



P.O. Box 119
Gjoa Haven, NU X0B 1J0
Tel: (867) 360-6338
Fax: (867) 360-6369

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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File: 3AM-IQA0611

May 20, 2009

Michèle Bertol
Senior Director, Planning and Lands
City of Iqaluit
Box 460
Iqaluit, NU
X0A 0H0
Email: M.Bertol@City.Iqaluit.NU.CA

Subject: Application for Amendment to Type A Water Licence 3AM-IQA0611

Dear Ms. Bertol,

The Nunavut Water Board (NWB) received an application for amendment (Application) to the City of Iqaluit's (Licensee) Water Licence on October 22, 2006. The Application was deemed incomplete by the NWB in its response to the Licensee of November 30, 2006. In November of 2007 and 2008, the NWB inquired with the Licensee regarding the status of the Application.

On November 30, 2006, the NWB requested supplemental information¹ to support the Town request for amendment and notes the following information is still outstanding

- i. **Part E, Item 3, and Part E, Item 4** – Reasons, evidence, and detailed discussion may be provided to support the proposed amendments to conditions related to sewage effluent discharge criteria. An assessment of impact to 'Waters' (as defined by the *NWANSRTA*), through the applied waste stream, may assist in demonstrating reasons to consider the amendment;
- ii. **Part E, Item 16** – The City of Iqaluit may demonstrate how solid wastes and associated runoffs (surface and subsurface) are managed and that a containment of these wastes exists if the Board is to consider the amendment proposal. The NWB would like to remind the City of Iqaluit that the West 40 Landfill site has not undergone Abandonment and Restoration and hence is still in operation;
- iii. **Part E, Item 17** – The City of Iqaluit may demonstrate how the timelines set in the proposed amendment adequately manage, through the understanding and characterization of the site specific waste stream (spatial and temporal dimensions), loading on 'Waters' (as defined by the *NWANSRTA*) and its potential and anticipated impact; and

¹ Letter from G. Baker, Manager Engineering Services, City of Iqaluit, to P. di Pizzo, Executive Director, NWB, dated November 30, 2006.

- iv. **Monitoring Criteria** – The City may provide a technical opinion, through an appropriately qualified engineer practiced in the opinions presented, that discusses the propositions set in the amendment report. This will allow discussion to be generated where Regulatory and Board recommendation may be developed.

The Licensee submitted a follow-up letter to the NWB, on October 8, 2008 containing some new information and again requesting that Licence 3AM-IQA0611 be amended.

Following this submission, the NWB understands that the Application by the Licensee includes the following requests²:

- **Part D, Item 3:** Reconsider the requirement for the installation of a screen on the water intake.
- **Part D, Item 4:** Reconsider restrictions on the rate of water withdrawal, which mitigate the potential for fish to become impinged on the intake screen.
- **Part E, Item 3:** Reconsider the effluent criteria for the discharge of the wastewater treatment plant, which currently puts the City of Iqaluit in non-compliance, until commissioning of Phase 2 of the wastewater treatment plant.
- **Part E, Item 4:** Reconsider the requirement that undiluted effluent be non-acutely toxic until commissioning of Phase 2 of the wastewater treatment plant.
- **Part E, Item 5:** Typographical error: correct cross-referencing to Part E, Item 20 and 21 with Part E, Item 18 and 19.
- **Part E, Item 7:** Revise timeline for submission of Final Assessment of the Sludge Management Pilot Project.
- **Part E, Item 15:** Provide a timeframe for the submission of addendum to the manual entitled: Revision 2-City of Iqaluit Solid Waste Facility Operation and Maintenance Manual (April 2005). The addendum is to include details for contaminated soils and hazardous waste, including, but not limited to: types, volumes ultimate disposal, emergency response, thresholds, and maximum amounts accepted to the facility.
- **Part E, Item 16:** Reconsider the requirement to collect and contain all leachate within the West 40 Landfill, changing the reference to surface runoff.
- **Part E, Item 17:** Reconsider the requirement to provide ninety days notice of proposed release, discharge or transfer of leachate from the West 40 landfill. The Licensee suggests a shorter notice period of 5 to 10 days.
- **Part J, Item 1:** The Licensee has not prepared the required abandonment and restoration documents and is requesting a revised schedule for delivering both a draft conceptual and a final Abandonment and Restoration Plan.
- **Part J, Item 6:** Reconsider wording.
- **Part I:** Reconsider sewage sludge monitoring criteria.

All files and correspondence can be obtained from the NWB's ftp-site:

<ftp://nunavutwaterboard.org/PRUC/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-IQA0611/1%20APPLICATION/2006%20Amendment%201/>

² Letter from M. Bertol, City of Iqaluit Senior Director, Planning and Lands, to the D. Filiatrault NWB Executive Director. October 8, 2008.

The NWB has determined, that a number of the above requests, such as those involving typographical revisions, are minor in nature and may be dealt with through the issuance of an errata. Others however, are of a more significant nature which potentially affect the intent of conditions of the Type A Licence, decisions made by the Board and subsequent approval by the Minister on July 24, 2006.

Further, during the NWB internal review a number of deficiencies in the administrative requirements of the current application have been noted as not yet met. Additional outstanding items are summarized in the attached Municipal Status Report Summary, also available with the application information on the NWB ftp site.

The Board requests that the City provide the NWB with an estimated submission date for this information.

The additional information to be submitted is an important component of the Application. Accordingly, processing of the Application will be held pending the receipt of the outstanding information. The Board will re-commence processing the Application and scheduling as required upon receipt of the outstanding information.

Meanwhile, the NWB believes it is important to allow interested persons an opportunity to provide comment on the Application to date. By way of copy on this letter, the NWB invites interested parties to review and comment on the Application by June 12, 2009. Any comments are to be submitted to the NWB's Manager of Licensing (licensing@nunavutwaterboard.org)

In considering the Application to date, interested parties are asked to comment on:

- The type and form of public hearing in order to consider the Type A Licence amendment;
- the relevance of the information deficiencies identified in the preliminary assessment of administrative compliance in relation to the processing of this Application;
- Any additional information the parties may require in order to process and evaluate the merits of the amendment requests listed above and in the submitted documentation; and
- Any other matters relevant to the Application and process.

The NWB will assess the documentation and determine whether the Application is complete, or whether additional information and studies will be required to evaluate all quantitative and qualitative effects of the undertaking, in accordance with section 48 of the Act. This assessment will take a minimum of one week to complete the assessment following the submission.

Once the Application is deemed complete by the Board, the NWB will issue notice of the application pursuant to subsection 55(1) of the *Nunavut Waters Nunavut Surface Rights Tribunal Act* (Act). Based on an initial review of your submission, the Application is deemed to be an application for a Type "A" water licence,³ which will require a public hearing in accordance with the applicable provisions of the Act. All public hearing matters will be carried out in accordance

³ Northwest Territories Waters Act Northwest Territories Water Regulations (SOR/93-303), Schedule VI Licensing Criteria for Municipal Undertakings, Column IV Any deposit of waste by means of a sewage collection or treatment system serving a population of 2,000 or more.

with the Board's *Rules of Practice and Procedure for Public Hearing* dated May 11, 2005 (NWB Rules).

Once your application is deemed complete, the following general procedures are followed:

❖ **Notice of the Application**

Notice of the application is made in accordance with subsection 55(1) of the Act. The notice will invite interested persons to make representation to the Board. Parties will be advised that consequences of failure to respond are outlined in section 59 and subsection 60(2) of the Act. Furthermore, the Board will distribute notice to the council of each municipality in the area affected by the application and shall publish the notice in a newspaper of general circulation in the area affected or, if there is no such newspaper, in such other manner as the Board considers appropriate.

❖ **Technical Assessment**

Interested parties will be advised to undertake a detailed technical assessment of the complete application. Parties will be encouraged to work cooperatively to address technical issues during the review period. Generally, the Board provides at least sixty (60) days for technical review in advance of a technical meeting.

❖ **Technical Meeting/Pre-hearing meeting**

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a pre-hearing conference (PHC) with the parties, either in writing, by teleconference, or in person.⁴ Upon commencement of the technical review, the Board anticipates setting a date for a PHC to follow approximately fifteen (15) days after the date for submission of technical reviews. The PHC is typically scheduled to follow a technical meeting contemplated in above.

Following the PHC, a PHC decision will be issued which may outline the technical commitments of the applicant and the administrative and procedural requirements for a public hearing.

❖ **Notice of Public hearing**

Subsection 55(2) of the Act requires at least sixty (60) days notice of a public hearing. Accordingly, once the Board has determined the place, date and time of the hearing, a notice will be published by the Board at least sixty (60) days prior to the commencement of the public hearing in a manner that promotes public awareness and participation in the hearing.

⁴ Rule 14 states: "The Board may through its staff or in conjunction with staff, hold a pre-hearing conference (PHC) with the parties, either in writing, by teleconference, or in person, in order to deal with any of the following matters:

- (a) To set a timetable for the pre-hearing exchange of information;
- (b) To finalize the list of issues to be dealt with at the hearing;
- (c) To identify interested parties;
- (d) To consider the desirability of amending an application for the purposes of clarification;
- (e) To finalize procedures to be followed in a hearing; and
- (f) To consider any other matters that may aid in the simplification and disposition of the application at the Hearing."

If you have any questions or require clarification on the above, please contact the undersigned A/Director of Technical Services at (780) 443-4406 or dts@nunavutwaterboard.org for any technical inquiries, or, Phyllis Beaulieu, Manager of Licensing at (867) 360-6338 or licensing@nunavutwaterboard.org for any procedural inquiries.

Yours truly,

Original signed by:

David Hohnstein, C.E.T.
A/Director Technical Services

Cc: Distribution list
S. Lines, TLA

Encl. Amendment Application
NWB Municipal Status Summary Report