, however, we believe that this would not be a prudent use of our resources at this time.

I feel that both the Municipal Corporation and the Nunavut Water Board are mandated to protect the residents of Iqaluit and as such should be working cooperatively to resolve the issues that are specific to Iqaluit. My administration has reviewed both the decision and the licence and would like to point out the following problems and issues that we face in meeting both requirements and deadlines as set out by the Board.

Part A, Item 2 (a) states that failure to comply with the licence is a violation of the Northwest Territories Waters Act. What penalties will the Municipality face for non-compliance with the licence provisions? Who will be responsible for enforcement?

Part B, Item 1 requires an annual report to be filed with the Board not later than **March 31**. **Part B, Item 1 (i)** asks that "an overview of the capital project projections with proposed implementation schedules" be included in the report. Clarification is required as to whether this

information should be an overview of all capital projects the Municipality is undertaking or whether it is just those associated with waste disposal and water use. It is our opinion that only those projects pertaining to waste disposal or water use should be requested by the Water Board. Details of other capital projects are privileged and the availability of such information is at the discretion of Town Council.

Part C, Item 5 asks that an inspection of Lake Geraldine Reservoir Dam be completed by a “qualified Geotechnical Engineer as soon as reasonably possible during open and high water conditions but no later than **July 31, 2000.**” In the document entitled ‘Decision’, the NWB notes that this inspection is “for engineering reasons to ensure safety in all respects.” If the NWB suspects that the dam is not safe it is important for us, and for the safety of the residents of Iqaluit, to have details of such findings.

The cost of a geotechnical investigation is also a problem. The Municipal budget process is nearing completion and the estimated \$50,000 cost of such a study is not presently available. The deadline imposed for this study may prove difficult to meet. Consultant services have to be tendered and scheduled. If we are unable to have this task completed by the date noted, would we not be in violation of the licence? If this condition is to be kept as part of the licence, we request that the deadline be removed and funding be identified by the Water Board.

The costs involved in completing studies, as demanded by the NWB, and the timelines attached to them, are a recurring problem with this water licence.

Part C, Item 7 requires a detailed hydrological assessment on the Lake Geraldine watershed be completed and submitted to the NWB by **August 31.** Once again, the estimated \$20,000 cost involved in completing this study, and the timeline attached, are issues that must be addressed by the NWB. This study and the geotechnical investigation will require a thorough land survey of the watershed area because survey and air photo data is not readily available.

Part D, Item 1 requires the Municipality to direct all piped and trucked sewage to the Sewage Treatment Plant as soon as reasonably possible but no later than **Feb 15, 2000.** The construction of the Sewage Treatment Plant is not yet complete. The plant will not be able to act as a water reclamation facility by Feb 15. I ask that this deadline be removed so that the plant can be completed prior to this condition taking effect. Is it not more important that the effluent quality meet the guidelines as set forth by the NWB by the end of the licence term than the plant be mandated for completion by an arbitrary date?

Part D, Item 6 requires an inspection of the sewage lagoon dykes by a geotechnical engineer no later than **July 31, 2000.** The \$20,000 cost involved in completing this study, and the timeline attached, are issues that must be addressed by the NWB.

Part D, Item 9 asks for a plan for the interim treatment and disposal of sludge generated by the Sewage Treatment Plant to be submitted before **Feb 1, 2000.** Our staff has informed me that this plan was detailed at the hearings in September. Please inform us if there is any additional information required and exactly what this information is.

Part D, Item 11 requires a comprehensive waste management plan to be submitted before **May 31, 2000**. As you are aware the Municipality is presently preparing a Solid Waste Management Plan. Details of this plan will be available for review by the Water Board by the given date. However, further site investigation is required during the summer months, no matter what the components of the selected plan are. The availability of funds from the Government of Nunavut will also guide the final plan. This information may not be available to the Municipality until late this year.

Part D, Item 12 asks for an extensive study of the effect of burning at our dump on pollution in water. Terms of Reference for this study are due on **March 1, 2000**. This condition is perhaps the most troubling of all in the licence. Is it not the Municipality's responsibility to abide by waste treatment and burning standards as established by the Water Board? It is our position that the Municipality should not be tasked with a research project to establish something that should be the responsibility of a variety of other agencies.

The expectation of the Water Board to have this study completed by the public hearing in the fall shows a complete lack of understanding of the complexities involved in doing this kind of research. To establish a link between an air pollution source and a body of water requires an extensive analysis of existing contaminants in that water. The link between such contamination and other pollutant sources, such as old waste disposal sites, must also be established. Exhaust from automobiles, the NTPC furnace and smoke from residential buildings would all have to be accounted for in this study. Constant monitoring over a period of years must then be maintained to assess the effect, if any, of air pollution on water contamination.

The cost of such a research project is a major concern for the Town. We would expect a research project of this magnitude to cost somewhere in the order of \$100,000 to start. Each subsequent year may see additional costs of \$20,000. This money is not available at this time.

It is my hope that with this letter we may start a dialogue with the Water Board. It is imperative that the members of the Board realize the impact of the Iqaluit Water Licence on the resources of the Municipality. A one year licence makes it very difficult to meet so many stringent requirements. The following have also been requested by the NWB:

- A revised plan for the O&M of the Sewage Lagoon and Solid Waste Disposal facilities within 4 months;
- An O&M manual for the discharge of effluent from the STP;
- A revised Spill Contingency Plan within 3 months; and
- An Abandonment and Restoration Plan for the Sewage Lagoon within 6 months of operation of the Sewage Treatment Plant.

I recognize from your recent response that the Board is unwilling to meet with the Development, Works, and Public Safety Committee. With that in mind I would like to invite that Board or perhaps your Executive Director to meet the Council in the spirit of working collaboratively on the issues we have identified in this letter.

It is not our goal to be in contravention of our Water Licence. It is our hope that we may find solutions to the issues identified in this letter. If you have any questions, please don't hesitate to contact me directly at 867-979-5600.

Sincerely,

Jimmy Kilabuk
Mayor

cc. Robert Nault, Minister of Indian and Northern Affairs
Nancy Karetak-Lindell, Member of Parliament for Nunavut
Premier Paul Okalik, MLA for Iqaluit West
Minister Ed Pico, MLA for Iqaluit East
Hunter Tootoo, MLA for Iqaluit Centre
Jack Anawak, Minister of Community Government and Transportation
Mike Ferris, Deputy Minister of CGT
Peter Kusugak, Indian and Northern Affairs
Philippe di Pizzo, Executive Director, Nunavut Water Board