



P.O. Box 119

GJOA HAVEN, NT X0E 1J0

TEL: (867) 360-6338

FAX: (867) 360-6369

k NK5 wmo Ep5 vt mpq

NUNAVUT WATER BOARD

NUNAVUT IMALIRIYIN KATIMAYINGI

February 25, 2000  
Town of Iqaluit  
Box 460  
Iqaluit, NT X0A 0H0

*via fax (867) 979-5922, email and regular mail*

Dear Sir:

Re: Response to Submissions regarding the Municipal Water Licence

The Board has received and reviewed the submission from the Town, and from the following interested parties: DIAND, DOJ(GN), and DSD. I note that the DSD submission unfortunately came in one day late.

Following a thorough discussion of the timely-filed submissions, the Board has reached the conclusion that the Municipality's request is not one that can be properly entertained at this point in time. The reasons for this are found in the Feb. 21<sup>st</sup> DIAND written submissions. And for the purpose of clarifying this letter, that submission can be adopted almost in its entirety. In particular, I refer you to the reasoning encompassed in point three, page 2, of the DIAND submission. In short, there is no authority for the Board to re-hear and open up its decision in the way that you suggest.

Obviously, the current issues that you raise can be of immediate import. For example, what should be done about the fact that the Municipality has already passed the sewage plant's "in service" licenced date of February 15th-- apparently due to engineering and/or operational problems? The answer to this question is now in the hands of the DIAND and/or GN inspectors; they have the statutory power to make whatever decision that the law allows them-- based on their judgment given the totality of the circumstances. This is now a statutory call, and the matter is for DIAND, not the Board.

No doubt there are other issues that can and will arise in the term of this licence. For example, many of the above submissions commented on the propriety and cost of the burning study. Again, the Board refrains from making any new decision and amending its original decision in any way. But if the factual circumstances in the Town change in *compelling* and *exceptional* ways, the Town can feel free to make a request for a change or variance to a particular term. One such example would be if the Town decided to stop burning garbage. At that point, it seems to me that there would be no need to carry on with studies related to air emissions and their impact on fresh waters. But that would be a matter for the Board to decide *at that point*.

Perhaps there are other examples, which if based on compelling and exceptional changes in circumstances, might also result in a request to either vary a term and/or advance the next hearing, scheduled for this fall. If so, you may point those matters to the Board's attention. However, nothing stated in your letter, thus far, has influenced the Board to vary or alter its original decision in any way. When and if this possibility does arise, the Board would have to follow proper procedures based on fairness to all parties and natural justice, again, as pointed out in the DIAND written submission.

I hope this answers your questions. If not, please call me at (867) 360-6338 or fax me at 360-6369.

Yours truly,

Philippe di Pizzo  
Executive Director

cc. Distribution List  
Minister R. Nault, DIAND

[illegible]

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	<b>Contact</b>	<b>E-mail</b>	<b>Fax</b>
Municipality of Iqaluit	Matthew Hough	<a href="mailto:hough@connect.ab.ca">hough@connect.ab.ca</a>	
<b>Nunavut</b>			
NTI	Stephanie Briscoe	<a href="mailto:sbriscoe@polarnet.ca">sbriscoe@polarnet.ca</a>	(867) 983-2723
NIRB	Joe Ahmad	<a href="mailto:gladys@polarnet.ca">gladys@polarnet.ca</a>	(867) 983-2594
QIA, Lands	Lands Manager		(867) 979-3238
QWB	Executive Director		(867) 979-1491
NWMB	Rebecca Mike	<a href="mailto:rmike@nunanet.com">rmike@nunanet.com</a>	(867) 979-7785
NPC	Jeannie Ehaloak	<a href="mailto:jeannie@npc.nunavut.ca">jeannie@npc.nunavut.ca</a>	(867) 983-2732
<b>Federal</b>			
DIAND-YK	Roxanne Beavers	<a href="mailto:beaversr@inac.gc.ca">beaversr@inac.gc.ca</a>	(867) 669-2716
Justice Canada	Lee Webber	<a href="mailto:lee.webber@justice.gc.ca">lee.webber@justice.gc.ca</a>	(867) 920-4022
DIAND-Iqaluit	Peter Kusugak	<a href="mailto:kusugakp@inac.gc.ca">kusugakp@inac.gc.ca</a>	(867) 979-6445
DFO-YK	Julie Dahl	<a href="mailto:dahlj@dfo-mpo.gc.ca">dahlj@dfo-mpo.gc.ca</a>	(867) 669-4941
DOE-YK	Carey Ogilvie	<a href="mailto:carey.ogilvie@ec.gc.ca">carey.ogilvie@ec.gc.ca</a>	(867) 873-8185
<b>GN</b>			
DSD	Chris Nichols	<a href="mailto:cnichols@gov.nu.ca">cnichols@gov.nu.ca</a>	(867) 975-5980
Baf-Health Board	Bonnie Seagal	<a href="mailto:bseagal@gov.nu.ca">bseagal@gov.nu.ca</a>	(867) 979-7659
Nunavut Dpmt of Justice	Susan Hardy	<a href="mailto:shardy@gov.nu.ca">shardy@gov.nu.ca</a>	(867) 979-5977
Community Gov't &Transp	Doug Sitland	<a href="mailto:dsitland@gov.nu.ca">dsitland@gov.nu.ca</a>	(867) 975-5305
<b>Other</b>			
Dillon Consulting	Tanya Smith	<a href="mailto:Dillon@nunanet.com">Dillon@nunanet.com</a>	(867) 979-0345
Marcel Mason		<a href="mailto:mmason@nunanet.com">mmason@nunanet.com</a>	(867) 979-1513
Paul Crowley		<a href="mailto:pcrowley@nunanet.com">pcrowley@nunanet.com</a>	(867) 979-2102
Amarook Hunters and Trappers			(867) 979-3390
CBC		<a href="mailto:john_sadoway@cbc.ca">john_sadoway@cbc.ca</a>	(867) 979-6147
Nunatsiaq News	Jane George	<a href="mailto:jgeorge@microtec.net">jgeorge@microtec.net</a>	(867) 979-4763
News North	Maria Canton	<a href="mailto:editor@nunavutnews.com">editor@nunavutnews.com</a>	(867) 873-8507