

**NUNAVUT WATER BOARD**  
**Public Hearing**  
**Iqaluit Municipal Water License Renewal**  
November 23, 2000

**Chairperson:** Thomas Kudloo

[TK = Thomas Kudloo

DF = Dionne Filiatrault

JT = John Tidball

SP = Unidentified Speaker]

CN = Chris Nichols

BT = Bill Tilleman

SH = Susan Hardy

ST = Steve Trainor

DS = Doug Sitland

RE = Robert Eno

[Start of Tape 5 - Side A]

LW: Lee Webber. Subject to answering any questions that anyone else might wish to pose to us, yes, that does conclude the presentation.

TK: Thank-you, Mr. Lee Webber. Mr. Chris Nichols, please.

CN: Good afternoon, Mr. Chair. Chris Nichols, Department of Sustainable Development. My question actually relates to just the evidence that's just been entered. The interveners before us had recommended geotechnical inspections and long-term dyke stability inspections, and I was going to ask by whom they should be carried out, to what standard, and what guidelines? And this is a point of information for the Board. The Canadian Dam Association Guidelines, in 1999, would answer a lot of those questions for you. It's a standard that's being adopted throughout much of Canada, and it may be something that may be want to be looked at from a territory-wide point of view, not just for this component that's before us but also other components in Nunavut.

Would you like to answer those three questions?

ST: Steven Trainor, DIAND. I would like to reiterate that in our intervention of page 5 we do clearly state that the dam should be inspected once during the term of the license... sorry, to quote the actual section, here, we do say that the dam be inspected once during the term of the license, during open and high water conditions, by a qualified geotechnical engineer, following the Canadian Dam Association's dam safety guidelines. I don't see any additional information. I hope that answers the question raised by Chris. It's obviously by a qualified geotechnical engineer, and to the Dam Association guidelines. I don't know how much more we could add to that.

- BT?: It would help the audience, I think, and all of us, if we understood that actually the definition of the dam that we're talking about meets the definition of a dam in the guidelines, so perhaps the town could help us... Dionne can explain how "dam" is defined, and I think, to be fair to them, you can say, 'Okay, this meets those standards,' or, 'It does not,' because the threshold is -
- CN: Chris Nichols. Dionne, maybe you want to define also dam and dyke, because I think both of them are specified in it.
- DF: Thank-you, Mr. Chairman. Dionne Filiatrault. In accordance with the Canadian Dam Association dam safety guidelines, "dam" is defined as a barrier which is constructed for the purpose of enabling the storage or diversion of water, water containing any other substance, fluid waste, or fluid tailings, providing such that such barrier could impound 30,000 cubic metres or more, and is 2.5 metres or more in height. The height is measured vertically to the top of the barrier as follows. 1) from the natural bed of the stream or water course at the downstream toe of the barrier in the case of a barrier across a stream or water course. 2) from the lowest elevation at the outside limit of the barrier in the case of a barrier that is not across a stream or a water course.
- BT: Then, Mr. Chairman, the question would be, does Lake Geraldine have 30,000 cubic metres or more of water, and is 2.5 meters or more high from the bottom of the bed.
- BH: Name, please?
- BT: I'm sorry. I work for the Board, Mr. Hanson. My name is Mr. Tilleman. Sorry.
- MH: Yes, Matthew Hough with the municipality. Yes, it does hold more than 30,000 cubic metres, yes, it is higher than 2.5 metres.
- TK: Thank-you.
- CN: Dionne, did you want to define "dyke"? Sorry, Chris Nichols, Department of Sustainable Development.
- DF: Mr. Chairman, Dionne Filiatrault. There is no definition in the guidelines for "dyke". But for dam, it also stipulates that dams are classified as a dam retaining contaminated substances.
- CN: Even if it's... so, does that mean that the current sewage lagoon also classifies as a dam under those guidelines?

MH: Matthew Hough with the municipality. With respect to 30,000 cubic metres and 2.5 metres high, we'd have to take a close look at the schematics of the damn to figure out whether it did actually fall under those two criteria. Specifics.

BT: Mr. Chairman, it's Bill Tilleman. But I don't understand that. You just said a minute ago that Lake Geraldine clearly meets both criteria so that it is classified as a dam. And do you still take that position?

MH: Oh, yes, Mr. Chair. For Lake Geraldine, yes, but for the sewage lagoon - I think that was trying to be defined - I would have to take a better look at it.

TK: Dionne?

DF: Mr. Chairman, Dionne Filiatrault. I can provide some clarification. For the purposes of these guidelines, this definition may be expanded to include dams under 2.5 metres in height, or which can impound less than 30,000 cubic metres, if the consequence of failure would be unacceptable to the public, such as dams with erodable foundation, where a breach could lower the reservoir more than 2.5 metres, and dams retaining contaminated substances.

TK: Thank-you.

CN: Chris Nichols, Department of Sustainable Development. I think that's a matter for the Board's discretion, then, about the tailings dam... sorry, about the sewage lagoon dam.

The next question I guess I have... and I'm not quite clear on this, and maybe the town can answer this. Having recently had an opportunity to look at some of the hazardous... sorry, solid waste management by-laws of the town, it relates to one of Ms Wilson's questions about hazardous household waste round-ups. I think, written into the solid waste management by-laws, there is a stipulation that the town carry out, once a year, a hazardous household waste round-up. I'm not quite sure, but I don't think that's been carried out, at least in the years I've lived here.

MH: Thank-you, Mr. Chair. Just in response to that question. The question should probably be going to the feds, but I'll take it anyway. It has been identified by the Solid Waste Management Steering Committee that we should be doing a better job of these hazardous waste days. Obviously, there are residents in the room who probably don't know that we do actually do this on one day in the summer. A very small news release to the media, and some word of mouth advertising pulls in some material from different contractors.

Having said that, it has already been identified internally that we have to do a better job at it.

CN: Chris Nichols, Department of Sustainable Development. There is an existing by-law?

MH: Mr. Chair, Matthew Hough, with the town, again. It would probably be somewhere embedded in our waste disposal by-law, but I would have to have a look at it, I really would. It's just been a matter of practice that the town has made an attempt at doing this, but has not done a very job, and internally we've recognised that, and we're going to do something about it.

CN: Thank-you. That concludes my questions. Thanks.

TK: Thank-you, Mr. Nichols. Are there any questions from Community Government and Transportation to the joint interveners? Yes, sir?

DS: Thank-you, Mr. Chair. Doug Sitland. Not necessarily a question from Community Government and Transportation. I'm just a little confused as to why we're referring to these 1999 guidelines and not some other guidelines, or the National Building Code of Canada, or whatever. Are these guidelines paramount law, or are there other guidelines that are more appropriate? I guess I'm just wondering why these particular guidelines are so important. If someone could answer?

TK: Mr. Tilleman.

BT: One of the advantages of sitting on the Board is they don't have to answer questions, but I'd be happy to give it a try for you. If there's something that's more relevant than safety guidelines in Canada, produced by the Canadian Dam Association, then let us know. I mean, the advantage of having a hearing like this is we can have everyone in the room at one time, and they can say, 'Yes, this is relevant evidence, because this is the best thing that we have.' It doesn't mean that it's a law enacted by Parliament, but it certainly is a guide, and if you, Mr. Sitland, or anyone else doesn't think that it's relevant, then you need to tell us why. Or, if you think it's been superseded, then you need to tell us by what.

TK: Thank-you, Mr. Tilleman. Mr. Chris Nichols?

LW: Excuse me, Mr. Chair. Lee Webber, Justice Canada. Just before -

CN?: Excuse me, Mr. Webber, (I think the Chair acknowledged me?).

LW: Well, I think I can answer.

CN: Chris Nichols, Department of Sustainable Development. If I might add to what Mr. Tilleman has been saying about the Canadian Dam Safety Guidelines, they have been developed by a group of qualified geotechnical and civil engineers, across Canada, who deal with dam and dam safety as part of their jobs and mandates within certain governments. Several jurisdictions in Canada have moved to adopt these guidelines as the standard for dam safety inspections. Several jurisdictions are moving toward adopting it as legislation. I am not aware of any other such documents that guide dam safety in Canada. Thank-you.

TK: Thank-you, Mr. Nichols. Mr. Lee Webber.

LW: Just a question. Lee Webber. I can't pretend to have any familiarity with the dam safety guidelines, but we had a little bit of discussion a couple of minutes ago about what the exact definitions of dam and dyke were, and whether the Lake Geraldine reservoir dam fit within the definition of dam, whether the definitions would apply to the sewage lagoon. I just really toss out the question, for everybody's consideration, whether much turns on the question, on the issue of whether one or the other of these structures fits within the Guidelines' definition. If the Board decides that Lake Geraldine dam shall be inspected in accordance with these guidelines, it seems to me that we go to the guidelines and have a look at what they say about inspections standards, and we don't have to terribly concern ourselves... concern ourselves terribly much with whether this structure that the Board wants inspected fits within the Guidelines' definition of dam. Thank-you

.TK: Thank-you, Mr. Webber. Are there any other questions? Are there questions from Baffin Health and Social Services to the joint...? Thank-you. Are there any questions from Mr. Marcel Mason to the joint intervention? Thank-you. Are there any questions from Nunavut Water Board resource people? Thank-you. Dionne?

BT: Mr. Chairman, but we're... yes, sir, Bill Tilleman, and the only question is whether or not it would be helpful to have the Trault report that you referred to earlier filed with the Board, because that report might actually help answer a lot of questions that the federal panel have, and if it was done this year, it would be relevant. And so that can be Exhibit #10 if the town agreed. Is it #9?

TK: Mr. Hough.

MH: Mr. Chairman, Matthew Hough, with the town. Two days ago John and I were organising to receive from OMM Trault a full report of not only the work that was done in the project but the subsequent inspections and what was found and what was not found, and their approval of the structure is it exits right now. We asked for that from them a couple of days ago. It was short notice, unfortunately. We were trying to have a pre-emptive strike for this question, because we knew that it was coming. If the Board is so willing to indulge us a few more days, we can definitely submit this, at a later date, to everybody who is interested.

TK: Thank-you.

BT: Bill Tilleman. That's a good idea. The only question... it should be filed within the hearing itself, or else the hearing doesn't close. So, the question is when you close the hearing, and that would include the exhibits and all the evidence. But let's maybe save that to the end of the day, and I'll just make a mental note. We'll raise it again at the closing, and then we'll see where we are.

Thank-you, Mr. Chairman. I don't think the staff have any other questions.

TK: Thank-you. So, have you concluded your presentation?

LW: Lee Webber. Yes, we have, Mr. Chairman. Thank-you.

TK: Thank-you very much. Next presentation will be done by Community Government and Transportation. Before we proceed we will have legal counsel swear you in.

JT: State you name for the record, and spell you last name.

DS: Doug Sitland, d-o-u-g s-i-t-l-a-n-d.

JT: And do you swear that the evidence you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

DS: Yes, I do.

TK: Thank-you.

SH: With the Board's permission, my name is Susan Hardy. I am legal counsel for the Government of Nunavut, and in this proceeding, I'm providing legal service to the Department of Community Government and Transportation, and also to the Department of Health.

What I've been asked to do by these clients is to provide a brief introduction about the powers that the Government of Nunavut exercises that the Board is required to

consider, here, the reason why the particular people are before you that you're going to be seeing today.

First of all, under the *Nunavut Act*, the Government of Nunavut generally has legislative authority given to it, which includes making legislation that deals with municipal and local institutions within the Territory of Nunavut. This is one of the ways that we're very different from Canada, where they have a national agenda.

The specific ways that the Government of Nunavut can legislate is that they can adopt legislation that licenses activity in Nunavut. They can impose fees for licenses, or taxation requirements, that create a revenue from activity in Nunavut that relates to a municipal or local purpose within the territory. The Government of Nunavut can expend funds for territorial purpose through passing legislation to authorise that, and they can also pass legislation about any local or municipal activity that imposes a fine or penalty or punishment in relation to forbidden activity.

The Government of Nunavut also has the authority to delegate to municipalities and to other authorised bodies those same powers that I just described, and the main vehicle for that is the *Cities, Towns and Villages Act*, which happens to be within Mr. Sitland's sphere of authority.

When that happens, then the Government of Nunavut has a role of oversight and dialogue with the municipality with regard to how they carry out those mandates, and what by-laws they issue and what the requirements of those would be.

Specifically, the departments that I'm working with have asked me to give an overview of the legislation that they're responsible for, and this would be in very broad strokes. I can't give you every detail of every tiny mandate, but there's specific existing departmental mandates that were inherited from the Government of the North West Territories through the legislation that Nunavut inherited when it was created.

In Nunavut we also have to always keep in mind the impact of the Land Claim on how the existing legislation is implemented and exercised. Sometimes there are things very differently here than what you would think, because the Land Claim requires it.

So, what Mr. Sitland's department, Community Government and Transportation, is responsible for covers issues such as zoning and planning, which would relate to the siting of any of the facilities that have been discussed here. They would be the

government party that you would have a dialogue with about the lease. They have the oversight, as I mentioned, of the *Cities, Towns and Villages Act*, and the by-laws issued under that act flow through CGT in the process of being approved at the upper-most level.

Incidental to this conversation, Community Government and Transportation also deals with fire prevention and with the *Transportation of Dangerous Goods Act*.

So, those are all mandates that the municipality would want to keep in mind in any activity. In some cases, when the municipality is, for example, proposing an incinerator, but we are not sure yet of the site, there's some concern that there would be issue arise that I wouldn't have mentioned here, but certainly there's generally an authority that deals with that, depending on how things work out.

Instead of coming back to these issues, I'm also going to deal with the mandate of the Department of Health, and some incidental issues. The mandate of the Department of Health is principally set out in the *Public Health Act* as it relates to this proceeding, and there are three specifically-applicable regulations, the general sanitation regulations and the public sewerage systems regulations both specifically require Public Health approval before facilities are operating, or are implemented. The public's water supply regulations also apply.

Now, things like site choices, again, can raise new regulatory concerns. For example, there may be a concern, depending on site choices, that relates to a site that has an impact on an area that has archeological or cultural importance, just for example. That's the kind of thing I'm talking about that we can't predict until we have more details. If that were to occur, then the Department of Culture, Language, Elders and Youth would come in, and one of those land claim authorities would be invoked. It's kind of a dual authority split between the Inuit Heritage Trust and Nunavut Planning Commission. So, you can see that there's an impact, there, with the Land Claim.

Similarly, Mr. Sitland, when he's dealing with planning, works with the Nunavut Planning Commission as well, so there's some overlap there.

The Department of Sustainable Development, obviously, has the environmental protection mandate, and they'll deal with the specifics of that. But there are other permissions and authorities that would be required that the Board wouldn't necessarily



cross over with, for example, Finance and Administration has the *Public Utilities Act*, and Safety and Workers' Compensation, and those kinds of things.

So, those things the municipality can deal with on their own. My purpose here was simply to give you a context in which to understand the people that you'll see from the Government of Nunavut. Mr. Sitland has the main relationship with the municipality, planning, those kind of concerns. Miss Segal, who you'll see later, is the Representative of Health, and so she's dealing with that legislation, and the Sustainable Development people, they have environmental protection as their principal interest.

DS: Thank-you, Mr. Chairman. Doug Sitland. Just for clarity, I thought I would go through my intervention to perhaps clear up any questions that the Board may have, and maybe... so that everyone understands by thinking when I was writing this.

My number one item, there, was the long-term viability of Lake Geraldine. I refer to an RCBL - Reid, Carruthers and Partners Limited - report, which I believe is already in the public record. And what I understand from Mr. Hough this morning, it's not necessarily the town's intention to establish new water sources, but to investigate the long-term viability of the existing facilities, and plan for their improvement, and that's fine with me.

The next item is the integrity of Lake Geraldine dam. Again, I echo the town's comments in that I am personally unaware of any problems associated with the dam. To see an OMM Trault report indicating this I think is reasonable, and as part of any good operations and maintenance plan, I think there should be general inspections of that dam, and I think they would occur annually, but I think that's a... Mr. Hough had mentioned it, it's his intention to come up with what I term life-cycle management operations, and I think that would form part of that. So, again, I'm happy with what the town is proposing there.

The third item is on sewage disposal. I don't want to talk about jurisdiction or things like that, but I'm confident that the town is proceeding on the right tracks with getting the sewage treatment plant operational. The effluent that is supposed to come out of this plant should meet and far exceed, in fact, the effluent criteria that were established in the previous license, and I believe that Mr. Hough did show the waters from last year.

So, again, we're happy with the way this is proceeding. It would have been nice to have it operational, but I don't think it's worthwhile to establish artificial deadlines, say February... well, February 31st would be a little difficult... February 28th, 2001 the plant must be operational. They have to seed this plant, and there's a lot of things that still have to go into getting the plant operational.

The existing solid waste disposal facility... there's been numerous improvements with the way this thing has been operated and maintained. I know that others still have concerns about open burning, but again, to echo the town's comments, it's a necessary evil at this time. And I guess my concern is we're working towards establishing... or, the town is working towards establishing a new method to manage its solid waste, and to impose additional or more strict criteria on the town at this time may sort of put additional pressures on them.

Again, the new solid waste disposal facility, Town Council has voted to go with the incinerator plus, I believe, an engineered landfill option. There is a Council motion to that effect, I believe, and they're doing at it as fast as they can. They're in the process of establishing siting for this, and we are in dialogue on those matters.

Again, in terms of who approves it, I think we'll agree that we all think this is a good idea, and maybe it should be a condition that perhaps the town has to seek approval for whatever they're doing. I don't think that's a problem, and I don't want to get into an argument about who actually approves it, but maybe a review - a design review or a peer review type thing - maybe is the best way to approach that. I'm not too sure.

The next item I had was the closure, abandonment and restoration of existing sites. Again, the town alluded to the number of different sites in the town. Some of them are municipal responsibilities, and they are recommending that they be given to December 31, 2002, and I have no problem with that.

Again, I would like to see a plan to use the existing sewage lagoon as a back-up facility, but again, I think the town needs some time to do all the things that they have to do.

My last point, there, and perhaps the most important point in my letter, in echoing the Mayor's opening comments this morning, the town is growing rapidly, and the town has a lot of things that it has to address. And a lot of those things require capital dollars,

and the town's main source of those capital dollars is the Department of Community Government and Transportation.

We are in the process - in fact, the entire government is in the process - of developing a multi-year capital construction plan, or a five-year capital plan, which addresses not only the needs of Iqaluit but every other community in Nunavut. The problem is that there's only a fixed amount of money, and it's difficult to juggle priorities. So say, for example, the Board were to order the municipality to build an incinerator by October 31st, 2001. That would then mean that they would need the \$6 million or whatever it is by October 31st, 2001, and that would mean that my department would be forced to find a way to fund that, and what that in turn means is that other communities - because it is not currently in the plan - other communities would have to lose out on other projects. So, say, for example, you were to go to Pengertong(?) and order them to build a sewage lagoon by October 31st, 2001, that again is a big snowball effect.

I guess what I'm trying to say is that we're in the process of developing this five-year plan. It will be made public in the very near future, so that everyone will understand the difficulties that the Government of Nunavut is having in meeting all capital needs, not just Community Government and Transportation, but health and education, and sustainable development, all of them, and I would urge the Board to perhaps take this into consideration when they are requesting the town to undertake certain activities.

My last point was on the term of the license, and although I did recommend a three-year term, I'm perfectly open... I'm open to suggestions and willing to compromise.

I do not believe that a one-year term is reasonable. It doesn't offer the town the ability...

[End of Tape 5 - Side A]

[Start of Tape 5 - Side B]

BT: ...Bill Tilleman, and thank-you. We should file, then, your written submission... he has that as #9, but I'm not sure if that's right. Dam Safety Guidelines were #8... is that right, or were they #9? Okay, so I'll have to change this. Let me just pose to the Chair, #7 was... Exhibit #7 was the letter dated November 7th from DIAND, DFO and Environment, so your submission was #7. What was #8? Slides. So then,

Mr. Chairman, #10 would be the written submission of CG&T. Thank-you, Mr. Chairman.

TK: Thank-you, Mr. Tilleman. Okay, does the applicant have questions to the Community Government and Transportation? Do the joint interveners, DIAND, DFO and Environment Canada have questions? Mr. Webber?

LW: Lee Webber. Thank-you, Mr. Chairman. Mr. Sitland, I'd just like to ask you a couple of questions to better understand the significance of this five-year plan. First of all, is there some sort of target date for the release of the plan?

DS: Thank-you, Mr. Chairman. Doug Sitland. Yes, Mr. Webber, I believe that in the current sitting of the Nunavut Legislature, through our various standing committees, these are being reviewed. I'm under the impression that my department is before a standing committee tomorrow afternoon, and then I believe after that it becomes a public document. However, don't... I'm not entirely certain.

LW: But, to summarise, then, you're hopeful - Lee Webber - to summarise you're hopeful it might be a public document within the next few days. I realise that you express some uncertainty as the procedure.

DS: Yes, thank-you, Mr. Chairman, Doug Sitland. Yes, I believe after... if it does become a public document after standing committee, I believe that within the next day or two it should be.

LW: Lee Webber. Mr. Sitland, this plan... I don't want to press you to reveal matters that may be confidential, but if you can, tell us will this plan set out precise allocations, so many dollars for such-and-such a community, or even so many dollars for such-and-such an item within a particular community? Or will it speak in less specific terms? I'm wondering just how much guidance it's going to give for purposes of a proceeding like this.

DS: Thank-you, Mr. Chairman. Doug Sitland. The difficulty with the five-year plan is it shows the government's plan for five years right now. It doesn't show the government's plan for five years tomorrow, or it doesn't show the government's plan for five years yesterday. It will show individual projects with individual budget amounts, but that can change tomorrow, or it can change a year from now to respond to individual departments' needs, or to respond to the priorities of the government. So say, for example, the

government of Nunavut says it wants to build 10,000 housing units, and they make that announcement in a year, then that obviously have an impact on the five-year program that will have been released a year prior. So, it shows projects, and it shows budget amounts for those projects.

Another example is it doesn't show contingencies or emergencies. If, for example, say, Iqaluit builds their sewage treatment plant, and it's running, and all of a sudden it fails, well, our department and the community would have to respond to that failure, and that's not included in the capital plan.

I hope that answers the question.

LW: Yes, thank-you Mr. Sitland. Lee Webber. Thank-you, Mr. Sitland.

Another question... I guess, if the town found itself with a shortage of the necessary dollars from the Government of Nunavut it could also apply for an amendment of any concerned license condition, but in the first instance, would the insertion in the license of a condition requiring, for example, the commissioning of the sewage treatment plant by a particular date, would that, in the first instance, not create a certain pressure on the Government of Nunavut to in fact provide an allocation of moneys for that item in its five-year plan? Or perhaps, for that matter, in an amendment to its five-year plan?

DS: Thank-you, Mr. Chairman. Doug Sitland. I guess my response to that... yes, it would put pressure on departments, and particularly my department, to respond to that, but there are other equally urgent items. For example, we've all heard talk about a road to Manitoba. Is that a priority for the Government of Nunavut and the people of Nunavut. That's a billion dollar venture, and I'm not too sure where that funding comes from. There's emergencies that happen. And also, I think, it also takes away from the MLA's and the Legislature's authority to establish priorities for the government.

LW: Those are my questions. Thank-you, Mr. Sitland.

TK: Thank-you, Mr. Webber. Are there any questions from Department of Sustainable Development? Thank-you. Are there are any questions from Baffin Health and Social Services? Thank-you. Is there any question from Mr. Marcel Mason? Thank-you. Are there any further questions from the floor to the interveners? No. Are there any questions from the Water Board Staff? Dionne?

DF: Thank-you, Mr. Chairman. Dionne Filiatrault. The town, in their presentation this morning, committed to certain plans and certain studies and having certain facilities operational, in some very vague time-frames, spring of next year, and whatnot. Does the capital plan that you refer to, are they going to be able to meet the commitments that they have suggested, and have they been considered in the proposed capital plan?

DS: Thank-you, Mr. Chairman. Doug Sitland. The capital plan... no, it does not. The simple answer is no, and I can't really speak to that. I can speak to what is in this year's 2000/2001 main estimates. There is sufficient fund to necessarily complete the sewage treatment plant, but that is the only project. There is also funding to undertake some of the studies associated with solid waste management, which the town is also undertaking. That's it.

TK: Thank-you.

DS: Excuse me, Mr. Chairman. All of these are also subject to approval, all of these studies that the town is planning, and all that. So, I hope that's clear.

TK: Thank-you. Are there any further questions from the Nunavut Water Board staff? Thank-you.

Thank-you very much. Next intervener who submitted formal interventions is the Department of Sustainable Development. Mr. Tilleman.

BT: My name is -

TK: You've got to be sworn in first.

JT: State your name for the record and spell your last name.

CN: Chris Nichols, c-h-r-i-s n-i-c-h-o-l-s.

JT: Do you swear that the evidence you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

CN: I do.

JT: Thank-you very much. Please spell your name for the record.

RE: Robert Eno, r-o-b-e-r-t, last name spelled e-n-o.

JT: Do you swear that the evidence you are about to give is the truth, the whole truth and nothing but the truth, so help you God.

RE: So help me, God. I swear.

TK: Thank-you. You may proceed.

RE: My name is Robert Eno. I am the Hazardous Substances Specialist with the Department of Sustainable Development, Government of Nunavut. I am... I was going to try to give you a very condensed version of my presentation. I'm still going to attempt to do that. I'm going to stick over some of the things that I don't want to get bogged down in.

We, the Department of Sustainable... rather, the Environment Protection Service of the Department of Sustainable Development derives its regulatory authority from the *Environmental Protection Act*, which essentially says that you should not discharge a contaminate into the environment. The Act applies to the whole of Nunavut. However, by convention and by practice, in agreement with other regulator agencies, our jurisdiction encompasses those lands that fall within Commissioners' lands, and fall under the definition of Commissioners' lands.

The exception to this - and I didn't put it down in my written submission, for which I apologise, so I hope that for the record this will be included in my submission - the exception to the *Environmental Protection Act*, it does not apply to those activities which have been licenses or approved by another territorial or federal government.

That's the story in a nutshell. If anybody wants to sit down with me and talk about the nitty-gritty details of the *Environmental Protection Act*, I'll be happy to talk to people about it.

We have the following comments to offer with regard to the municipality of Iqaluit's current application for the water license. I'm not going to get into the long-term water supply because it's not within our jurisdiction to comment on it, and I think it's already been commented enough sufficiently. I'm not going to get into the dam issue, because I think, again, that's been discussed ad infinitum, and I don't think I have anything to add to it. In any case, I'm not a qualified engineer.

In terms of the new sewage treatment plant, we support the municipality in their efforts to install a modern sewage treatment system. We do, however, request that the water license include a condition that requires the municipality of Iqaluit to submit a status report to the Nunavut Water Board before the system goes on-line, outlining the reasons for the modifications and repairs that have been made to the system.

In my intervention I had also indicated that we wanted to know how these modifications would affect the integrity of the treatment system. I believe that

Mr. Hough has already addressed that. Nevertheless, it would be helpful to have it written down in a submission to the Nunavut Water Board, just for the record.

We also agree with the municipality of Iqaluit that nothing is to be gained by imposing artificial deadlines. I'm pretty-much convinced that they are doing the best that they can to get this thing on-line, and I would rather see a thorough job than a rushed job.

I will leave it up to the Nunavut Water Board to come up with a deadline. I'm not going to recommend a deadline at all. All I recommend is that you be reasonable with the town of Iqaluit, and try to work with them to allow them to be able to meet realistic demands.

The disposal of sewage treatment sludge is an area that still concerns we, and the municipal officials may correct me if I'm wrong, but I don't believe they're intending to conduct pilot scale treatment of the sewage sludge. I'm gathering by their submission that they are just going to try and go ahead and compost it in the dump. That would be the short-term plan.

I've worked on a lot of bioremediation projects, and bioremediation is just another fancy word for composting. I've worked on many of them. I've worked on them at DEW line sites, I've worked on a project myself, which I initiated, at Hull Beach, and I can tell you that it's not straightforward, and before we even embark on bioremediation projects, or composting projects, we actually went and did pilot scale projects. And when I say pilot scale, I'm talking about something as simple as getting a bucket of sludge and testing it out in the lab and seeing what treatment options are available and what's going to work and what's not going to work, and under varying conditions.

So, I still urge the town... or, rather, the municipality of Iqaluit to conduct a pilot scale experiment, rather than to just go ahead and start composting sludge in the landfill site, because nobody knows how that's going to work, and I don't believe the town has a back-up plan if the short-term plan doesn't work. So, I think the time to start thinking about that is right now, not when they're confronted with the problem.

In terms of the integrity of the lagoon dykes, in my submission I indicated that if the municipality of Iqaluit could provide compelling reasons as to why they should not monitor... rather, have the integrity of their sewage lagoon dykes tested, then I'm willing to listen. I believe Mr. Hough provided what appears to be reasonable evidence, and my



only response to that is that if we get it signed off and stamped by an engineer, then our department would accept that.

In terms of the abandonment and restoration of the sewage lagoon, not much to add to it. We had earlier made the suggestion... rather, last year we had made the suggestion that the sewage lagoon be kept in place as a back-up system in case the new system breaks down. And they're doing this. We do believe that when they drain the lagoon - and they've already indicated that when they drain the lagoon they're going to look at the integrity of the dyke and make sure that everything is in place, and it will be an effective back-up system - so I haven't got anything else to add to that.

We're getting into a contentious issue, now, and that's the issue of solid waste. And I believe at the pre-hearing we all agreed that we weren't going to get bogged down or discuss jurisdictional or regulatory matters. And I'm going to mention one aspect of this, because Mr. Tidball made a comment about... I believe you said he does not recognise the Nunavut Water Board's jurisdiction over solid waste management. I just want to put it on record the Department of Sustainable Development disagrees, and I'm going to leave it at that. Like I say, we don't want to get bogged down in jurisdictional issues, it was agreed that we wouldn't. I just want to indicate that we disagree with the municipality of Iqaluit's contention that the Nunavut Water Board does not have jurisdiction over this particular activity.

Having said that, with regard to the status of the new solid waste disposal facilities, we support the municipality of Iqaluit's goal of installing a municipal waste incinerator. We further recommend - and again, perhaps, I'm going to go off on a segue - Mr. Tidball mentioned something about we cannot put recycling and such things in a water license. Some of these suggestions I'm making are suggestions only. They are not intended to be put in the water license as law. If anything, you might want to put it in the water license as a goal, as an objective, but not necessarily something that they must comply with, something that they should strive for. And I don't know whether that's possible or not, but I believe that at water license hearings that I attended many years ago, they were talking about trying to meet certain parameters with respect to sewage lagoon discharges. I believe that one of the technical advisory committee members suggested that instead of putting them down as law that they be put down as objectives.

I'm not suggesting that that be the case for the sewage lagoon, I'm just using that as a general example of perhaps the Water Board could put certain objectives that the town should strive for in the water license.

Back to the solid waste disposal facilities. As I said before, we recommended the municipality of Iqaluit consider incorporating a heat recovery system into the incinerator. It would make the incinerator far more cost-effective in terms of fuel consumption. Our comments with respect to the incinerator should not be interpreted as a blanket approval of the town of Iqaluit's long-term plan, because we haven't seen any details of this plan. We know that they intend to get an incinerator. That's about all we know. I don't know where it's going to be situated, and I don't know what kind of technology they're going to be using. We'll reserve comment on that until we actually see the plan.

We would like to see a plan, and it's in my written submission. We recommend that the water license include a condition that requires the municipality to submit the long-term waste management plan by May 1st, 2001. We do advise that the Nunavut Water Board exercise some flexibility. That is a target date for us. There might be some extenuating circumstances whereby the municipality cannot meet that demand. However, we would like to see some definite time-lines for the construction of this new long-term solid waste facility.

We also further recommend that the municipality of Iqaluit provide regular updates to the Nunavut Water Board, which I assume will be distributed to all the interveners and the people... the regulatory agencies in question. We'd like to see regular updates on where they are in the long-term plan.

With respect to the contingency plan, we applaud the municipality for considering the idea of a contingency plan. It shows forethought, somebody's thinking. It's nice to see. My biggest concern with this is that the current temporary site was supposed to be a temporary site. I believe it was established well over five years ago. It was supposed to have been a short-term plan. Nothing happened. It's still there. The temporary site is more of a... it extended well past the five-year deadline, and we never did see a long-term plan.

I don't bring this up to try and bring up skeletons in people's closets, or playing old records, as a friend of mine used to say, but I just want to express this concern that

we want to make sure that if the municipality of Iqaluit is unable to execute their long-term plan, and they must go back to a contingency plan, that this contingency plan doesn't end up being another long-term plan as the current temporary site has been.

With respect to the operations at the current site, open garbage fires, probably best described as an open wound in this town, they have been a source of aggravation for the public. I received numerous phone calls from the public all summer long about open burning.

I recognise that the town has not got a lot of... they haven't got any options available to them. They have to open burn, otherwise the site's going to fill up, and they'll probably be faced with a worse problem than the dump smoke irritant, which none of us like, but it's something we have to live with until we come up with something better.

We do, however, believe that this problem could have been avoided through better planning. Last year, I remember, at this time, I said I'm looking around me and I'm seeing an entirely different set of faces, now, in regulatory bodies, in the municipality. The only one I recognise is Mr. Hanson and a few people in the Board. We've been through this time and again, and we really would like to see an end to open burning.

For the time being, we recommend the water license direct the municipality to be extremely diligent in monitoring short-term and long-term weather conditions and wind patters before lighting garbage fires. If the conditions become such that smoke drifts into the community, steps should be taken immediately to extinguish the fire, if that is at all practicable.

As a matter of point, the municipality has indicated that open garbage fires achieve an 85% volume reduction. This is 5% below that which is achievable from most state-of-the art incinerators, which I find hard to believe. It's not really... I mean, this is not really relevant to the hearings, I'm just making a point that we disagree with this contention of an 85% volume reduction through open garbage fires.

With regard to hazardous wastes - these are suggestions only - we would like to reiterate a suggestion, or repeat a suggestion we made last year, and which Mr. Mason alluded to earlier in his presentation. We believe that there are a lot of fugitive

discharges of hazardous wastes in this community, either intentional or unintentional, and to be honest, I don't think it's reasonable to expect that the municipality of Iqaluit can monitor each and every one, because I could go out of my house right now, I could take a 45 gallon drum of waste oil, and I could dump it down my drain, and nobody would ever know, unless the sewage pump-out guys were closely monitoring what was coming out of my tank.

However, when it comes to businesses, it's a different animal. The municipality issues business licenses, and it is within their best interests to ensure that before issuing a business license they determine what kind of effluent this business is going to be discharging into the environment, what kind of waste they're going to be generating. I could name a few examples, but I don't want to start centring out businesses here in town as an example, or for special attention, but the municipality would do well to make sure that before they issue a business license that they find out what kind of waste that that business is going to generate.

Under certain circumstances, the proponent should be prepared... or, rather, the business should be prepared to share with the municipality the cost of managing any waste generated by their business, or assume the total burden, depending on what the waste is. It is our department's contention that the proper management of any waste, especially hazardous waste, is part of the cost of doing business. So, in other words, I don't put the entire responsibility in the municipality of Iqaluit's shoulders for managing hazardous waste. I believe, when it comes to businesses, industry should be helping out, as well. It should be assuming some of the burden.

In terms of household hazardous waste, I agree with the statement that Ms Wilson made earlier, Ms Wilson of Environment Canada. The people in town, citizens, have to have a means by which they can dispose of their hazardous wastes. And I believe it's incumbent upon the municipality to provide a vehicle for this. I believe that there are precedents in other parts of Canada. Most municipalities look after that, now. Most municipalities have waste exchange programs. Municipalities, because of the way they're set up, they're the agencies that are best capable of conducting this sort of activity.

Now, having said that, Environment Protection Service is quite willing to assist the municipality. And in fact, if you look in the newspaper this Friday you will see an RFP that our department has issued for the development of a generic plan for the management of hazardous wastes at the municipal level. What we're hoping to do is to produce a document, produce a how-to manual, in other words, that will assist municipal officials and municipal workers to deal with hazardous wastes, manage them properly right from cradle to grave, from the time they come in the fence area to the time they're either shipped out or neutralised and disposed of.

We try to be as proactive as possible. I try to make sure that when I tell people what they can't do I can give them options. So, in this sense, our department is trying to give the municipality some options.

So, I'm hoping this generic plan... I'm hoping that we come up with a decent plan, and something that be used by the municipality.

In terms of recycling, I'm not going to comment too much on that. I believe that the Solid Waste Management Committee is already pursuing this option, and I encourage the town to assist the Committee, in whatever way they can, to look at recycling options.

Disposal of fuel-contaminated materials is something else I wanted to cover, and again this is a suggesting. There are a lot of fuel spills on town, and right now, if you're a private home owner, and you have a tank overturn, you usually end up with probably 50 or 60 cubic yards of contaminated soil, and I've seen it happen before here in town. And if you haven't got a big business with... you know, if you haven't got a lot of money, you might as well just throw a match in your house and get on the plane, because it's going to cost you a fortune. Because, right now, there's no place to put that contaminated soil. You've got to deal with it yourself, and I can tell you that it's very, very expensive.

What I would suggest is that the municipality look into some means by which people can dispose of contaminated soil. And again, as I said with hazardous waste, the municipality does not need to take on the burden themselves. This is something that can be a joint effort between all levels of government and industry in town.

Our department actually produced... or, rather, we contracted out an engineering firm to produce some generic plans for setting up a site to deal with fuel-contaminated

soil, and if the municipality is interested in seeing those plans, and discussing them with us, we'd be happy to pass the information along to them.

In terms of the closure of the waste disposal sites, I haven't really got much to say. I'll probably have more to say when I see the plans and find out exactly what is going to be done with these sites, and when. I think, right now, I would rather see the municipality focus their attention on the immediate problems, the sewage treatment plant and getting a decent long-term solid waste management plan in place.

The suggested time-span... I guess we're being the bad guys. We are recommending a two-year term, for the simple reason that there are two major issues which have yet to be resolved, and that is the sewage treatment system, and the solid waste management facility. We believe it's in the... the public interest would be better served by issuing a two-year license, because as near as I can reckon, this is the only forum available to the public to have any input into the manner in which the municipality operates their infrastructure. So, I believe a two-year license is warranted. I'm sure a lot of people will disagree with me, and it's not set in stone, I'm not going to go home and cry if that doesn't happen, but again, my reasons being that I think the public interest is better served, because this is the only time the public has a chance to have any say in what's going on, and it also means that the municipality has to be extra diligent in how they conduct themselves, because they're answerable to the Board, to the public who attend this meeting.

And this is going to be over, I promise! I have general comments to make, which I'm going to read verbatim, because I can't really condense it any better than this. The municipality of Iqaluit appears to be operating under tremendous pressure. Parts of its infrastructure are in disarray. It almost seems like they haven't caught up with their status as a capital city. It would be very convenient to assign the blame to the municipality for this situation. However, this would not be fair. All three levels of government should have anticipated, when Iqaluit was designated as the capital of Nunavut, that there would be a large influx of people over a very short period of time.

[End of Tape 5]