

NUNAVUT WATER BOARD

Public Hearing for Licence No. 3AM-IQA0612  
Renewal - Amendment Application

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HEARING

VOLUME 1

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Iqaluit, Nunavut

May 4, 2016

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1 Proceedings taken at the Anglican Parish Hall, Iqaluit,  
 2 Nunavut

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4 May 4, 2016

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6 NUNAVUT WATER BOARD

7 N. Mike Chair of Hearing

8 L. Toomasie Panel Member

9 M. Nartok Panel Member

10

11 NUNAVUT WATER BOARD STAFF

12 S. Autut Executive Director

13 D. Hohnstein Director of Technical Services

14 S. Joseph Senior Technical Advisor

15 I. Porter Licensing Administrator

16 B. Kogvik Secretary and Interpreter

17 T. Meadows Legal Counsel

18

19 APPLICANT

20

21 CITY OF IQALUIT

22 M. Hamp Director of Public Works and

23 Engineering

24 P. Clow Project Officer

25 R. Sparham Project Officer

26 D. Lycon Technical Support (Stantec)

1 INTERVENERS

2

3 INDIGENOUS AND NORTHERN AFFAIRS CANADA (INAC)

4 S. Burgess Manager Water Resources

5 S. Forte Water Management Coordinator

6 J. Hack Manager Field Operations

7 K. Landa Department of Justice

8

9 ENVIRONMENT AND CLIMATE CHANGE CANADA (ECCC)

10 B. Summerfield Environmental Assessment

11 Coordinator

12 A. Wilson Head of Water Quality Expert

13 Support Group

14 C. Didham Environmental Enforcement

15 Officer

16

17 DEPARTMENT OF FISHERIES AND OCEANS CANADA (DFO)

18 R. Janusz Senior Fisheries Protection

19 Biologist

20

21

22

23

24

25

26

## 1 INTERPRETERS/TRANSLATORS

2 B. Kogvik Inuktitut Translator

3 M. Hunt Inuktitut Translator

4 D. Cuerrier French Translator

5

6 K. Schumann, CSR(A) Official Court Reporter

7

8 E. Uniuqsaraq Sound Technician

9 E. Cooper Sound Technician

10 G. Metuq Sound Technician

11

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1 (PROCEEDINGS COMMENCED AT 10:09 AM)

2 THE CHAIR: Good morning and welcome to  
3 the public hearing organized by the Nunavut Water Board  
4 for an application filed by the City of Iqaluit to  
5 renew and amend its expired Type "A" Water Licence No.  
6 3AM-IQA0612. This Type "A" Water Licence was issued to  
7 the City for municipal works, activities, and  
8 undertakings on May 15, 2006, with the expiry date set  
9 for May 15, 2011. However, in May '11, the Board  
10 granted an emergency amendment to the City that, later  
11 approved by the Minister in June 2011, extended the  
12 expiry date of licence to July 15, 2012.

13 And my name is Norman Mike, and I am Board member  
14 and the Chairperson of the Panel responsible for the  
15 City of Iqaluit's application to renew and amend the  
16 Type "A" Water Licence.

17 We like to do some opening prayer. Prayer will be  
18 done by Lootie Toomasie.

19 (OPENING PRAYER)

20 Opening Remarks

21 THE CHAIR: On behalf of the Nunavut Water  
22 Board, I welcome you to the City of Iqaluit.

23 Now to provide some background and set the stage  
24 for the Hearing, the Nunavut Water Board, which I shall  
25 refer to as the "Board" or the "Nunavut Water Board",  
26 is an institution of public government created under

1 Article 13 of the Nunavut Land Claims Agreement. The  
2 Nunavut Water Board is responsible for the use,  
3 management, and regulation of freshwater in Nunavut  
4 Settlement Area.

5 The purpose of this public hearing is to review  
6 and discuss the information provided in application  
7 filed by the City of Iqaluit, which I shall refer to as  
8 the "City" or the "Applicant", for the renewal and  
9 amendment of the Type "A" Water Licence that the City  
10 requires to authorize the water use and deposit of  
11 waste associated with their municipal water system, the  
12 landfill, and their sewage system under Nunavut Waters  
13 and Nunavut Surface Rights Tribunal Act and the Nunavut  
14 Waters Regulation. The City of Iqaluit's Type "A"  
15 licence expired in 2012, and this renewal and  
16 amendments application seeks renewal of expired licence  
17 with a few amendments that will be described by the  
18 City in their presentation of the application.

19 In accordance with the requirements of Nunavut  
20 Land Claims Agreement and the Nunavut Waters and  
21 Nunavut Surface Rights Tribunal Act, the Board has  
22 delegated its power to dispose of all matters related  
23 to the renewal and amendments application for Type "A"  
24 Water Licence No. 3AM-IQA0612, including the conduct of  
25 this public hearing to a Panel of the Board, which is  
26 referred to as "Panel P6" or the "City of Iqaluit

1 Panel".

2 Again, my name is Norman Mike, and I will be  
3 chairing this Panel. With me today, as a Member of the  
4 Panel, are the Board Members: Lootie Toomasie on my  
5 right, and on my left is Makabe Nartok.

6 Several staff members who have contributed to the  
7 Nunavut Water Board's administration and technical  
8 review of the application are present along with legal  
9 counsel to the Nunavut Water Board, and I will  
10 introduce the individuals in attendance: Stephanie  
11 Autut, Executive Director; David Hohnstein, Director of  
12 Technical Service; Sean Joseph, Senior Technical  
13 Advisor; Ida Porter, Licensing Administrator; Ben  
14 Kogvik, Secretary and Interpreter to the Board; and  
15 Teresa Meadows with Shores Jardine LLP, Legal Counsel  
16 to the Nunavut Water Board.

17 In addition, we have interpreters available for  
18 simultaneous interpretation in Inuktitut and French:  
19 Ben Kogvik, Secretary to the Board, Mary Hunt, and  
20 Daniel Cuerrier.

21 For audio support, we have with us George Metuq,  
22 Elaina Cooper, Eelei Uniuqsaraq from Innirvik Support  
23 Services Limited. If you experience any difficulties  
24 with your headsets, please let George know, and he will  
25 be able to provide assistance.

26 To ensure we have an accurate record of these



1 proceedings, we have with us a court reporter, Karoline  
2 Schumann, from Dicta Court Reporting Inc.,  
3 Incorporated.

4 To assist our court reporter and interpreters to  
5 provide us with accurate record, I ask that all parties  
6 please state their name prior to speaking, speak slowly  
7 and clearly, and avoid the use of abbreviations as much  
8 as possible.

9 And for housekeeping matters, before I hand over  
10 microphone to the Board Executive Director to provide  
11 an overview of this Applicant [sic] and what to expect  
12 today during this public hearing, there are some  
13 important housekeeping items for everyone here.

14 First, as indicated earlier, there will be  
15 interpretation available throughout the hearing in  
16 English, Inuktitut, and French. Earpieces can be  
17 obtained from the table located just by the door as you  
18 enter the room. Channel 2 broadcasts English, Channel  
19 1 broadcasts Inuktitut, and Channel 4 broadcasts  
20 French. When you are speaking into microphone, please  
21 turn off your earpiece to avoid feedback.

22 Second, the Board will appreciate if everyone,  
23 including the Applicant, interveners, and members of  
24 public sign in on the sheets located at the table as  
25 you come into the hall. This is an important record of  
26 the attendance at the public hearing, and we appreciate

1 your help in making sure it is complete.

2 The washrooms are located on the back left, and  
3 the exits are located at the far right and left of the  
4 hall. There will be coffee, tea, snacks located at the  
5 table along the left side of the hall available  
6 throughout the hearing, during breaks.

7 I would also like to remind everyone to please  
8 turn off your cell phones before we begin.

9 Finally to assist both our court reporter and our  
10 interpreters, please wait to have microphone before you  
11 speak, then state your name, speak clearly and slowly,  
12 and avoid the use of abbreviation. We appreciate your  
13 assistance in making sure your comments are recorded  
14 and the Board's record of proceedings is accurate and  
15 complete.

16 If the media is present, I would like to notify  
17 the participants that the media may be present at this  
18 public hearing, we ask all the members of media sign in  
19 and identify themselves as media to all participants in  
20 attendance at the hearing.

21 I would like to advise parties that CBC, Nunavut  
22 News, has asked to plug into the recording system. If  
23 any of the parties have concern with this request, I  
24 ask that they make such concern known before we  
25 proceed.

26 A reminder of audio, I would also like to remind

1 everyone that while this public hearing is taking place  
2 and following the hearing, until the Board has issued  
3 its decision report for the file, the Board cannot  
4 provide comments regarding the file or the Board's  
5 view. Accordingly, the Board members and the staff  
6 will not discuss the hearing or the matters before the  
7 Board with any of the parties or the media prior to  
8 issuing the Board's decision report to the Minister and  
9 the public.

10 Since the Board cannot comment on pending matters,  
11 either by confirming or denying accuracy or statements  
12 by others, including comments to the media, the Board  
13 would appreciate it if all parties would refrain from  
14 any comments or speculation that may imply a certain  
15 action or decision by the Board.

16 If you have general questions regarding the Board  
17 and its practices or procedures, please speak with  
18 Stephanie Autut, the Nunavut Water Board's Executive  
19 Director, and she will assist you.

20 Prior to identifying and introducing all of the  
21 parties in attendance today, I will turn the microphone  
22 over to the Board's Executive Director, Stephanie  
23 Autut, to provide a summary of the history of the file  
24 in terms of licences issued by the Board to the City,  
25 as well as overview of the renewal and amendment  
26 application that is before the Board.

1           Thank you.   Stephanie.

2   MS. AUTUT:                   Thank you, Mr. Chair.

3   Stephanie Autut, Nunavut Water Board.

4           I will now give a brief overview of the licensing  
5   history for the City of Iqaluit municipal water and  
6   wastewater system that is the subject of this public  
7   hearing.

8           Both the Nunavut Water Board and the previous  
9   water licensing authority in the Territory, the  
10   Northwest Territories Water Board, have issued various  
11   types of licences to the City of Iqaluit to authorize  
12   the use of water for municipal purposes and the  
13   operation of municipal waste and wastewater systems  
14   commencing in 1996.

15          I will give a brief summary of these  
16   authorizations, but for more detail, you can review the  
17   prior licences on the NWB's FTP site. From 1996 till  
18   2012, the City held a succession of four Type "A" water  
19   licences that allowed the City to use 1.1 million cubic  
20   metres of water annually and to deposit waste, both  
21   solid and sewage, in support of a municipal  
22   undertaking.

23          The City also holds two Type "B" licences, and  
24   these licences are largely separate from the Type "A"  
25   licence and involve the use of water and the deposit of  
26   waste in support of the construction of various onsite

1 access roads, water crossings, and quarrying  
2 activities.

3 The last Type "A" licence issued to the City was  
4 Licence 3AM-IQA0611, issued in May 2006, with an expiry  
5 date of May 2011.

6 Prior to expiry of the licence, the City applied  
7 to the Board for an emergency amendment to extend the  
8 term of the licence by one year. The Board granted the  
9 emergency amendment on May 13th, 2011, and the Minister  
10 of Aboriginal Affairs and Northern Development Canada,  
11 as he was at that time, approved the amendment on June  
12 17th, 2011. This allowed for the expiry date of the  
13 licence to be extended to July 15th, 2012, and so the  
14 licence number was updated to 3AM-IQA0612.

15 In July 2012, just days before the expiry of the  
16 licence, the City again applied for an emergency  
17 amendment to extend the licence term by an additional  
18 year, but the Board determined, at that time, that  
19 emergency circumstances did not exist, and the City's  
20 licence expired in 2012.

21 Pre-licensing requirements: Before this renewal  
22 and amendment application could be fully considered by  
23 the Board, the Nunavut Land Claims Agreement requires  
24 that the Applicant have the project proposal reviewed  
25 by the Nunavut Planning Commission for conformity with  
26 land use planning requirements and assessed by the

1 Nunavut Impact Review Board.

2 Land use planning conformity: In October -- on  
3 October 5th, 2012, when the original application was  
4 submitted, the Nunavut Planning Commission issued  
5 written confirmation that the project falls outside the  
6 boundaries of the two approved land use plans  
7 administered by the NPC and did not require a  
8 conformity assessment as a result.

9 Subsequently, on August 12th, 2015, the Nunavut  
10 Planning Commission issued correspondence to the City  
11 of Iqaluit indicating that a project proposal must be  
12 submitted to the NPC for review for all projects  
13 carried out in whole or in part in the designated area  
14 in accordance with the Nunavut Planning and Project  
15 Assessment Act.

16 On August 28th, 2015, the Nunavut Planning  
17 Commission indicated that it understands that the NIRB  
18 issued an approval for the proposal in 2014 and that  
19 there have been no modifications to the project  
20 subsequent to that approval. Consequently, the NPC  
21 clarified that the Commission is not required to  
22 undertake a review of the file as the Nunavut Planning  
23 and Project Assessment Act do not apply.

24 With respect to environmental assessment: On  
25 November 3rd, 2014, the Nunavut Impact Review Board  
26 issued and indicated that the project proposal may be

1 processed without a review under Part 5 or 6 of the  
2 Nunavut Land Claims Agreement, and that NIRB may  
3 recommend specific terms and conditions to be attached  
4 to any approval.

5 Scope of renewal and amendment application:

6 Having met the requirements, these pre-licensing  
7 requirements, the file then progressed to the Nunavut  
8 Water Board. The application that is currently under  
9 review by the Board is for renewal and amendment of  
10 Type "A" Water Licence No. 3AM-IQA0612 issued to the  
11 City of Iqaluit for a municipal undertaking.

12 The scope of the application, which has been  
13 amended several times since the initial version of the  
14 renewal amendment application was submitted in 2012,  
15 now includes the following works, activities, and  
16 undertakings: Withdrawal and use of up to 1,100,000  
17 cubic metres of freshwater annually from Lake Geraldine  
18 for municipal purposes; the upgrading, operation, and  
19 eventual decommissioning of infrastructure used for  
20 managing wastewater at the exiting West 40 wastewater  
21 treatment plant and backup sewage lagoon; the operation  
22 and eventual decommissioning of the solid waste  
23 management facility at the existing West 40 landfill  
24 and associated infrastructure; specific changes to the  
25 monitoring program requirements of the previous  
26 licence; and the renewal of the licence for a ten-year

1 term.

2 City of Iqaluit application documents: The  
3 documentation provided by the City of Iqaluit in  
4 support of this renewal and amendment application is  
5 extensive and was over a four-year period, from October  
6 12th, 2012, to April 7th, 2016.

7 Recognizing that all of this documentation is  
8 available from the Board's website and is available for  
9 a review in detail by anyone wishing to see the Board's  
10 registry for the file, I am not going to go through a  
11 list of all the application documents but have  
12 highlighted the key documentation received to date.

13 The 2012 submission included a water licence  
14 application, which included the final signed water  
15 licence renewal application form dated October 2012; a  
16 cover letter regarding the application for the renewal  
17 of Water Licence 3AM-IQA0611, dated November 1st, 2012;  
18 a cover letter regarding the application for renewal of  
19 Water Licence 3AM-IQA0611, dated November 2nd, 2012; an  
20 executive summary in English; an executive summary in  
21 Inuktitut; application appendices; and a 2011 annual  
22 report and appendices.

23 A copy of the final NIRB application and  
24 associated attachments for the 2013 submissions  
25 included City of Iqaluit response to the Nunavut Water  
26 Board, April 8th, 2013 letter, regarding application



1 for water licence renewal; Lake Geraldine water balance  
2 assessment dated 2013; City of Iqaluit letter to the  
3 NIRB requesting extension for requested additional  
4 information, dated August 27th, 2013; Iqaluit Waste  
5 Management Project newsletter #3 dated 2013; Iqaluit  
6 annual monitoring report for Water Licence Monitoring  
7 Program-2012; letter from the City of Iqaluit to the  
8 NWB regarding the City of Iqaluit outstanding items  
9 submission, dated August 30th, 2013; City of Iqaluit  
10 quality assurance and quality control plan, dated March  
11 2013, which included a City of Iqaluit 2007 water  
12 licence annual reports, City of Iqaluit 2008 water  
13 licence annual reports, and monthly general monitoring  
14 reports, June, July, September, October, and December  
15 of 2012.

16 The 2014 submissions included a City of Iqaluit  
17 solid waste management plan; West 40 landfill  
18 decommissioning technical memorandum, dated January  
19 2014; City of Iqaluit landfill operations and  
20 maintenance manual; dated January 2014; and City of  
21 Iqaluit solid waste management plan, dated January  
22 2014.

23 2015 submission included a cover letter regarding  
24 confirmation of submission and scope for Type "A" Water  
25 Licence No. 3AM-IQA0611, dated March 2nd, 2015;  
26 Appendix A, list of appendices considered under the

1 application; Appendix B, supplementary water supply  
2 study dated August 2014; letter from the City of  
3 Iqaluit dated November 13th, 2015, in response to  
4 Environment Canada technical intervention; letter to  
5 the City of Iqaluit, dated November 13th, 2015, in  
6 response to Aboriginal Affairs and Northern Development  
7 Canada technical intervention; and letter from the City  
8 of Iqaluit, dated November 13th, 2013, in response to  
9 DFO technical intervention.

10 2016 submissions included the City of Iqaluit's  
11 presentation for the technical meeting and prehearing  
12 conference scheduled for its application; City of  
13 Iqaluit changes to monitoring proposed by the City of  
14 Iqaluit; copy of AANDC and Environment Canada  
15 inspector's direction, fourth quarter update 2015; copy  
16 of Environment Canada inspector directions, dated March  
17 5th, 2013; scope clarification of renewal application  
18 for Water Licence No. 3AM-IQA0612; recommendations  
19 regarding management plans submitted for the City of  
20 Iqaluit water licence application, Commitment Number 5;  
21 City Iqaluit landfill fire emergency update; addendum  
22 to the landfill operations and maintenance manual to  
23 include current sampling program; additional  
24 information regarding historical use of Lake  
25 Geraldine's drainage channel; identification of offsite  
26 sampling point locations down-gradient of the West 40

1 landfill; response to Nunavut Water Board's  
2 recommendations regarding management plans submitted  
3 for the City of Iqaluit water licence application;  
4 proposed changes to Schedule C of expired Licence  
5 3AM-IQA0611 and monitoring program; licence, unofficial  
6 copy with edits; location of wastewater treatment plant  
7 outfall in relation to the ordinary high tide mark;  
8 copy of letter from DFO Lake Geraldine drainage  
9 channel, Iqaluit, Nunavut; additional information  
10 regarding historical use of Lake Geraldine; and the  
11 City of Iqaluit's public hearing presentation.

12         With respect to the application procedural  
13 history, I'm going to provide you with a brief overview  
14 of the procedural history for the application that is  
15 presently before the Board, which highlights the major  
16 procedural steps in the Board's processing of the  
17 amendment application which are as follows: On October  
18 12th, 2012, the NWB acknowledged receipt of an  
19 application to renew and amend the City of Iqaluit's  
20 water licence. On October 29th, 2012, the NWB  
21 acknowledged receipt of the City's application fees.  
22 On November 21st, 2012, the NWB requested that the City  
23 of Iqaluit cancel, withdraw, or provide guidance as to  
24 whether an amendment application filed with the Board  
25 in 2006 should be considered as part of the renewal and  
26 amendment application or whether it should be

1     withdrawn.

2             On April 8th, 2013, the NWB issued correspondence  
3     outlining outstanding deficiencies associated with the  
4     application. On July 5th, 2013, the NWB and the City  
5     of Iqaluit held a teleconference to discuss matters  
6     related to requirements to complete the application and  
7     other process issues. On July 8th, 2013, the NWB  
8     issued correspondence outlining the commitments made by  
9     the parties during the teleconference. On July 25th,  
10    2013, the City of Iqaluit provided correspondence to  
11    the Nunavut Impact Review Board, which outlined the  
12    timelines by which the City intended to submit  
13    outstanding requirements to the NIRB. On September  
14    27th, 2013, the City of Iqaluit filed an addendum to  
15    the City's water licence renewal application. On  
16    October 21st, 2013, the NWB further acknowledged  
17    receipt of the application and commenced a preliminary  
18    technical review and completeness check with the  
19    deadline for submission set for November 8th, 2013.  
20    November 8th, 2013, the NWB received a submission on  
21    completeness from Aboriginal Affairs and Northern  
22    Development Canada. On December 11th, 2013, the NWB  
23    issued follow-up correspondence to the City of Iqaluit  
24    regarding outstanding requirements while informing the  
25    City of its commitment to address those requirements.  
26             On January 31st, 2014, the NWB received from the

1 City of Iqaluit copies of some of the outstanding  
2 documents required for the application. From January  
3 to November 2014, the NWB suspended further processing  
4 of the application until the Nunavut Impact Review  
5 Board assessment process was completed and all  
6 outstanding deficiencies with the water licence  
7 application were addressed. On November 3rd, 2014,  
8 NIRB issued its decision indicating that the proposal  
9 may proceed to the licensing stage.

10 On March 10th, 2015, following receipt of  
11 additional information, NWB issued acknowledgment  
12 receipt and commenced another preliminary technical  
13 review and completeness check for the application with  
14 a deadline for submission set for March 31st, 2015.  
15 March 31st, 2015, Environment Canada, as it then was,  
16 requested and was granted an extension to the  
17 submission deadline. On April 15th, 2015, NWB received  
18 submissions on completeness from Aboriginal Affairs and  
19 Northern Development Canada and Environment Canada on  
20 or before April 15th, 2015. May 28th, 2015, NWB issued  
21 notice and commenced a full technical review of the  
22 application with the deadline for submission set for  
23 July 5th, 2015. June 30th, 2015, Environment Canada  
24 requested and was granted an extension to the comment  
25 deadline. July 10th, 2015, NWB received technical  
26 review submissions from Aboriginal Affairs and Northern

1 Development Canada, the Department of Fisheries and  
2 Oceans Canada, and Environment Canada on or before the  
3 extended deadline for submissions. July 23rd, 2015,  
4 NWB received correspondence from the City of Iqaluit  
5 indicating that the City would respond to interveners'  
6 comments on November 13th, 2015. August 10th, 2015,  
7 NWB issued follow-up correspondence requesting that the  
8 City respond to interveners' comments as soon as  
9 possible and not delay until November the 13th, 2015.  
10 November 13th, 2015, the City of Iqaluit provided  
11 responses to the technical review comments provided by  
12 Aboriginal Affairs and Northern Development Canada, the  
13 Department of Fisheries and Oceans Canada, and  
14 Environment Canada. November 27th, 2015, Aboriginal  
15 Affairs and Northern Development Canada provided  
16 additional comments regarding the City of Iqaluit's  
17 response to AANDC's information requests. December  
18 4th, 2015, NWB provided notice of the Board's intention  
19 to hold a technical meeting and prehearing conference  
20 in person in the City of Iqaluit during the week of  
21 January 11th to 15th and distributed for public  
22 comments or feedback a copy of the draft agenda for the  
23 City of Iqaluit technical prehearing conference.  
24 December 11th, 2015, NWB additional comments from the  
25 Department of Fisheries and Oceans Canada related to  
26 the City of Iqaluit application, technical meeting,

1 community session, and prehearing conference. December  
2 14th, 2015, Aboriginal Affairs and Northern Development  
3 Canada provided correspondence addressed to the City of  
4 Iqaluit regarding AANDC's second reply to comments on  
5 the City of Iqaluit's water licence; NWB distributed  
6 final agenda for the technical meeting, community  
7 session, and prehearing conference for the City of  
8 Iqaluit water licence and confirmed the dates of the  
9 sessions to be January 13th and 14th, 2016.

10 January 13th and 14th, 2016, NWB held a technical  
11 meeting and prehearing conference in Iqaluit for the  
12 City water licence renewal and amendment application.  
13 February 2nd, 2016, NWB received a copy of the City of  
14 Iqaluit proposed changes to monitoring requirements.  
15 February 19th, 2016, the NWB issued a prehearing  
16 conference decision report and notice of the public  
17 hearing in English and Inuktitut. On March 30th, 2016,  
18 the NWB received Environment and Climate Change  
19 Canada's intervention in respect of the application.  
20 On April the 8th, 2016, NWB received INAC's final  
21 written submission regarding the application. On April  
22 15th, 2016, NWB distributed the television and radio  
23 advertisements for the public hearing and distributed  
24 follow-up correspondence for the public hearing. April  
25 22nd, 2016, the NWB received a copy of the City of  
26 Iqaluit's public hearing presentation.

1           Complete information related to the procedural  
2   history of the application in the file is included on  
3   the NWB's public registry, which can be accessed  
4   through the Board's website.

5           I will now move on to a list of issues to be  
6   addressed at the public hearing as identified in the  
7   prehearing conference decision.

8           Number 1, the scope of the licence: Not including  
9   a new quarry, new landfill, and alternative water  
10   source, the Apex River, at this time; amendments to the  
11   original scope of 3AM-IQA0612 to reflect current site  
12   conditions, including the completion and or reclamation  
13   of existing structures.

14          Number 2, the term of the licence; ten-year term  
15   now sought by the Applicant.

16          Number 3, plans for future use of emergency  
17   measures infrastructure, including projected water  
18   treatment, discharge of treated water, and management  
19   of residuals.

20          Number 4, compliance: The status and  
21   consequential amendments.

22          Number 5, discussion of general amendments and  
23   revisions to terms and conditions of the expired  
24   licence.

25          Number 6, fisheries issues: Lake Geraldine and  
26   streams.



1           Number 7, management plans and reports, including  
2   content of plans, updates to plans, and approval of  
3   plans.

4           Number 8, the monitoring plan, including updates,  
5   amendments, and new requirements.

6           And Number 9, the closure and reclamation  
7   planning, including updates to abandonment and  
8   restoration plans and sediment management and runoff  
9   management ponds, including establishing depth of  
10   sediment and sediment quality in existing ponds.

11          If I have missed any written submissions of any  
12   intervener, please let me know.

13          So that, Mr. Chair, takes us up to the  
14   commencement of the public hearing, and I'll turn the  
15   microphone back to you for the remainder of the opening  
16   remarks.

17   THE CHAIR:                   Thank you, Stephanie, for  
18   getting us caught up on the history of the file that is  
19   before us.

20          I'll move on to Number 4, identification and  
21   introduction of the parties. I would like to now move  
22   forward to a roll call, and I will begin the roll call  
23   with the Applicant, the City of Iqaluit.

24          The City, if I can have you introduce to -- the  
25   people who will appearing on your behalf during this  
26   hearing.

1 MR. HAMP: Thank you, Mr. Chair. My name  
2 is Matthew Hamp. I'm the Director of Public Works and  
3 Engineering for the City of Iqaluit, and I'm  
4 representing the City in its application today.

5 MR. CLOW: Hi, I'm Paul Clow. I work  
6 with the Engineering Department with the City of  
7 Iqaluit, and I'm here to help Matthew with this  
8 process.

9 MR. SPARHAM: I'm Richard Sparham. I'm with  
10 the City of Iqaluit as well, and I'm here to take notes  
11 and make some observations for future needs.

12 MR. HAMP: We have a fourth person coming  
13 this afternoon; his flight was delayed. It's David  
14 Lycon from Stantec, who's just providing technical  
15 support during the meeting.

16 THE CHAIR: Thank you. And now I ask the  
17 intervening parties to introduce their representatives.  
18 Indigenous and Northern Affairs Canada?

19 MR. BURGESS: Thank you, Mr. Chairman. My  
20 name is Scott Burgess. I am the Manager for Water  
21 Resources for Indigenous and Northern Affairs Canada.

22 MS. FORTE: My name is Forte. I'm the  
23 Water Management Coordinator with Indigenous and  
24 Northern Affairs Canada.

25 MR. BURGESS: Also with us, behind me, we  
26 have Justin Hack, who is the Manager for Field

1 Operations and also the Water Resources Officer for  
2 this file. And joining us later today on the phone  
3 will be Ken Landa from the Department of Justice, and  
4 he will be calling in from Yellowknife.

5 THE CHAIR: Thank you. Next Environment  
6 and Climate Change Canada, ECCC?

7 MR. SUMMERFIELD: Thanks. My name is Bradley  
8 Summerfield. I'm an environmental assessment  
9 coordinator with Environment and Climate Change Canada,  
10 and with me today I have Anne Wilson, who is the head  
11 of our water quality expert support group, and Curtis  
12 Didham, who is an environmental enforcement officer.  
13 Thanks.

14 THE CHAIR: Thank you. Third, Department  
15 of Fisheries and Oceans Canada intervener?

16 MS. AUTUT: Stephanie Autut with the  
17 Nunavut Water Board. Thank you, Mr. Chair.

18 It's our understanding that representatives of the  
19 Department of Fisheries and Oceans Canada have been  
20 delayed due to a flight cancellation yesterday, so  
21 we're expecting them late morning or early afternoon  
22 today, and they'll acknowledge and introduce themselves  
23 accordingly.

24 THE CHAIR: Thank you. And I overheard  
25 that there's going to be one person on teleconference  
26 later, one of the interveners.

1           If there are any interveners not mentioned who  
2       would like to speak during the hearing, please identify  
3       yourself.

4           And let's move on, Number 5, introduction of  
5       elders and their role in the hearing. It is our  
6       tradition to give respect to our elders; therefore, at  
7       any time during the proceeding, an elder may speak to  
8       the Board about the application that is before us.

9           Are there any members of the general public who  
10      would like to identify themselves and provide a  
11      presentation to the Board during the public hearing?  
12      No? None.

13          Are there any representatives from agencies,  
14      associations, et cetera, who have not submitted  
15      intervention but would like to speak? None.

16          Before proceeding with the hearing, I would like  
17      to request that if you haven't already done so, all  
18      parties and attendees please register and sign in with  
19      Ida Porter, Nunavut Water Board Licensing  
20      Administrator, at the side table located at the  
21      entrance.

22          And Number 7, identification of any motion and  
23      objection. Before we begin with our presentation of  
24      the application, are there any motions or objections in  
25      relation to this renewal and amendment application that  
26      is before the Board?

1           Seeing no objections or motions from the floor, we  
2           will now proceed with Item 8 of the agenda, the  
3           presentation by the Applicant.

4           We'll have a 5-minute break to get things ready  
5           and wrap up after. Thank you.

6           (ADJOURNMENT)

7           THE CHAIR:                               Hello again. I guess we'll go  
8           ahead on Number 8, "Presentation by Applicant", City of  
9           Iqaluit.

10          Presentation by the Applicant, City of Iqaluit

11          MR. HAMP:                               Thank you, Mr. Chair. Thank  
12          you, Board.

13          My name is Matthew Hamp, Director of Public Works  
14          and --

15          THE CHAIR:                               Hold on.

16          MS. MEADOWS:                           Thank you, Mr. Chair. Teresa  
17          Meadows, legal counsel for the Nunavut Water Board.  
18          Thank you, Mr. Chair.

19          It is my understanding that Mr. Hamp will be  
20          proceeding with this -- with the presentation for the  
21          City, and I would like to have the witnesses sworn in,  
22          so if I can have the witnesses state and spell their  
23          name for the record, please.

24          MR. HAMP:                               My name is Matthew Hamp,  
25          spelled M-A-T-T-H-E-W, H-A-M-P.

26          MR. CLOW:                               My name is Paul Clow, P-A-U-L,

1 C-L-O-W.

2 MS. MEADOWS: Thank you.

3 MATTHEW HAMP, PAUL CLOW, Affirmed

4 MS. MEADOWS: Thank you, Mr. Hamp.

5 It's my understanding that you have the presentation  
6 materials that you will be presenting today, which  
7 include a hard copy PowerPoint presentation that is in  
8 English and Inuktitut, and also too, you will be making  
9 reference to a table that has -- that has been provided  
10 in hard copy at the table and is entitled "Table 1",  
11 and it is available -- "Table 1 Changes to Schedule C  
12 and Monitoring Program", and we have copies of that in  
13 English, in French, and in Inuktitut. And I propose to  
14 file these as the first exhibits in this public  
15 hearing.

16 Do you have any additional materials that need to  
17 be filed as exhibits at this time?

18 MR. HAMP: No, there are no further  
19 exhibits. I just want to clarify that the presentation  
20 is also translated in French in the hard copy.

21 MS. MEADOWS: My apologies. Teresa  
22 Meadows, legal counsel for the Nunavut Water Board.

23 Sorry, I don't have my glasses on, didn't see the  
24 French translated copies as well.

25 Thank you, Mr. Chair. I would be marking these as  
26 the next four exhibits in this public hearing. You may

1 proceed.

2 EXHIBIT 1 - Hard copy PowerPoint presentation  
3 by the Applicant, City of Iqaluit, for the  
4 Nunavut Water Board Public Hearing May 4-5,  
5 2016 (Inuktitut, English, and French)

6 EXHIBIT 2 - Hard Copy titled "Table 1 -  
7 Changes to Schedule C and Monitoring Program"  
8 (Inuktitut)

9 EXHIBIT 3 - Hard Copy titled "Table 1 -  
10 Changes to Schedule C and Monitoring Program"  
11 (French)

12 EXHIBIT 4 - Hard Copy titled "Table 1 -  
13 Changes to Schedule C and Monitoring Program"  
14 (English)

15 THE CHAIR: Thanks, you can go ahead now.

16 MR. HAMP: Thank you, Mr. Chair. I'll  
17 give a brief, hopefully brief anyway, presentation of  
18 the City of Iqaluit's water licence application. I  
19 think we've gone through most of the details of the  
20 history, so I'll just speak to what the application is  
21 now.

22 So what is the City of Iqaluit applying for? It's  
23 a water licence renewal, and the purpose of the renewal  
24 is to allow the use of inland water and the deposition  
25 of waste into inland water.

26 For use of water, raw water would be obtained from

1 Lake Geraldine. That's the community's source of  
2 freshwater, and we're proposing a maximum annual  
3 withdrawal of 1.1 million cubic metres, and that water  
4 is treated at the City's water treatment plant and  
5 distributed throughout the city through pipes and truck  
6 services. Treatment and distribution though is not  
7 regulated by the Water Board; it falls under the  
8 Government of Nunavut Department of Health, just as a  
9 clarification for everybody.

10 So if you look at the map here, probably a little  
11 tough to see for those in the back, but Lake Geraldine  
12 is identified on the map just north of the city and the  
13 water treatment plant sort of central to the map, and  
14 there's some other landmarks there to give people an  
15 idea of the location. So City Hall is also nearby the  
16 water treatment plant -- so Lake Geraldine is being  
17 pointed out on the map right now, and the water  
18 treatment plant with the marker is on now. So the  
19 other landmarks shown are the Arctic Winter Games  
20 arena, which is on the way to Apex, and the City Hall  
21 in the centre of the city.

22 For deposition of waste to water, the City has a  
23 few facilities that involve this. One is the treatment  
24 of wastewater from our piped distribution system and  
25 trucked system that's at the wastewater treatment  
26 plant, which is located at the West 40. That treated



1 wastewater is discharged into Kojesse Inlet, and we're  
2 hoping to have this covered with the licence. However,  
3 there has been some discussion of how that's to be  
4 regulated, but as the application stands, this is what  
5 we're presenting to the Water Board.

6 So the wastewater treatment plant, if you look on  
7 the map here, is located towards the West 40 lands,  
8 which are to the west of the city, past the airport,  
9 and then the discharge is into the inlet directly from  
10 the plant.

11 The other facility that involves deposition of  
12 waste to water is at the West 40 landfill. The City of  
13 Iqaluit collects and contains and treats discharges of  
14 landfill runoff from that landfill, and that runoff is  
15 again discharged into Kojesse Inlet.

16 So just as a sort of brief overview of how that  
17 works, essentially water -- or rainwater, snow that  
18 collects on the landfill is impounded in some  
19 containment structures, so a small pond, where it is  
20 treated and discharged on an annual basis.

21 Just to give an idea where that landfill is,  
22 again, it's in the West 40 area of Iqaluit, which is  
23 east and south of the community towards the causeway.

24 So to summarize, our requested scope on behalf of  
25 the City of Iqaluit is a proposed maximum annual  
26 withdrawal of freshwater from Lake Geraldine of 1.1

1 million cubic metres; the upgrade, operation, and  
2 eventual decommissioning of the wastewater treatment  
3 plant, and the backup sewage lagoon; the operation and  
4 eventual decommissioning of the West 40 landfill  
5 surface runoff collection system; and several changes  
6 to the monitoring program, which I'll pass over to Paul  
7 to go through in detail what those changes are or what  
8 we are requesting.

9       So Paul -- I apologize there, it's a little bit  
10 later in the presentation, so this is to summarize what  
11 we are proposing.

12       And then a ten-year licence.

13       So getting into the details of the requested scope  
14 for the proposed maximum annual withdrawal of 1.1  
15 million cubic metres of freshwater from Lake Geraldine,  
16 this is not a change from the previous water licence.  
17 The City intends to request an increase to the maximum  
18 annual withdrawal from Lake Geraldine when an amendment  
19 is submitted for the supplementary water source, which  
20 we'll be working on in 2016.

21       For the upgrade operation and eventual  
22 decommissioning of the wastewater treatment plant and  
23 backup sewage lagoon, this request has not changed from  
24 the previous licence. However, the City is in the  
25 midst of plans to upgrade the wastewater treatment  
26 plant before December 31st, 2018, and that has to do

1 with a directive from Environment Canada.

2 The City meets with Environment Canada and  
3 Indigenous and Northern Affairs on a quarterly basis to  
4 discuss the progress of this project, so it is reviewed  
5 by two other agencies -- or there's oversight by two  
6 other agencies.

7 Also included in the requested scope, as  
8 mentioned, is the operation and eventual  
9 decommissioning of the surface water runoff collection  
10 system for the West 40 landfill. Again, this doesn't  
11 change from the original water licence. It's still the  
12 same surface water runoff collection system. The City  
13 is working on developing a new solid waste management  
14 site and will submit an amendment to the licence at a  
15 later date, so, eventually, this site will be closed  
16 and very soon hopefully, and when a new site conceptual  
17 design is completed, we'll submit an amendment to the  
18 licence.

19 So for the changes to the monitoring program, now  
20 I will pass it to Paul to detail what those changes  
21 are.

22 MR. CLOW: So I tried to get the table  
23 out to everybody sitting here today, and if you have  
24 not received the table I'm about to go through, it is  
25 sitting on the table at the entrance.

26 So the City is requesting numerous changes to the

1 monitoring program based on Schedule C of the expired  
2 licence. Within the table, you can see the stations  
3 that are provided, and that is -- those stations come  
4 from the expired licence, and I'm just going to follow  
5 along for each station.

6 So for Station IQA-01, which is the raw water from  
7 Lake Geraldine, there has been a change to this, I  
8 apologize. However, the City would like to change what  
9 is provided in this table and is -- and would like to  
10 submit semiannually, twice per year, the sampling  
11 monitoring or the sampling results from Lake Geraldine  
12 based on the parameters that are existing in the  
13 previous licence. So it would not change anything to  
14 do with the parameters; however, it would change the  
15 timing and the number of submissions that would be made  
16 to the Nunavut Water Board.

17 IQA-02, which is the effluent from the sewage  
18 lagoon, the City is requesting a removal of parameters  
19 from Schedule C of Licence 3AM-IQA0611. These  
20 parameters are the chlorinated alkanes and the LC50  
21 bioassay. We are not requesting any additions, and  
22 we -- the testing frequency would be intermittently,  
23 basically during our decants.

24 Station IQA-03, the influent to the sewage lagoon,  
25 the City is requesting the removal of the requirement  
26 from this licence, the testing requirement from this

1 licence.

2 IQA-04, effluent from the wastewater treatment  
3 plant, the City is asking for a removal of parameter --  
4 or of the chlorinated alkanes and the LC50 bioassay.  
5 We are requesting an addition is to use the procedure  
6 for pH stabilization during the testing of acutely  
7 lethal wastewater effluent to Rainbow Trout;  
8 EPS1/RM/50, after the wastewater treatment plant has  
9 been commissioned for a secondary treatment; and if the  
10 single concentration bioassay test fails and un-ionized  
11 ammonia test -- and un-ionized ammonia is less than or  
12 equal to 1.25.

13 The required testing frequency prior to the 2018  
14 upgrade in commissioning would be quarterly, and the  
15 testing frequency after the wastewater treatment plant  
16 commissioning would be monthly for all parameters  
17 except for the acute lethality test; that would be  
18 completed annually, and, like I said, all other  
19 parameters would be completed monthly.

20 IQA-05, the influent to the wastewater treatment  
21 plant, again the City is requesting a removal of the  
22 chlorinated alkanes and the LC50 bioassay. We are not  
23 requesting any additions. Testing frequency would be  
24 completed semiannually, twice per year, prior to the  
25 commissioning of the secondary phase of the wastewater  
26 treatment plant, and once that commissioning is

1 completed, we would ask for the removal of this testing  
2 from the water licence.

3 IQA-06, the City is -- which is the sludge from --  
4 that is generated from the wastewater treatment plant.  
5 The City is not requesting any removals or additions.  
6 However, we are requesting the frequency of testing  
7 before and after the upgrade to the wastewater  
8 treatment plant to be completed quarterly.

9 IQA-07, surface water entering the West 40  
10 landfill, we are requesting that this be removed from  
11 the licence completely. The West 40 landfill has a  
12 perimeter berm structure, and the only water entering  
13 the landfill is through precipitation.

14 IQA-08, which is the final discharge point from  
15 the West 40 landfill, we are not requesting any  
16 removals or additions to the parameters, and the  
17 testing frequency would be intermittently during our  
18 decants from our retention pond.

19 IQA-09, we are requesting -- or, sorry, the  
20 contaminated soils accepted at the West 40 landfill, we  
21 are requesting the removal of this testing from the  
22 licence. The City does not accept any contaminated  
23 materials at the landfill. There is an alternate  
24 facility in Iqaluit that accepts contaminated  
25 materials.

26 There is one addition that -- to this

1     scheduling -- or to this schedule, which would be  
2     the -- which would be the testing of runoff on the  
3     outside of the perimeter berm from the West 40  
4     landfill. This was provided in commitment letter --  
5     excuse me here for a second -- this was provided in our  
6     commitment letter February 5th, 2016, the  
7     identification of offsite sampling port and locations  
8     downgrading of the West 40 landfill.

9             In that letter, the City provided two sampling  
10    points. One is basically upstream from the south  
11    portion of the landfill, and one is right at the end of  
12    the south portion of the landfill. We are requesting  
13    that this be added to the licence, and this would be  
14    sampled within -- had the same parameters as the final  
15    discharge point from the West 40 landfill and will be  
16    tested annually.

17            Thank you.

18    MR. HAMP:                             Thank you, Paul.

19            So finally, as part of the requested scope, the  
20    City of Iqaluit is requesting a licence term of ten  
21    years, and the principal reason for this is that, with  
22    the limited resources available to the City, it becomes  
23    quite an administrative burden to have a shorter term.  
24    We find we're into applying for a new licence almost as  
25    soon as the last one's expired, so -- and we feel that  
26    that could be a benefit as well to all the other

1     intervening parties. So any changes during that term  
2     can be filed through the amendment process.

3             So just a point of clarification for what is  
4     outside of the scope, and this has come up a few times  
5     during this process, in 2014, the City's landfill  
6     caught fire, and there was a water management process  
7     to follow in putting out the fire. To that end,  
8     Indigenous and Northern Affairs allowed the City to  
9     construct some infrastructure in order to manage that  
10    runoff from the fire as part of an emergency measures  
11    allowance.

12            So moving forward in the treatment and discharge  
13    of that water contained from the fire, which is  
14    currently contained in the infrastructure associated  
15    and built for that purpose, it's still covered under  
16    that allowance, that emergency measures allowance, by  
17    Indigenous and Northern Affairs. So there is existing  
18    oversight, and the City's requesting that that not be  
19    part of the licence.

20            There is an intent to apply for an amendment in  
21    order to keep the infrastructure, but there's time  
22    that's needed to develop a plan about how we would use  
23    that infrastructure. So we work through treating and  
24    discharging under the oversight of Indigenous and  
25    Northern Affairs and Environment Canada and work out a  
26    plan for how to use that infrastructure in the future



1 as part of normal landfill operations, which would be  
2 applied for under an amendment.

3 So in summary, the City of Iqaluit is requesting  
4 the Nunavut Water Board approve a ten-year licence that  
5 incorporates the submissions received by the City of  
6 Iqaluit to date, with any future infrastructure planned  
7 to be covered under amendments to that licence.

8 Thank you.

9 THE CHAIR: Thank you. I think we'll do  
10 the question after lunch and come back at 1:15 and  
11 adjourn the meeting now.

12 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
13 Meadows, legal counsel for the Nunavut Impact -- or  
14 Nunavut Water Board. Oh, what day is this? How can  
15 you tell I was just in hearings for the Nunavut Impact  
16 Review Board?

17 Thank you, Mr. Chair. It's my understanding that  
18 the technical expert that will be supporting the City  
19 of Iqaluit in their response to technical questions has  
20 also been delayed in terms of arriving, and we are also  
21 awaiting the Fisheries and Oceans Canada representative  
22 as well, so it may be an opportune time to break for  
23 lunch and come back at 1:15, and hopefully, those  
24 parties will be able to join us. Thank you, Mr. Chair.

25 THE CHAIR: Thank you, Teresa. See you at  
26 1:15, I guess. Thank you.

1

2 PROCEEDINGS ADJOURNED UNTIL 1:15 PM

3

4 THE CHAIR: Good afternoon, welcome. From  
5 this morning, we'll start off where we left, and we're  
6 going to swear in your consultant, City of Iqaluit.  
7 And, Teresa.

8 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
9 Meadows, legal counsel for the Nunavut Water Board.

10 If I can have the witness state and spell his name  
11 for the record, please.

12 MR. LYCON: My name is David Lycon, and  
13 last name is spelled L-Y-C-O-N. .

14 DAVID LYCON, Sworn

15 MS. MEADOWS: Thank you, Mr. Chair.

16 It's also my understanding, Mr. Chair, that we  
17 have, joining us by teleconference today, Ken Landa,  
18 who is legal counsel with the Department of Justice and  
19 legal counsel for the Federal representatives that are  
20 here today. So perhaps I can get confirmation that  
21 Mr. Landa is on the phone line.

22 MR. LANDA: It's Ken Landa here.

23 THE CHAIR: I guess we'll move on, and  
24 we'll proceed to questions to the Applicant by the  
25 interveners, members of public, and the Nunavut Water  
26 Board staff, and Nunavut Water Board Panel Members.

1           Are there any question from Environment and  
2   Climate Change Canada?

3   Questioning of Applicant, City of Iqaluit

4   MS. WILSON:                   Thank you, Mr. Chair.   It's  
5   Anne Wilson with Environment and Climate Change Canada.

6           I just have one point of clarification, and I  
7   thought that INAC was going first, so I wasn't as ready  
8   on it.   It's with respect to the changes of the  
9   monitoring program, so if you want to get that table in  
10   front of you, and it's IQA-08.

11          The terms of the expiring licence state that any  
12   time you're going to do a discharge from the landfill,  
13   you will put in a report, you'll see what the best  
14   treatment options are, you'll propose effluent quality  
15   criteria and compliance monitoring.

16          I was just wondering if there are broad lists of  
17   parameters that are already defined for that, and what  
18   the -- have you had to use that yet, and how would you  
19   determine the quality of the discharge?

20   MR. SPARHAM:                Thank you, Mr. Chair.

21          The parameters that we have followed through the  
22   term of the expired licence were followed by the 2008  
23   water monitoring program that was submitted to the  
24   Water Board, I believe, in 2008, June 2008.   Those are  
25   the parameters that we followed, and I believe those  
26   have also been discussed in the water quality

1 management report that was completed by QE that was  
2 provided during the technical meeting, and we will be  
3 continuing -- and so those would be the parameters.

4       However, we will be continuing the treatment  
5 process and the -- completing the treatment process and  
6 the -- following the discharge criteria that will be  
7 developed as part of the landfill treatment process for  
8 the emergency fire, because we'll be using the same  
9 equipment throughout that for the next phase of  
10 treatment or the next years of treatment.

11 MR. HAMP:                   I'd just like to sort of  
12 follow up with that. So essentially what we have now  
13 is infrastructure in place to deal with the water --  
14 runoff water from the emergency measures, and that's  
15 going to handle all of the water coming off the site  
16 this year.

17       Moving forward, we intend to issue an amendment  
18 application to include that infrastructure as part of  
19 the licence. The challenge at this point is that we  
20 don't have that long-term plan in place yet to do that,  
21 but during this, the course of this year, as we follow  
22 the emergency measures to conclusion, we'll be able to  
23 develop that long-term plan, that annual treatment and  
24 discharge, and be able to submit the amendment  
25 application on that basis.

26       So I guess I just wanted to sort of clarify that

1 aspect of the application.

2 MS. WILSON: Thank you for that. And,  
3 Mr. Chairman, I'd like just a couple more questions, if  
4 I may.

5 So to confirm then, Clause E-17, which had been a  
6 reference point for that particular discharge, would  
7 need to be amended and updated for different effluent  
8 quality for the emergency measures discharges and then  
9 a subsequent update going forward when you use that  
10 routinely for any further discharges; do I have that  
11 correct?

12 MR. HAMP: What we're suggesting is that  
13 the emergency measures, the emergency discharge, is  
14 covered as part of an existing understanding with  
15 Indigenous and Northern Affairs, and that it not be  
16 included in the licence at this time because we're in  
17 discussion with Environment and Climate Change Canada  
18 and Indigenous and Northern Affairs on that emergency  
19 measures.

20 So we feel that there's already an oversight in  
21 place for that one discharge that we intend to do this  
22 summer, and that, moving forward, certainly, we would  
23 expect to have something in an amendment suggesting  
24 discharge criteria that were appropriate for an annual  
25 discharge from the landfill.

26 Just one thing to add to my previous statement is

1     that one of the things that we had discussed during our  
2     technical meetings was investigating the possibility of  
3     rerouting landfill water through the proposed new  
4     wastewater treatment plant, to treat it through that  
5     process. So the City has currently awarded a design  
6     contract to design that wastewater treatment plant in  
7     order to meet our December 8, 2018 deadline with  
8     respect to completing the wastewater treatment plant  
9     project.

10           And part of that process will be investigating  
11     whether it's feasible to reroute water from -- that's  
12     impounded from the landfill through the wastewater  
13     treatment plant. So it gives us another option for  
14     ensuring that we're complying with discharge criteria.  
15     And that would be submitted as part of an amendment  
16     application as well, if that's the route that we choose  
17     to go.

18     THE CHAIR:                     Before we go again, can you  
19     state your name that I forgot to mention in the  
20     beginning, just to get the record?

21     MS. WILSON:                    Thank you, Anne Wilson, and I  
22     do know better.

23           Thank you, that was helpful. I have a couple of  
24     general questions, just because this is a little bit of  
25     a different situation, with the wastewater treatment  
26     plant being -- having the oversight, as you put it,

1 under the inspector's direction to come into compliance  
2 with the Fisheries Act, what would the City's  
3 expectation or understanding be of the role of the  
4 water licence in providing any review of the design  
5 documents or circulating information to the public for  
6 that?

7 MR. HAMP: I would expect that the role  
8 might be an advisory role or perhaps review, but not in  
9 the sense of completing the design being contingent  
10 upon a review of -- from any other regulatory agency.

11 We feel that, given the fact that the -- there's a  
12 number of professional engineers that will be involved,  
13 that their professional liability will be on the line  
14 for designing a properly functioning treatment plant,  
15 that an extra layer of review is not necessary for  
16 that.

17 And anyway, that's the expectation I guess from  
18 the City is that we share any documents that any of the  
19 agencies would like to see, but we wouldn't necessarily  
20 expect that we would wait for a stamp of approval from  
21 the agency.

22 THE CHAIR: Thank you. Any more question?  
23 Go ahead.

24 MS. WILSON: Thank you. Anne Wilson.

25 You just led right into my next question there.  
26 Would the City be willing to make a commitment to post

1 the quarterly update reports to the Nunavut Water Board  
2 public registry? And this is just in the interest of  
3 having information available to all the other parties  
4 to this licence.

5 MR. HAMP: Absolutely. I don't think  
6 that should be a problem for the City, as long as, of  
7 course, Environment and Climate Change Canada is okay  
8 with it as well and Indigenous and Northern Affairs,  
9 because we're all part of the same meeting. So from  
10 the City's part, there's no issue with that.

11 MS. WILSON: Anne Wilson, thank you. That  
12 was all.

13 THE CHAIR: Thank you. I guess I'll move  
14 on to INAC. We'll move on to next intervener's  
15 question, and we like to welcome Indigenous and  
16 Northern Affairs representative. Please say your name.  
17 Thank you.

18 MR. HACK: Hello, My name is Justin Hack  
19 with Indigenous and Northern Affairs Canada.

20 So regarding the emergency measures related to the  
21 discharge from the two ponds that were constructed  
22 related to the fire that had happened in 2014, as a  
23 point of clarification, we -- the Department has given  
24 the City of Iqaluit the right to use water associated  
25 with emergency measures, but the discharge of waste  
26 from those facilities is not allowed under the Act.



1 There's no measures that an inspector can provide to  
2 the City of Iqaluit for the discharge of a waste into  
3 inland waters. If the waste is to be discharged into  
4 marine waters, it falls outside of the jurisdiction of  
5 the Nunavut Water and Surface Rights Tribunal Act, and  
6 I just wanted to make that note as a point of  
7 clarification.

8 MR. HAMP: If I could just follow up to  
9 that comment. The current plan with respect to the  
10 emergency discharge is to treat the water and then,  
11 subject to approval, by Environment and Climate Change  
12 Canada, based on the criteria that we've discussed with  
13 them, we would discharge directly to a marine  
14 environment.

15 THE CHAIR: Any more questions regarding  
16 the Applicant? And, first of all, could I -- can you  
17 say your name to answer, thank you.

18 MS. FORTE: This is Sarah Forte with INAC,  
19 we have no further questions.

20 THE CHAIR: Thank you, INAC, and we'll  
21 move on to members of the public. Any questions,  
22 comments to Applicant? I guess not.

23 And we're going to -- I think Makabe stated he had  
24 questions -- or, our Board staff, sorry, will raise the  
25 question. Can you say your name please? Thank you.

26 MR. JOSEPH: Thank you, Mr. Chairman. Yes,

1 we have a number of questions for the City of Iqaluit.  
2 Sean Joseph, NWB.

3 So the first question, we noticed during the  
4 City's presentation that little or no mention were made  
5 of the changes or the amendment to the licence terms  
6 and conditions as shown in the mock-up document that  
7 the City submitted following a prehearing conference.  
8 Could the City elaborate somewhat on those amendments  
9 and changes that it provided in the mock-up?

10 MR. CLOW: Paul Clow with the City of  
11 Iqaluit.

12 Just to clarify, did you want me to go through,  
13 point by point, of all the changes to the model of the  
14 expired water licence?

15 MR. JOSEPH: Sean Joseph, NWB.

16 Yes, it would be helpful if we can get the -- a  
17 copy of it on the screen and go through it line item by  
18 line item and, in doing so, provide the rationale as  
19 well, because the Board needs to get a clear indication  
20 as to what the City is requesting here.

21 MR. HAMP: This is Matthew Hamp for  
22 the -- can you --

23 THE CHAIR: I think Teresa wants to add a  
24 comment.

25 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
26 Meadows, legal counsel for the Nunavut Water Board.

1           Perhaps we can take a couple minutes to get it up  
2   on the screen, so that we can project it so that  
3   everyone here can see what we're talking about. So if  
4   you'll bear with us just for a couple of minutes,  
5   Mr. Chair, we'll get it up on the screen so everyone  
6   can see what we're talking about.

7   THE CHAIR:                            Okay, a short 2 minutes.

8   Thank you.

9   (ADJOURNMENT)

10   THE CHAIR:                          Go ahead. Indicate your name,  
11   please.

12   MR. CLOW:                            Paul Clow with the City of  
13   Iqaluit.

14           To start, we'll go through, obviously, line by  
15   line, following this -- the Word document here. So the  
16   first point is Water Use Number 2, raising Lake  
17   Geraldine dam by 2 metres to meet overwinter storage  
18   capacity. That was completed in 2016; therefore, it's  
19   done. It doesn't really need to be in this licence.

20           Again too with Water Use Point 3, extension of the  
21   two berms adjacent to Lake Geraldine dam and  
22   reconstruction of a new berm, this was also completed  
23   with that same project in 2006. This was also  
24   completed with that project in 2006, so, therefore,  
25   does not need to be covered under this current licence.

26           Solid waste management, Point 4, landfill

1 expansion into the northern adjacent site and the  
2 West 40 site landfill, again, that was completed under  
3 the last licence and, therefore, does not need to be  
4 part of this current licence.

5 Improved -- or Number 7, improved drainage works  
6 at the West 40 landfill, again, that was completed  
7 during the last term of the licence and, therefore,  
8 does not need to be included in this -- the new  
9 licence.

10 Number 8 under "Solid Waste Management",  
11 management and operation of current and future waste  
12 facilities; future waste facilities will be dealt with  
13 through an amendment and will be included at that time.  
14 It is the City's opinion that the operation of the  
15 actual landfill is inside of the licence constraints,  
16 and the actual -- the management of the runoff and the  
17 water is what is -- should be regulated within the  
18 water licence. So we could amend that to the  
19 management and operation of the water management  
20 structures for the West 40 landfill.

21 Wastewater management, Number 10, the removing of  
22 upgrading. The reason behind that would be the --  
23 again, it is the City's opinion that the water licence  
24 is only there to regulate the end-of-pipe discharge,  
25 and how the City gets to the end-of-pipe discharge is  
26 our responsibility to meet the criteria set out within

1 the licence, and therefore, the actual upgrading of the  
2 plant we do not believe should be included in the water  
3 licence.

4 And again, would be the same comment for Number 11  
5 under "Wastewater Management Construction", again, we  
6 do feel that it's just the end-of-pipe discharge, and  
7 the construction of the actual plant is not -- should  
8 not be included in the water licence.

9 The construction -- or Number 12, our  
10 construction, operation, and maintenance and monitoring  
11 of a sludge management facility; this facility is  
12 inside the landfill perimeter berm structure, and the  
13 operation of the sludge management facility, we  
14 believe, is outside the water licence. The City does  
15 contain any runoff within the landfill, and as I stated  
16 earlier, we would be -- we could amend Point 8 to also  
17 include that, that would be the management of the  
18 runoff retaining structures for the West 40 landfill.

19 And Number 14 under "Wastewater Management", the  
20 City did not really understand the Point 4, the  
21 contingency measures and wastewater and landfill  
22 management; therefore, we thought it was just a point  
23 that didn't really need to be there.

24 Part B under "General Conditions", number 3(a) and  
25 (b), this was completed under the last term, and this  
26 report has been submitted to the Nunavut Water Board,

1 and, therefore, we believe it does not need to be  
2 included in the current water licence.

3 Number 5, we just need to ensure that those  
4 numbers are the updated numbers for Indigenous and  
5 Northern Affairs, and obviously, there's a section  
6 there, but we should update the actual name of  
7 Indigenous and Northern Affairs as well.

8 Number 6, the removal of one signed paper copy of  
9 all reports. Just based on logistical constraints, we  
10 feel that an electronic submission should suffice for  
11 any submissions to the Nunavut Water Board, and the  
12 City is -- the City will basically retract the next  
13 removal and will leave that in the current water  
14 licence.

15 Part D, Number 4, the licensee shall ensure that  
16 the rate of water withdrawal is such that fish do not  
17 become impinged on the screen. The City does not pump  
18 from Lake Geraldine to the water treatment plant. It  
19 is a gravity-fed pipe, therefore, controlling the  
20 actual rate of discharge. It's just based on gravity,  
21 and the City does not have the control for pumping to  
22 the water treatment plant.

23 Number 5 under part (d), the licensee shall  
24 undertake a dam safety inspection of the Lake Geraldine  
25 reservoir between July and September biannually  
26 starting in 2008; the final report should be submitted

1 to the Board. We believe that this report should just  
2 be submitted with the water licence annual report. And  
3 the City actually completes these annually based on the  
4 dam safety guidelines. We are required to complete the  
5 DSI annually for the -- under the dam safety  
6 guidelines.

7 Number -- or part (d), Number 3, the City just  
8 believes that this section needs to be updated based on  
9 the requirements set forth through the technical  
10 meeting and the public hearing discussions.

11 And Number 4, the City is requesting that the  
12 testing requirements that were presented in Schedule C  
13 and changes to Schedule C and monitoring program and  
14 letter dated February 5th changed the LC50 test to the  
15 acute lethality test.

16 Number 6, the current O&M manual is still relevant  
17 for the wastewater treatment plant, and the City will  
18 provide a new operation and maintenance manual for the  
19 upgraded wastewater treatment plant upon commissioning  
20 of that plant.

21 Number 7, the City has submitted the final  
22 assessment of the sludge management project to the  
23 Board during the last -- during the term of the expired  
24 licence, and therefore, we believe that this should be  
25 removed.

26 Number 8, the City -- again, just to follow the

1 same timeline for the DSI for the Lake Geraldine dam,  
2 the City is requesting that the DSI for the lagoon be  
3 submitted with the annual report. However, the City is  
4 maintaining the DSI is to be completed on a biannual  
5 basis, every two years, to follow along with the dam  
6 safety guidelines that we're required to follow as  
7 well.

8 Number 9 -- or, sorry, Number 10, under "Solid  
9 Waste", the licensee shall submit to the Board a review  
10 of a long-term solid waste management plan. This was  
11 submitted in 2014, and therefore, we believe that this  
12 should be removed from the current licence.

13 Again, too, Number 11, the licensee shall  
14 implement an approved solid waste management facility  
15 operation and maintenance manual. Again, that was  
16 submitted in 2014, and we believe that this needs to be  
17 removed from the -- from this licence.

18 Number 17, the City, at least nine days prior to  
19 any proposed release, discharge, or transfer of  
20 leaching from the West 40 landfill, the licensee shall  
21 submit to the Board for approval a report prepared by  
22 an engineer that will include a minimum of discussion  
23 of available treatment options, proposed discharge  
24 criteria in relation to the proposed discharge  
25 locations, and discharge volumes and a monitoring  
26 program.



1           The City believes that this can be achieved  
2   through one monitoring program that the City will  
3   follow for all treatment of the waste -- or of the  
4   landfill runoff, and therefore, a separate submission  
5   each time for the landfill runoff would be cumbersome,  
6   and, therefore, we are requesting that this be removed.

7           Part (f) under "Water Supply", Number 8, this  
8   was -- the final design and drawings completed by an  
9   engineer to be submitted to the Water Board within 30  
10   days for the Lake or -- Lake Geraldine raw water  
11   storage phase 2, this was the construction of the raise  
12   of the dam, and, therefore, it was completed in 2006,  
13   and, therefore, we believe that this should be removed  
14   from the water licence.

15          Again, the Number 9, the dam safety review, raw  
16   water storage phase 2 upgrade. This was in relation to  
17   the increase in the dam height, and, therefore -- which  
18   was completed in 2006, and, therefore, we believe that  
19   this item -- or this clause should be removed from the  
20   water licence.

21          Under "Solid Waste", Number 10, the drainage  
22   improvement management design drawings have been  
23   submitted under the term of the expired water licence,  
24   and, therefore, we believe that this should be removed  
25   from the water licence.

26          The designs for the northern expansion for the

1 West 40 landfill were submitted during the last licence  
2 period, and, therefore, we believe that this should be  
3 removed from the current licence.

4 And the sludge management facility was also  
5 submitted during the term of the last licence, and,  
6 therefore, we believe that this should be removed from  
7 the current water licence.

8 Under "Wastewater", Number 13, the final design  
9 for the rehabilitation of the west berm of the sewage  
10 lagoon, again, this was completed and submitted during  
11 the last term, and, therefore, we believe that this  
12 should be removed from the water licence.

13 And Number 14, final design for phase 1 of the  
14 wastewater treatment plant. This was submitted and  
15 should be removed from -- or submitted during the last  
16 revision and should be removed from this new water  
17 licence.

18 Part (g), Number 1, there's just a few -- we would  
19 like to just have a few small revisions just to ensure  
20 that it covers the raw water reservoir and not our  
21 treated water storage tanks, as those are regulated  
22 through the Government of Nunavut Public Health.

23 Part (h), Number 1, this is just to include a new  
24 date for the updated spill contingency plan.

25 And Number 2, we would like to remove the sewage  
26 list station contingency plan and just add it to the

1    entire spill contingency plan; that will cover all City  
2    facilities.

3           So part (i), Number 4, the licensee shall submit  
4    to the Board the approval of the monitoring program for  
5    water supply, wastewater treatment plant, and West 40  
6    landfill site. The City is asking -- or different  
7    dates for each facility. The City is just asking to  
8    remove this and insert the monitoring -- or the  
9    Schedule C of the monitoring program, the chart that  
10   was presented earlier, and just refer to that one for  
11   the monitoring program.

12           Number 7, the City has submitted the quality  
13   assurance quality control plan, so, therefore, we are  
14   asking -- or we submit it as part of the last term of  
15   the licence, and, therefore, we are asking for it to be  
16   removed from this licence.

17           Number 14, the licensee shall increase sampling  
18   frequency if results of such sampling indicate effluent  
19   quality requirements provided in Part (c) have exceeded  
20   or as requested by the Board or directed by any  
21   inspector. We're just asking to remove this prior to  
22   the upgrade of the -- or the commissioning of the  
23   secondary treatment phase for the wastewater treatment  
24   plant. Upon completion -- or upon substantial  
25   completion or commissioning of that plant, we would  
26   definitely include that clause. And there, I guess,

1 just make it conditional on the completion of the  
2 second phase of the wastewater treatment plant.

3 Part (j), Item 1, the submission of a conceptual  
4 abandonment and restoration plan for the West 40  
5 landfill; that conceptual plan has been submitted in  
6 2014, I believe, along with the other waste management  
7 submissions, and, therefore, we believe that should be  
8 removed from the licence.

9 The City is just -- Number 3, under Part (j), the  
10 City is asking for a change to this clause, and the  
11 licensee shall submit to the Board for approval one  
12 year before the West 40 landfill will be fully  
13 decommissioned.

14 The City is in the process of following the  
15 decommissioning plan, which is going to be completed in  
16 numerous steps, removing metals, certain hazardous  
17 wastes, and all that stuff, and therefore, by saying  
18 it's fully decommissioned, would be at the stage where  
19 we actually cap the landfill and go through that  
20 process and fully decommission it; so, therefore, we  
21 would say that the -- the one year before the West 40  
22 landfill would be fully decommissioned.

23 Number 8, Part (j), we're asking for -- the  
24 licensee to submit to the Board for approval six months  
25 following notification of final closure of final  
26 abandonment and restoration plan completed by an

1 engineer. We're asking to remove that; we feel that is  
2 already covered by Clause 3 under Point (j), where we  
3 would submit the one year prior to the final -- one  
4 year prior, we would submit to the Board for approval a  
5 final abandonment and restoration plan one year before  
6 we fully decommission the West 40 landfill.

7 And I believe I have covered all the points under  
8 the Licence 3AM-IQA0611. Thank you.

9 THE CHAIR: Thank you. Sean, any more  
10 Board questions?

11 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
12 Meadows, legal counsel for the Nunavut Water Board.

13 I just wanted to clarify for all the participants  
14 here and the City of Iqaluit, in particular, that the  
15 Board's jurisdiction is slightly different than sort  
16 of -- or our view is slightly different than was stated  
17 in the overview that you provided in terms of your  
18 comments on the draft licence.

19 So for the clarity of all the people here, the  
20 Board does not licence individual water uses and waste  
21 deposits but, rather, an undertaking and the water uses  
22 and waste deposits associated with that undertaking.

23 In this particular case, the undertaking that is  
24 being licenced is defined as a municipal undertaking  
25 under the Nunavut Waters regulations, and that  
26 definition states that: (as read)

1           A municipal undertaking is a waste disposal  
2           or water system for a municipality.

3       So the view of the Water Board in terms of its  
4       jurisdiction comes from that legislation and the  
5       definition of the undertaking. So we may take a  
6       slightly different view than you do in terms of the  
7       jurisdiction of the Board and what exactly is being  
8       licenced under this licence. So I just wanted to put  
9       that on the record for the clarity of all the parties  
10      that are here.

11           Thank you, Mr. Chair. I will be quiet now and  
12      allow the technical staff to do their work. Thank you.

13      THE CHAIR:                      Thank you, Teresa.

14           Sean, more questions, comments?

15      MR. JOSEPH:                     Thank you, Mr. Chairman. I'm  
16      Sean Joseph, NWB.

17           We have two follow-up questions with regards to  
18      the presentation that the City of Iqaluit just  
19      provided. The first one has to do with Part (h), Items  
20      1 and 2.

21           So the City indicated that its preferred approach  
22      when it comes to deal with these two conditions would  
23      be to amalgamate the spill contingency plans. What  
24      we'd like to know from the City is what sort of  
25      timeline would the City be able to provide with such an  
26      amalgamated spill contingency plan.

1 MR. HAMP: This is Matthew Hamp, City of  
2 Iqaluit.

3 Based on a letter submitted to the Water Board  
4 February 5th, 2016, as a result of the technical  
5 meetings in the prehearing conference in January, the  
6 City has committed to providing that updated plan  
7 within 180 days of issuance of the licence.

8 THE CHAIR: Go ahead, Sean.

9 MR. JOSEPH: Thank you, Mr. Chair. Sean  
10 Joseph, NWB.

11 The next question that we have for you has to do  
12 with Part (f), Item 9, the dam safety review.

13 Basically the City indicated that it wants this  
14 condition to be removed from the water licence.  
15 However, in the annual report, the latest annual report  
16 provided by the City, it indicated that the City would  
17 be continuing to do dam safety reviews; is that  
18 correct?

19 MR. CLOW: Paul Clow with the City of  
20 Iqaluit.

21 The dam safety guidelines require the City to  
22 complete a dam safety inspection annually and a dam  
23 safety review, which is a much more in-depth process,  
24 every five years. So, therefore, we, whether it be  
25 included in the -- we don't want to remove Point A of  
26 Section (f).

1           That -- it was under the understanding of the City  
2   that that was completed as part of the raise of the dam  
3   in 2006 to complete that. So whether we go back to the  
4   section that included the dam safety inspection, that  
5   we provide a dam safety inspection annually with the  
6   annual water inspection report and every five years, we  
7   would not complete -- or every fifth year, we would not  
8   complete a dam safety inspection. However, we would  
9   complete a dam safety review, which is a much more  
10  in-depth review and which would also be submitted with  
11  the annual report, as we would with the DMC inspection.

12  THE CHAIR:                   Thank you, City of Iqaluit.

13  We will move on to a few more questions.

14  MR. HOHNSTEIN:               Thank you, Mr. Chair. David  
15  Hohnstein, Nunavut Water Board.

16           I just want to go back to I think it was Part 4  
17  (d) -- Part (b) for the -- it was a comment to remove  
18  the water withdrawal? Part 4(d), Item 4 -- it was with  
19  regards to the comment that you made regarding the  
20  pumping and it's a gravity feed system.

21           Okay, and thanks.

22           I was just curious, maybe it's my own curiosity or  
23  understanding, just what controls are there for the  
24  water if it's a gravity-feed system rather than a  
25  pumping system?

26  MR. HAMP:                   This is Matthew Hamp, City of



1 Iqaluit.

2 The control is a simple valve, so it's essentially  
3 a gravity flow from the reservoir to the plant, the  
4 water treatment plant, and we have control whether it  
5 flows or not flows. So it's sort of an on/off  
6 situation, as opposed to how fast it comes in, so we're  
7 just relying a hundred percent on gravity flow to enter  
8 the plant.

9 And just to clarify, it's a 16-inch pipe diameter  
10 that leads from the reservoir to the plant with valve  
11 control.

12 MR. HOHNSTEIN: Thanks very much. David  
13 Hohnstein, Nunavut Water Board.

14 Thanks very much for that. I was just curious. I  
15 wasn't sure if it was, you know, similar to a bathtub,  
16 where you can pull the plug and everything would drain  
17 out, and you know what controls there are, you know, as  
18 far as safety and contingencies should valves fail, are  
19 they mechanical, are they electronic, you know, that  
20 sort of thing. Just curious on that end.

21 MR. HAMP: This is Matthew Hamp, City of  
22 Iqaluit.

23 So there's an electronic control valve on the  
24 inside of the plant, so that's the primary control.  
25 Then there's a manual control valve at the dam, and  
26 there's also a bypass that's, I believe, half the

1 diameter, it's an 8-inch bypass that -- in case there's  
2 problems with the main gravity, we can still bypass  
3 through and maintain water in the 8-inch line.

4 MR. HOHNSTEIN: Thanks very much. Thanks,  
5 Mr. Chair. That's all my questions.

6 THE CHAIR: Thank you. Any more  
7 questions? Sean, go ahead.

8 MR. JOSEPH: Thank you, Mr. Chair.

9 The next question we have for the City of Iqaluit  
10 has to do with the monitoring stations. The City  
11 presented a table, Table 1, outlining changes to  
12 Schedule C and the monitoring program, and we noted,  
13 from that table, that two particular sets of monitoring  
14 stations were absent, which is IQA-01(#) and IQA-08(#).  
15 Could the City comment on the absence of these  
16 stations?

17 MR. HAMP: This is Matthew Hamp, City of  
18 Iqaluit.

19 With regards to Station IQA-01(#), so the City's  
20 viewpoint on this is that it's a superfluous point, and  
21 it's actually potentially just a holdover from a  
22 previous licence perhaps or an error that was added to  
23 the previous licence, because these -- the other  
24 discharge points -- sorry, the other sampling points  
25 seem to cover what was intended by that.

26 And in terms of IQA-08(#), I'll just let Paul

1 explain it based on a conversation with Indigenous and  
2 Northern Affairs.

3 MR. CLOW: Paul Clow with the City of  
4 Iqaluit.

5 So IQA-08(#), it was determined that we would  
6 basically use that sampling station and provided just a  
7 regular number.

8 For the sampling point locations outside the  
9 landfill that was discussed in the February 5th, 2016  
10 letter to the Nunavut Water Board for the  
11 identification of offsite sampling point locations,  
12 down-gradient of the West 40 landfill, these two  
13 locations were discussed with Indigenous and Northern  
14 Affairs, and I believe that we came to an agreement of  
15 the two locations for these, and will be further --  
16 based on the letter, will be further identified once  
17 the snow melts, and we're able to access those  
18 locations and provide a GPS location to the Board to  
19 add to the licence at that time.

20 MR. JOSEPH: Sean Joseph, NWB. Thank you  
21 City of Iqaluit.

22 Moving on to the other item, we noted that the  
23 City did not mention in its presentation the suggested  
24 timelines for the updated and new management plans in  
25 response to a document that the Nunavut Water Board  
26 circulated following the prehearing conference. We

1 would like, just for the record, for the City to  
2 elaborate on these timelines. I know that the City did  
3 mention, in particular, the timeline that it provided  
4 in that document for the spill contingency plan  
5 amalgamation; however, we'd like for the City to do so  
6 for the remaining plans.

7 MR. HAMP: This is Matthew Hamp, City of  
8 Iqaluit.

9 In a letter to the Board dated February 5th, 2016,  
10 that resulted from the technical meeting, public  
11 meeting, and prehearing conference held in January,  
12 there's a schedule of submissions for updated  
13 management plans, and I think it's easiest if I just  
14 walk through this, the commitments made.

15 So starting with the wastewater treatment plant  
16 operation and maintenance manual, the City committed to  
17 provide this manual once the upgraded plant is  
18 commissioned. The upgrades are scheduled to be  
19 completed by December 21st, 2018, but that's going to  
20 be heavily dependent on sealift schedules and if there  
21 are any changes that happen during the project that  
22 delay completion. So we're suggesting that it be tied  
23 to the commissioning of the plant with no specific date  
24 other than maybe to follow up on December 31st, 2018,  
25 with respect to the progress.

26 The next report is the City of Iqaluit solid waste

1 management plan. The schedule was to be determined  
2 according to this commitment, and that it would -- we'd  
3 come up with an approach or a timeline based on results  
4 of this public hearing. So whether that would be, you  
5 know, a timeline associated with -- or a condition  
6 associated with providing a plan within a certain time  
7 frame after issuance of the licence, that's something  
8 that we would suggest, or some other approach that's  
9 amenable to the Water Board.

10 Similar to the solid waste management plan, the  
11 other plan was the sewage sludge management composting  
12 pilot project report. Just wanted to make a note that  
13 that report and the City's most up-to-date version of  
14 the solid waste management plan were submitted under  
15 the previous -- or I think in 2014, if I'm correct, and  
16 that, their being fairly new, if there was anything  
17 that came out of this public hearing as to changes that  
18 would be required in both sludge management or the  
19 solid waste management plan that we could attach  
20 conditions to those.

21 So the next manual or plan is the sewage lagoon  
22 operation and maintenance manual. The City committed  
23 to providing the sewage lagoon operations and maintain  
24 manual within 180 days of the issuance of the licence.

25 The next one is the West 40 drainage management  
26 review. Again, this was to be determined based on the

1 outcome of the public hearing. If there was any new  
2 information that changed our approach to drainage  
3 management, we could make changes to that document. It  
4 is, again, fairly new; I believe it was submitted in  
5 2014.

6 The next one is the Iqaluit spill contingency  
7 plan. The City of Iqaluit has committed to providing  
8 an updated spill contingency plan within 180 days of  
9 issuance of the licence.

10 The next one is the sewage lift station spill  
11 contingency plan. As noted previously in this hearing,  
12 the City would like to see that amalgamated with the  
13 overall spill contingency plan, and the commitment is  
14 to provide that updated plan within 180 days of the  
15 issuance of the licence.

16 The next one is the water licence monitoring  
17 program of June 2008, and again, the City of Iqaluit  
18 will provide an updated monitoring plan, if required,  
19 180 days from the issuance of the licence.

20 The next one is the quality assurance/quality  
21 control plan of March 2013. The City is suggesting to  
22 provide an updated QA/QC plan, that is quality  
23 assurance and quality control plan, if required, 180  
24 days from the issuance of the licence.

25 The next plan is the solid waste management plan,  
26 the West 40 landfill decommissioning technical

1 memorandum. The information is still valid for the  
2 decommissioning; however, the City of Iqaluit will  
3 provide a final decommissioning plan for review by the  
4 Board one year prior to final decommissioning, as noted  
5 previously in the hearing.

6 Similarly, the final abandonment and restoration  
7 plan for the West 40 landfill would be essentially the  
8 same document, and the commitment is the same, one year  
9 prior to the final decommissioning.

10 And I believe that's it for commitments with  
11 respect to plants.

12 THE CHAIR: Thank you, City of Iqaluit.

13 Sean?

14 MR. JOSEPH: Thank you, City of Iqaluit,  
15 this information is very helpful.

16 I'm going to move on to the next question. It has  
17 to do with the existing Type "B" licences that the City  
18 currently holds. The City holds two Type "B" licences;  
19 one expired in 2011, and the other one is due to expire  
20 this month.

21 So can the City elaborate on the fate of these two  
22 licences so that we have an idea as to future plans for  
23 the undertakings under these licences?

24 Mr. Chair, if I may, I would just like to provide  
25 the numbers of the two licences so that the City is  
26 aware.

1 And, for the record, Sean Joseph, NWB.

2 So the first licence is Water Licence ABWTAD0811,  
3 and the second one is ABWIDG1516.

4 Thank you, Mr. Chair.

5 MR. HAMP: This is Matthew Hamp, City of  
6 Iqaluit.

7 So you'll have to bear with me a little bit, we  
8 don't have those licences in front of us, so we just  
9 have to go on what we can recall of them.

10 So the expired 2011 licence, we believe that's  
11 related to the trail area deposit, and the expired --  
12 or the one due to expire this year, 2016, is -- we  
13 believe that that's the one related to construction of  
14 the road to the new gravel source.

15 So early in 2015, the City realized they were in  
16 some financial difficulties and put the project to  
17 construct that road on hold, and that had a knock-on  
18 effect that operations at the trail area deposit would  
19 have to be on hold as well.

20 So for this year, I can't foresee needing to  
21 extend it or apply for a new licence for those  
22 activities until the financial situation improves. So  
23 I hope that sufficiently answers your question on that.  
24 We would not be operating either the road or the trail  
25 area deposit under the licence.

26 And if at any time in the future, the City sought



1 to continue those projects, we understand that we would  
2 have to apply for an amendment either to the existing  
3 Type "A" licence or apply for a new renewal of these  
4 licences.

5 MR. JOSEPH: Mr. Chair, Sean Joseph,  
6 Nunavut Water Board.

7 Does it mean that the City of Iqaluit then would  
8 be cancelling the licence for the northwest trail  
9 deposit?

10 MR. HAMP: This is Matthew Hamp, City of  
11 Iqaluit.

12 If there's an option to postpone it, then we would  
13 want to pursue that first, but if the best option is to  
14 cancel it, then that's what we'll have to do.

15 I would suggest that if we can -- yeah, if we can  
16 postpone these licences or seek some sort of -- what  
17 would you call it -- deferral of activity, then that's  
18 the option we'd prefer, rather than having to go  
19 through an entire review process for them, because at  
20 the time that we -- the City would actually reactivate  
21 these projects, I can't foresee that there would be  
22 many changes or any changes really to what was proposed  
23 under these licences.

24 So that would be the preferred approach. I look  
25 to the Water Board for maybe some advice on that.

26 MR. JOSEPH: Moving on to the next

1 question, the City mentioned in its presentation that a  
2 number of items that it extracted from the scope of  
3 activities that was initially considered by the Board  
4 have been removed. We know that the City has  
5 intentions of including those under a potential  
6 amendment if a licence were to be issued to the City.  
7 We also know that, at this point, the City would not be  
8 entirely privy to the scope of an amendment, a  
9 potential amendment, to any licence that is issued to  
10 the City, but, for the record, can the City explain to  
11 us the items that it's planning to include under that  
12 amendment, given that some of these items have an  
13 element of interplay with the current scope of the  
14 water licence?

15 MR. HAMP:                                So just to summarize, the  
16 items that are -- or the potential projects that we  
17 would be seeking amendments in the near future would be  
18 for inclusion of the infrastructure related to the  
19 current emergency measures into the annual operation of  
20 the City's landfill runoff management, and new  
21 landfill, potentially a new quarry site, and the  
22 supplemental water supply. The City would be seeking  
23 amendments likely within 18 months for those projects  
24 from issuance of the licence.

25            The one project that I would say has the strongest  
26 interplay in what's -- what we're proposing is likely

1 the inclusion of the emergency measures infrastructure  
2 into the annual operations of the landfill, and that's  
3 because what we would like to see is to have that  
4 project finished this year for the emergency measures  
5 to be completed, and what we've committed to is the end  
6 of October 2016 to have that all completed. So we  
7 would have an amendment in probably for that much  
8 sooner than any of the others.

9 In terms of new landfill and supplemental --  
10 sorry, in terms of other projects that are likely to be  
11 sooner rather than later, that would be the new  
12 landfill and the supplemental water supply. And I  
13 guess for, maybe obvious reasons, they don't have quite  
14 as much interplay other than that the supplemental  
15 water supply would change the total amount of water  
16 that we're requesting to draw, and the new landfill, of  
17 course, has implications on how we manage runoff on the  
18 new site.

19 And the new quarry, at this point, is more long  
20 term.

21 MR. JOSEPH: Thank you, City of Iqaluit.

22 Thank you, Mr. Chair. Sean Joseph, NWB.

23 We have a final question for the City of Iqaluit,  
24 and it has to do with the water management area in  
25 which -- the undertakings associated with the City's  
26 activities.

1           I know the City may not have an answer to this  
2   right now, but in the context of the new waters  
3   regulations, we would like for the City to confirm the  
4   water management area in which all of its undertakings  
5   are being conducted.

6           There is a map at the end of the regulations, at  
7   the last page of the regulations which sort of  
8   identifies the water management areas, so if the City  
9   can confirm that for us. It does not have to be right  
10  now, but during these proceedings, it would be good.

11          Thank you, Mr. Chair.

12   MR. HAMP:                               This is Matthew Hamp from the  
13   City of Iqaluit.

14          We'll need a little bit of time to just clarify I  
15   guess what you're requesting and see what we can bring  
16   back to the table during this public hearing.

17   THE CHAIR:                             Thank you. I guess the Board  
18   is done for questioning, and I'm going to move on.

19          First, I'll invite the Department of Fisheries and  
20   Oceans, and identify yourself if you have questions for  
21   application. DFO?

22   MR. JANUSZ:                            Thank you, Mr. Chair. My name  
23   is Richard Janusz. I'm with Fisheries and Oceans  
24   Canada, and I have no questions of the City at this  
25   time.

26   THE CHAIR:                             Department of Fisheries, thank

1     you.

2             And I guess just move on to -- Nunavut Water  
3     Board, question or comment? Makabe?

4     MR. NARTOK:                     Thank you, Mr. Chair. Makabe,  
5     Board Member of the Water Board. The Lake Geraldine,  
6     just wanted to find out the size of water flow of the  
7     Lake Geraldine.

8             And I have a supplementary question.

9     THE CHAIR:                     Go ahead.

10    MR. CLOW:                     Thank you, Mr. Chair, Paul  
11    Clow with the City of Iqaluit.

12             I do not have the number right in front of me, but  
13    off my memory, I do believe that the Lake Geraldine has  
14    a volume of 1.8 million cubic metres of storage.

15    THE CHAIR:                     Thank you for the question.

16    MR. NARTOK:                     This is Makabe Nartok.

17             The pipe that you use for the water system from  
18    the water reservoir perhaps gets dirty or mucky  
19    sometimes. How often is it cleaned or replaced,  
20    especially thinking of the filters and so on? Do you  
21    do it annually or how often? Thank you.

22    MR. CLOW:                     Thank you, Mr. Chair. Paul  
23    Clow with the City of Iqaluit.

24             I do not know that the pipe -- the discharge or  
25    the gravity-fed pipe from the dam to the water  
26    treatment plant ever gets cleaned. However, within the

1 water treatment plant, during our treatment process,  
2 there's four filters within the plant, and every five  
3 days, those filters go through a back-wash, which  
4 remove any sediment or anything that's picked up within  
5 the water on the way to the -- on the way to the plant  
6 there, so -- and then that gets back-washed and then  
7 basically goes to our wastewater treatment plant from  
8 the back-wash.

9 MR. NARTOK: Thank you, City of Iqaluit.  
10 Thank you for that response.

11 THE CHAIR: Thank you, Makabe and the City  
12 of Iqaluit. Any further questions from the Board? I  
13 don't think so. I'll go back, one more question from  
14 the staff? Thank you.

15 MR. JOSEPH: Thank you, Mr. Chair. Sean  
16 Joseph, NWB.

17 We said it was the final question, but this is the  
18 final one. We know that the City indicated that its  
19 water treatment system and its potable water -- let me  
20 rephrase this -- its potable water treatment system and  
21 its wastewater treatment system consists of both truck  
22 and utilidor complement. The application did not  
23 include a lot of details with respect to the utilidor  
24 complement. Could the City just touch on this for us?  
25 Thank you.

26 MR. HAMP: This is Matthew Hamp, City of

1 Iqaluit.

2 I'll just give a brief summary of the entire  
3 system and how it works. All potable water for the  
4 City is drawn from Lake Geraldine immediately to the  
5 water treatment plant. It undergoes chlorination and  
6 UV disinfection prior to being pumped to the two  
7 storage tanks inside the plant.

8 From the tanks, it is -- it flows by gravity down  
9 towards the city, and there's a number of booster  
10 stations around the city that increase pressure to  
11 allow it to go into the neighbourhoods and maintain  
12 water pressure.

13 Along the network, there is a truck-filling  
14 station for the -- to truck services component of the  
15 system. So trucks would pull up to that station  
16 periodically and fill up.

17 In terms of wastewater, for the pipe system, each  
18 home on the utilidor and each business and building on  
19 the utilidor has a service pipe that empties into a  
20 sewer main, and that's all gravity flow, except for two  
21 lift stations that boost the flow at two locations in  
22 Iqaluit so that it can make it all the way down to the  
23 wastewater treatment plant.

24 At the wastewater treatment plant, currently the  
25 sewage is -- undergoes primary treatment only, so  
26 that's essentially removal of solids. Of course, as I

1 mentioned in this meeting, the City is undertaking a  
2 project to provide secondary treatment at that  
3 wastewater treatment plant.

4 From the trucks services side of things, sewage  
5 trucks go to each unit and periodically pump out sewage  
6 tanks. Those trucks then discharge at a location  
7 several hundred metres from the wastewater treatment  
8 plant, so it's near the plant, it's a discharge  
9 location near the plant, and that flows directly into  
10 the wastewater treatment plant.

11 There is a backup sewage lagoon next to the  
12 wastewater treatment plant. In the event that  
13 maintenance has to be undertaken on the primary  
14 filters, sewage is diverted to the lagoon and held  
15 there until it can be discharged.

16 I believe that's the system in a nutshell, but if  
17 there's any other questions, I'd be happy to answer  
18 them.

19 MR. JOSEPH: Sean Joseph, NWB. Thank you,  
20 City of Iqaluit.

21 Just one follow-up question to that. What  
22 fraction of your residents would you say is serviced by  
23 the utilidor system?

24 MR. HAMP: The fraction of residents and  
25 water flow is slightly different, so I'll stick to the  
26 hard numbers that we have. So in terms of water



1 delivered, approximately 89 percent of the flow goes to  
2 utilidor with the balance going to truck services.

3 MR. JOSEPH: Sean Joseph, NWB. Thank you  
4 City of Iqaluit, and that would be all.

5 THE CHAIR: Thank you, Sean and the City  
6 of Iqaluit.

7 Before we proceed to next column, maybe 10- to  
8 15-minute break. Thank you.

9 (ADJOURNMENT)

10 THE CHAIR: Welcome back again. Before we  
11 move on, one of our Board wants to raise a question.

12 Lootie?

13 MR. TOOMASIE: Thank you. I have a quick  
14 questions to the Applicants. During your presentation,  
15 you mentioned that the closure of the waste site in  
16 that -- during that talk about the closure waste site,  
17 you mentioned about very soon. How -- can you describe  
18 or clarify how very soon you will deal with the closure  
19 of the waste site?

20 MR. HAMP: Matthew Hamp, City of Iqaluit.

21 We estimate that we have approximately two years  
22 of volume left to allow us to store waste on that site,  
23 so we would undertake final decommissioning in likely  
24 the third year.

25 So if we take 2016 as the base year, that puts us  
26 in the end of 2018 where we would start to close the

1 site. So it would likely take some time, perhaps, you  
2 know, two construction seasons to actually fully close  
3 the site, but we would have that plan submitted, as we  
4 committed to, a year prior to decommissioning the site.

5 THE CHAIR: Thank you. Thank you, Lootie.

6 I'd like to refer a response [sic] from the  
7 Applicant to the Board Staff. I'm going to give this  
8 to Teresa for ...

9 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
10 Meadows, legal counsel for the Nunavut Water Board.

11 It's my understanding that there was a deferred  
12 response to a question from Sean Joseph from the  
13 Nunavut Water Board, and that the City of Iqaluit is  
14 now in a position to answer that question. Thank you,  
15 Mr. Chair.

16 THE CHAIR: Thank you, Teresa. You can go  
17 ahead.

18 MR. HOHNSTEIN: Thanks, Mr. Chair. It's David  
19 Hohnstein, Nunavut Water Board.

20 Yeah, I believe the question that Sean had posed  
21 earlier was just confirmation as to which watershed or  
22 watersheds the Iqaluit undertakings were taking place  
23 in. We brought up a map from the water regulations,  
24 and we've discussed it during the break, and I think  
25 it's understood that the undertaking was completely  
26 within the Number 53 watershed, which is the Frobisher

1 Bay watershed under the regulations. So if we could  
2 just get confirmation from the City of Iqaluit on that.

3 MR. HAMP: This is Matthew Hamp, City of  
4 Iqaluit.

5 Confirmed, all of the undertaking takes place  
6 within Area 53.

7 MR. HOHNSTEIN: Thanks very much, Mr. Chair.  
8 David Hohnstein, Nunavut Water Board.

9 We can proceed now with the presentation from the  
10 DFO.

11 THE CHAIR: Thank you. Presentation by  
12 Department of Fisheries and Oceans. I'm just going  
13 with the flow. Go ahead.

14 Presentation by Department of Fisheries and Oceans

15 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
16 Meadows, legal counsel for the Nunavut Water Board.

17 If I can have the witness state and spell his name  
18 for the record, please.

19 MR. JANUSZ: Richard Janusz, R-I-C-H-A-R-D,  
20 J-A-N-U-S-Z.

21 RICHARD JANUSZ, Affirmed

22 MS. MEADOWS: Thank you. It's my  
23 understanding that you have prepared a hard copy of the  
24 PowerPoint presentation that you are about to give, and  
25 that it is your intention for this to be entered as the  
26 next exhibit in this public hearing; is that correct?

1 MR. JANUSZ: Yes.

2 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
3 Meadows, legal counsel for the Nunavut Water Board.

4 And so this will be marked as Exhibit Number 5 in  
5 the public hearing, and please proceed.

6 EXHIBIT 5 - Department of Fisheries and  
7 Oceans Canada hard copy PowerPoint  
8 presentation titled "Iqaluit Water Licence  
9 Renewal, Presentation to the Nunavut Water  
10 Board, Public Hearing, Iqaluit, NU, May 4-5,  
11 2016"

12 MR. JANUSZ: Good afternoon, Mr. Chair,  
13 Members and staff of the Board, and community members  
14 that may be present.

15 My name is Richard Janusz. I'm a Senior Fisheries  
16 Protection Biologist with the Fisheries Protection  
17 Program of Fisheries and Oceans Canada.

18 I'd like to thank the Nunavut Water Board for  
19 providing us with the opportunity to be here today to  
20 present our comments and recommendations on the Iqaluit  
21 water licence renewal, and we hope our comments will be  
22 helpful to the Board in terms of providing expert  
23 advice on the potential impacts to fish and fish  
24 habitat.

25 In terms of our presentation today -- my  
26 apologies, I think I need some coaching. It's okay, I

1 think we're on the right slide. Once again, my  
2 apologies.

3 For our presentation today, I'd first like to give  
4 you an overview of our mandate, legislation, and  
5 policies; an overview of our comments, keeping in mind  
6 that we are only going to refer to the key points, as  
7 we have detailed comments in a more extensive report  
8 which we have provided to the Board. I'd like to then  
9 give you our recommendations.

10 And lastly, I would like to respond to questions  
11 and other comments that may come from our presentation.

12 The mandate of the Fisheries Protection Program of  
13 Fisheries and Oceans Canada on behalf of the Government  
14 of Canada is to maintain the sustainability and ongoing  
15 productivity of commercial, recreational, and  
16 aboriginal fisheries.

17 We are responsible for ensuring that projects  
18 proposed in or near water are undertaken in compliance  
19 with the applicable provisions of the Fisheries Act and  
20 the Species at Risk Act as they apply to aquatic  
21 species at risk. We provide guidance to proponents on  
22 how to avoid or mitigate impacts to fish and fish  
23 habitat, and, as required, we provide reviews of  
24 development proposals to determine the potential  
25 impacts on fish, marine mammals, and their habitat, and  
26 measures to avoid, mitigate, and, if necessary, offset

1 impacts.

2 Our regulatory role -- once again my apologies --  
3 our regulatory role is defined by the Fisheries Act,  
4 Section 35, which states that: (as read)

5 No person shall carry on any work,  
6 undertaking, or activity that results in  
7 serious harm to fish that are part of a  
8 commercial, recreational or aboriginal  
9 fishery, or to fish that support such a  
10 fishery. "Serious harm" being the death of  
11 fish, permanent alteration of habitat, or  
12 destruction of habitat.

13 Section 35 also allows for the issuance of a Fisheries  
14 Act authorization for a project to proceed when serious  
15 harm cannot be avoided.

16 Sections 20 and 21 relate to the requirement for  
17 provision of sufficient water and unimpeded fish  
18 passage.

19 For the Species at Risk Act, there are three  
20 sections which prohibit the killing, harming,  
21 harassing, capturing, or taking of listed species, as a  
22 well as the destruction of their residence or critical  
23 habitat, and Fisheries and Oceans Canada is the  
24 responsible Ministry for listed aquatic species.

25 The Fisheries Protection Program is also the main  
26 program at Fisheries and Oceans Canada, which is

1 involved in environmental assessment processes like  
2 those defined under the Nunavut Land Claims Agreement.

3 We are guided by two policies: The Fisheries  
4 Protection Policy provides guidance on the application  
5 of the fisheries protection provisions of the Fisheries  
6 Act; and the Fisheries Productivity Investment Policy  
7 provides guidance on undertaking effective measures to  
8 offset serious harm to fish.

9 Moving on to our comments. Our comments today  
10 focus on the water withdrawal in Lake Geraldine. We  
11 found that the water withdrawal, which has now been  
12 occurring for several decades, is likely a negative  
13 alteration to the fish habitat characteristics of both  
14 Lake Geraldine and its outflowing stream. The  
15 alteration affects a large enough area to normally  
16 trigger departmental concern. However, uncertainty  
17 about the ability of the Lake Geraldine watershed to  
18 support much in the way of fish population leads us to  
19 believe that this negative alteration may not cause  
20 what we refer to as a significant localized effect.  
21 This appears to be supported by local stakeholders and  
22 fisheries managers, who suggest that the watershed is  
23 not and has never been of local direct or indirect  
24 Fisheries concern.

25 Moving on to our recommendations. We would like  
26 the Nunavut Water Board to note our agreement with the

1 issuance of a water licence renewal to the City of  
2 Iqaluit with a ten-year term, a maximum annual water  
3 volume withdrawal from Lake Geraldine of 1,100,000  
4 cubic metres; that Iqaluit continue with its plan to  
5 provide a compliant fish screen as a precautionary  
6 measure on its Lake Geraldine water intake; that  
7 Iqaluit ensures it carefully evaluates potential  
8 effects on fish and fish habitat across watersheds,  
9 including Lake Geraldine, when considering future plans  
10 for supplementary water supply; that Iqaluit retain  
11 qualified environmental professionals, including  
12 biologists, when considering projects in or near water.

13 We would also like to note, and this is fairly  
14 standard reminders to proponents, we also note that it  
15 remains Iqaluit's responsibility to ensure it avoids  
16 causing serious harm to fish in compliance with the  
17 Fisheries Act and that it meets the requirements under  
18 the Species at Risk Act as it may apply to its  
19 projects.

20 If plans change or if the description of the  
21 proposal is incomplete or changes in the future,  
22 Iqaluit should consult DFO's FTP's website, which is  
23 shown here, or consult with a qualified environmental  
24 consultant to determine if further review is required  
25 by DFO.

26 Lastly, we'd like to note that it is also



1 Iqaluit's duty to notify DFO if it has caused or is  
2 about to cause serious harm to fish that are part of or  
3 support a commercial, recreational, or aboriginal  
4 fishery, and such notification should be directed to  
5 the website shown on this slide.

6 Once again, we'd like to thank the Board, the City  
7 of Iqaluit, and the community for allowing us the  
8 opportunity to present our comments and recommendations  
9 regarding the water licence.

10 We're pleased to answer any questions or respond  
11 to comments at this time.

12 THE CHAIR: Thank you, Richard. Questions  
13 to the Department of Fisheries and Oceans Canada from  
14 the Applicant, City of Iqaluit?  
15 Questioning of Department of Fisheries and Oceans.

16 MR. HAMP: This is Matthew Hamp, City of  
17 Iqaluit. I apologize, I missed the last comment.

18 THE CHAIR: My comment or -- you can  
19 proceed now for questions to Department of Fisheries.  
20 Thank you.

21 MR. HAMP: Thank you, Mr. Chair. This is  
22 Matthew Hamp, City of Iqaluit.

23 Just have one question regarding one of the  
24 recommendations, that Iqaluit ensure it carefully  
25 evaluates potential effects on fish and fish habitat  
26 across watersheds, including Lake Geraldine, when

1 considering future plans for supplementary water  
2 supply.

3 So my question to that is if the City undertakes,  
4 potentially, a fish study of the Apex River watershed,  
5 would it be the expectation of DFO that that study  
6 include Lake Geraldine?

7 MR. JANUSZ: Richard Janusz, DFO, Fisheries  
8 and Oceans Canada.

9 I think that is -- that would not be out of the  
10 question. I think when you're looking at the Apex  
11 River, the overall status of any of the waters involved  
12 is of interest.

13 I know that, you know, part of our response has  
14 been based on the uncertainty, so nobody really knows  
15 if there are fish in Lake Geraldine or not. It seems  
16 as if -- from what we do know from what local people  
17 appear to know is that it doesn't seem like there is  
18 much in the way of fish there at the present time, and  
19 the same I believe includes the outflowing stream.

20 MR. HAMP: Okay, this is Matthew Hamp,  
21 City of Iqaluit.

22 Just to clarify, I understand from your response  
23 that it would be, let's say, beneficial if the City  
24 were conducting any sort of study of the Apex River  
25 watershed to include Lake Geraldine as part of any sort  
26 of area study?

1 MR. JANUSZ: Richard Janusz, Fisheries and  
2 Oceans Canada.

3 I think it would be advisable. It would provide a  
4 level of certainty to the present status of Lake  
5 Geraldine, which I believe has been asked about on a  
6 number of occasions, and it has always been an area  
7 that we don't know enough about.

8 MR. HAMP: All right. Thank you.

9 THE CHAIR: Thank you, City of Iqaluit.

10 Any more question, comments to DFO? No. Thank  
11 you.

12 And I'll move to our next intervener, I believe,  
13 questions from the Department of Environment and  
14 Climate Change Canada?

15 MR. SUMMERFIELD: Thank you. Bradley  
16 Summerfield with Environment and Climate Change Canada.

17 We have no questions for DFO.

18 THE CHAIR: Questions to Department of  
19 Fisheries and Oceans Canada from Indigenous and  
20 Northern Affairs?

21 MS. FORTE: Hi, it's Sarah Forte with  
22 Department of Indigenous and Northern Affairs.

23 We have no questions.

24 THE CHAIR: Thank you. Members of the  
25 public, any question to Department of Fisheries and  
26 Oceans? No question.

1 Any questions to the Department of Fisheries and  
2 Oceans from Nunavut Water Board staff? Go ahead.

3 MR. JOSEPH: Sean Joseph, NWB. Thank you,  
4 Mr. Chair.

5 We have just one question for DFO, and the  
6 question has to do with the fish screens. We know that  
7 the City of Iqaluit has made a commitment to have these  
8 screens included by summer 2016. Does DFO have any  
9 particular time frame in which it would like to see the  
10 screens be implemented, because this is a requirement  
11 that got transferred from the expired licence, and it  
12 seemed to be a requirement. So is there a timeline by  
13 which the DFO would like to see this implemented?

14 MR. JANUSZ: Richard Janusz, Fisheries and  
15 Oceans Canada.

16 We do not have a timeline where we would like to  
17 see it implemented. Our thinking on the screen is that  
18 Iqaluit may want to be considering what type of a  
19 screen and when it is best implemented, so we think  
20 there's some leeway there in terms of when it can be  
21 provided.

22 Part of the confirming, if you like, of when and  
23 how that screen should be applied could be deferred to  
24 when there is some monitoring of direct fish pop --  
25 fish presence in Lake Geraldine.

26 THE CHAIR: Thank you. Any more questions

1 from staff Nunavut Water Board?

2 Questions to the Department of Fisheries and  
3 Oceans from Nunavut Water Board Members?

4 MR. NARTOK: Thank you, Mr. Chair. Makabe  
5 Nartok, Member of the Water Board.

6 My question is that the watershed around -- the  
7 watershed around Geraldine, do you know if there are  
8 any fish populations in those watersheds?

9 MR. JANUSZ: Regarding watershed, the Lake  
10 Geraldine watershed or other watersheds?

11 MR. NARTOK: The direct surrounding water  
12 in that watershed, just wondering whether there are any  
13 known fish populations around Lake Geraldine.

14 MR. JANUSZ: In the Lake Geraldine  
15 watershed, I don't think there is a lot of information  
16 about what fish may be anywhere in that watershed. It  
17 appears to be unknown at this time.

18 Regarding adjacent watersheds, I believe there are  
19 important fish populations known in the Sylvia Grinnell  
20 watershed. We don't quite know what the situation is  
21 in the Apex River watershed, which may be the focus of  
22 supplemental water supply.

23 THE CHAIR: Thank you, Richard, Makabe.  
24 Is that it?

25 For a question to the Department of Fisheries,  
26 we're pretty much done on my list, unless you want to

1 add, supplement or ...

2 MR. JANUSZ: Once again, thanks to the  
3 Board for allowing us this opportunity.

4 THE CHAIR: Thank you. Next presentation  
5 is from Environment and Climate Change Canada. Teresa?  
6 Presentation by Environment and Climate Change Canada

7 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
8 Meadows, legal counsel for the Nunavut Water Board.

9 So if I can get the witnesses to state and spell  
10 their name for the record, please.

11 MS. WILSON: Anne Wilson, A-N-N-E,  
12 W-I-L-S-O-N.

13 MR. SUMMERFIELD: Bradley Summerfield,  
14 B-R-A-D-L-E-Y, S-U-M-M-E-R-F-I-E-L-D.

15 MR. DIDHAM: And Curtis Didham,  
16 C-U-R-T-I-S, D-I-D-H-A-M.

17 ANNE WILSON, Sworn

18 BRADLEY SUMMERFIELD, CURTIS DIDHAM, Affirmed

19 MS. MEADOWS: Ms. Wilson, it's my  
20 understanding that I have two hard copy presentations,  
21 one version is in English and Inuktitut and the second  
22 version is in English and French, and I will be marking  
23 those two as the next exhibits in this public hearing;  
24 is that correct?

25 MR. SUMMERFIELD: Yeah, that's correct.

26 EXHIBIT 6 - Hard copy PowerPoint presentation

1           titled "Environment and Climate Change  
2           Canada's Final Presentation to the Nunavut  
3           Water Board Respecting the City of Iqaluit's  
4           Municipal Water Licence 3AM-IQA0612"  
5           (English/French)

6           EXHIBIT 7 - Hard copy PowerPoint presentation  
7           titled "Environment and Climate Change  
8           Canada's Final Presentation to the Nunavut  
9           Water Board Respecting the City of Iqaluit's  
10          Municipal Water Licence 3AM-IQA0612"  
11          (English/Inuktitut)

12   MS. MEADOWS:                   Teresa Meadows, legal counsel  
13   for the Nunavut Water Board.

14           Thank you very much. That's it for me, Mr. Chair.

15   THE CHAIR:                    Thank you, Teresa.

16   MR. SUMMERFIELD:            Okay, thank you, Mr. Chair.

17           Good afternoon. As stated before, my name is  
18   Bradley Summerfield with Environment and Climate Change  
19   Canada, and Anne Wilson, Water Quality Expert, and  
20   Richard Didham, who is the Enforcement Officer with me  
21   this afternoon.

22           So very quickly, just going to go over Environment  
23   and Climate Change Canada's mandate, which is to  
24   preserve and enhance the quality of the natural  
25   environment, conserve Canada's renewable resources, to  
26   conserve and protect Canada's water resources, to

1 forecast daily weather conditions and warnings, enforce  
2 rules relating to boundary waters, and to coordinate  
3 environmental policies and programs for the Federal  
4 Government across the country.

5       So some relevant acts and regulations that fall  
6 under Environment Canada's mandate are the Department  
7 of the Environment Act, which establishes the  
8 Department; the Canadian Environmental Protection Act;  
9 the pollution prevention provisions under the Fisheries  
10 Act; the Migratory Birds Convention Act, and the  
11 Species at Risk Act.

12       Environment and Climate Change Canada has been a  
13 full participant throughout the Iqaluit water licence  
14 renewal process. Environment and Climate Change  
15 Canada's role is to provide scientific expertise within  
16 our mandate to the Nunavut Water Board for their  
17 consideration when issuing the licence, and this  
18 includes water, sediment, and effluent quality.

19       Environment and Climate Change Canada has had many  
20 and continues to have ongoing discussions with the City  
21 of Iqaluit as well as other interveners, such as the  
22 Department of Indigenous and Northern Affairs Canada  
23 externally, to this process as well.

24       So now I'm going to pass it over to Anne Wilson,  
25 who is going to present a brief summary of the  
26 recommendations -- an updated version of the



1 recommendations that are made in Environment and  
2 Climate Change Canada's formal submission to the Board.

3 MS. WILSON: Thank you. I'm Anne Wilson,  
4 and I work on water quality aspects with Environment  
5 and Climate Change Canada.

6 So the overview of our recommendations includes  
7 talking a bit about the wastewater secondary treatment,  
8 about effluent quality criteria for municipal  
9 wastewater, looking at the management of the sediments  
10 from the various landfill water management ponds, and a  
11 bit about some of the renewal licence terms and  
12 conditions.

13 As mentioned by Brad, the City has been working  
14 with Environment and Climate Change Canada and with  
15 INAC and should be commissioning a new wastewater  
16 treatment facility by the end of 2018. Environment and  
17 Climate Change Canada acknowledges that the Nunavut  
18 Water Board's interest or role in regulating this plant  
19 will be primarily with the operation and maintenance  
20 plans with the monitoring of wastewater quality being  
21 done in respect of system optimization and spill  
22 contingency planning.

23 The City continues to move forward with their  
24 plans for a new wastewater treatment plant. I  
25 understand that they recently awarded the design  
26 contract for the new treatment facility. Environment

1 and Climate Change Canada recommends that the design  
2 specs for this facility ensure that wastewater  
3 discharge is compliant with the Fisheries Act.

4 And further to my question earlier of the City,  
5 Environment and Climate Change Canada would like to see  
6 Condition F-14 in the expiring licence retained. This  
7 is a condition that deals with submission of the  
8 facility design for review, not for approval, and this  
9 will facilitate access to this information for the  
10 various stakeholders.

11 And we would also thank the City for committing to  
12 posting quarterly progress update notes from their  
13 meetings with Environment and Climate Change Canada and  
14 INAC as appropriate.

15 With respect to compliance with the Fisheries Act,  
16 in other parts of Canada, there are regulations under  
17 the Fisheries Act which outline what the effluent  
18 quality needs to be. These don't apply north of 60.  
19 However, we do recommend that the effluent quality  
20 criteria or objectives in this case, if criteria are  
21 not being set by the Board, be targeted to ensure that  
22 the effluent is nondeleterious, and to that end, the  
23 monitoring cover the parameters associated with these  
24 regulations, the wastewater system effluent  
25 regulations.

26 To say a bit more about the effluent quality

1 criteria, there have been discussions on the  
2 jurisdiction of the Nunavut Water Board with respect to  
3 setting end-of-pipe criteria in the renewal licence.  
4 Because the effluent is discharged effectively to the  
5 marine environment, it is Environment and Climate  
6 Change Canada's expectation that the licence would not  
7 necessarily include effluent quality criteria.

8 The next recommendation is that -- I'm going to  
9 modify it a bit from what's on the slide based on  
10 discussions that have occurred since these slides were  
11 submitted. Our recommendation is that the criteria  
12 outlined in the wastewater system effluent regulations  
13 be used as performance objectives for effluent in the  
14 upgraded treatment plant.

15 Next I'll go on to talk about the landfill holding  
16 ponds. So for clarity, there are two sets of ponds at  
17 the landfill. There're the ones which hold the runoff  
18 from the fire, and that pond is outside the scope of  
19 this licence, as noted earlier. The other ones are the  
20 landfill holding ponds that hold the collected runoff  
21 from the wastewater site.

22 The City has indicated that they will be treating  
23 and releasing the, under an emergency order, the  
24 contaminated runoff from the fire. Environment and  
25 Climate Change Canada has been involved with  
26 discussions between INAC, Indigenous and Northern

1     Affairs Canada, and the City as far as appropriate  
2     discharge criteria and ensuring that this is  
3     nondeleterious. So this is proceeding satisfactorily  
4     outside of the licence process.

5             However, we did raise concerns with the disposal  
6     of the treatment residuals and with the contaminated  
7     sediments at the bottom of this particular holding  
8     pond. The City has committed to appropriate disposal  
9     under the treatment contract. And my understanding is  
10    that, subsequently, the emergency measures pond may  
11    form part of the ongoing operating water management  
12    system for the City.

13            So for that one and for the landfill holding  
14    ponds, as the landfill moves towards closure, it will  
15    be very important to characterize the sediments at the  
16    bottom of those ponds for chemistry and for volume in  
17    order to plan for closure. There will need to be  
18    appropriate treatment and disposal planned for.

19            The next slide looks at our recommendations on the  
20    water licence terms and conditions. Part J, conditions  
21    applying to abandonment and restoration; this is more  
22    or less a housekeeping item, but the terminology used  
23    currently in the NWT and just to be more consistent  
24    with some of their guidelines and other guidelines  
25    would be "closure" and "reclamation". And I did note  
26    that "reclamation" is defined in the licence

1 definitions but not "restoration". The City has also  
2 proposed changes to their monitoring schedule, and  
3 Environment and Climate Change Canada supports adoption  
4 of the agreed-upon changes as outlined in their table.

5 It was helpful to go through the proposed changes  
6 to the licence and the list of commitments earlier that  
7 the City had provided. The waste disposal and waste  
8 management plans will need to be updated in the renewal  
9 licence, and we would like to see details regarding  
10 future landfill use, time frames for closure,  
11 operational practices such as the existing burn box,  
12 which I understand is short term and will be closed,  
13 and plans to look at incinerator use. We are also  
14 curious about then the ongoing management of wood and  
15 cardboard waste if the burn box is decommissioned. So  
16 things like that, details like that we would hope to  
17 see in the next annual submission in which the plan  
18 would be updated.

19 The next slide deals with the licence term.  
20 Environment and Climate Change Canada has no objection  
21 to a licence term of ten years as now suggested by the  
22 City of Iqaluit.

23 And the last slide, is that your picture?

24 MR. SUMMERFIELD: It is.

25 MS. WILSON: I'd like to give credit for  
26 all these pictures to Brad Summerfield and to say thank

1 you for the opportunity to make this presentation. And  
2 any questions, we'd be happy to try and address.

3 THE CHAIR: Thank you. And for  
4 Environment and Climate Change Canada, any questions  
5 from the Applicant, City of Iqaluit?

6 Questioning of Environment and Climate Change Canada

7 MR. HAMP: Yes. This is Matthew Hamp,  
8 City of Iqaluit.

9 Just a clarification on -- I don't see the slide  
10 number here, but it's the one that says effluent  
11 quality criteria for municipal wastewater, and it's in  
12 reference to the wastewater systems effluent  
13 regulations. There you go.

14 So if regulations come into effect during the  
15 course of designing the new wastewater treatment  
16 facility, will the City be bound to meet the new  
17 criteria or the existing criteria? I guess I'd just  
18 like some clarification as to how that would work.

19 MS. WILSON: Anne Wilson, Environment and  
20 Climate Change Canada.

21 The wastewater systems effluent regulations  
22 targets that we would hope for the City to aim for with  
23 their new treatment system would be the ones that are  
24 currently in place in the southern jurisdictions.

25 When the regulations are going to apply to the  
26 north, they would be no more stringent than that.

1     However, the expectation is that those regulations will  
2     take some time to develop further north, that seems to  
3     be moving very slowly, and then to, you know, phase  
4     them in over time.

5             So I -- meeting these numbers in your system  
6     should not pose a problem when the regulations are  
7     implemented.

8     MR. HAMP:                     Thank you. I have another  
9     question. This is Matthew Hamp, City of Iqaluit.

10            In terms of characterizing the sediment in the  
11     water management ponds associated with the emergency  
12     runoff treatment, I would suspect that the time frame  
13     that the City would be able to do that would be  
14     immediately after discharge this year. So would it be  
15     acceptable to provide that information within 60 to 90  
16     days of undertaking that, the actual sampling  
17     characterization? Just trying to get at a -- kind of a  
18     timeline when you're expecting to see it, given the  
19     fact that we've committed to -- the City's committed to  
20     discharging and completing that project by October of  
21     2016.

22     MS. WILSON:                 Anne Wilson, Environment and  
23     Climate Change Canada.

24            It would be acceptable to do the characterization  
25     of the sediments subsequent to the discharge, and then  
26     the question would be what time frame would the City

1    need to develop disposal options in case they needed  
2    treatment.  And I'm sure there would be discussions at  
3    that time of what parameters to test for, toxicity --  
4    or sediment toxicity testing could be done and then --  
5    for you to develop a final plan for full removal or  
6    closure of them as appropriate.

7    MR. HAMP:                               A follow-up question.  This is  
8    Matthew Hamp, City of Iqaluit.

9            So would this be something that Environment and  
10   Climate Change Canada would be looking to be included  
11   in the existing licence or as a commitment outside of  
12   discussions here?

13   MS. WILSON:                       Anne Wilson, Environment and  
14   Climate Change Canada.

15           I don't know that it would actually fall under the  
16   emergency measures order.  It would be -- it could  
17   appropriately find a home in the licence if the Nunavut  
18   Water Board wished to.  It is interconnected with  
19   future closure of that site, and so it would be logical  
20   to have it here.

21   MR. HAMP:                               This is Matthew Hamp, City of  
22   Iqaluit.

23           In terms of Environment and Climate Change  
24   Canada's comments on Part E of the expired licence,  
25   that's waste disposal and waste management plans, "to  
26   include details regarding future landfill use and



1 closure as well as use of the burn box and incinerator  
2 use". At this time, in terms of incinerator use, the  
3 City doesn't really have a lot of information on that.

4 We -- the City started the process to evaluate  
5 options for incineration when the previous council was  
6 in effect, and we are continuing that project. So the  
7 City wouldn't have much to provide until we carry  
8 through that project.

9 And in terms of the use of the burn box or details  
10 regarding its use, temporary use, and the plan for it,  
11 I'd like to suggest that the City could submit that  
12 within a set time frame after issuance of the licence,  
13 and I'm wondering what is an acceptable time frame to  
14 receive that information by Environment and Climate  
15 Change Canada.

16 MS. WILSON: Anne Wilson, Environment and  
17 Climate Change Canada.

18 Thank you, I should just clarify that those were  
19 examples of what we would hope to see in the next  
20 update of your waste management plan. And so if I  
21 understood correctly, there was a suggestion earlier to  
22 have that as part of your annual reporting when you  
23 update it, and so those are not to be done on an  
24 ahead-of-the-time basis, and, indeed, the incinerator,  
25 it would be expected that would be sometime further  
26 down the road in the licence term for that information.

1 Thanks.

2 MR. HAMP: Matthew Hamp, City of Iqaluit.

3 Thanks for the clarification.

4 This is Matthew Hamp, City of Iqaluit.

5 One last point of clarification or question to  
6 clarify. Environment and Climate Change Canada had  
7 asked for I guess it's paragraph 14 of Part E of the  
8 expired licence -- sorry, Part F of the expired licence  
9 to be left in. There are -- how do I put this? The  
10 paragraph here doesn't apply a hundred percent, and  
11 I'll just explain that the paragraph reads: (as read)

12 The licensee shall submit to the Board for  
13 review within ten days of the effective date  
14 of the licence, the final design for Phase 1  
15 of the wastewater treatment plant stamped by  
16 an engineer and qualified in accordance with  
17 Part F, Item 3, and as-built drawings.

18 Would it be acceptable to change that clause to  
19 indicate that the final design would be for Phase 2, as  
20 opposed to Phase 1, of the wastewater treatment plant,  
21 and that it would be submitted at the time of tendering  
22 of construction for the plant, so we would know we'd  
23 have completed drawings at that point, so we'd be sure  
24 that that -- we could provide that to you, like a  
25 hundred percent complete drawings?

26 MS. WILSON: Anne Wilson, Environment and

1 Climate Change Canada.

2 That would be acceptable. It was the intent of  
3 that clause that I was trying to get at, but thank you.

4 MR. HAMP: Thank you.

5 THE CHAIR: Thank you, City of Iqaluit. I  
6 guess you're done?

7 MR. HAMP: Yeah.

8 THE CHAIR: Thank you. I'll move on to  
9 any questions to Environment and Climate Change Canada  
10 from Department of Fisheries and Oceans Canada.

11 MR. JANUSZ: Richard Janusz, Department of  
12 Fisheries and Oceans Canada.

13 We have no questions for Environment Canada at  
14 this time.

15 THE CHAIR: Thank you. Questions to  
16 Environment and Climate Change Canada, Indigenous and  
17 Northern Affairs Canada?

18 MR. BURGESS: This is Scott Burgess with  
19 Indigenous and Northern Affairs Canada.

20 We have no questions.

21 THE CHAIR: Thank you. Questions to  
22 Environment and Climate Change Canada, members of the  
23 public? No questions.

24 Questions to Environment and Climate Change Canada  
25 Nunavut Water Board staff?

26 MR. JOSEPH: Thank you, Mr. Chair, Sean

1 Joseph, NWB.

2 I believe one or two questions for Environment and  
3 Climate Change Canada.

4 The first question has to do with Table 1, changes  
5 to the Schedule C and monitoring program, which the  
6 City of Iqaluit provided. I believe Environment and  
7 Climate Change Canada indicated that it's -- in  
8 principle, that it agreed with the recommendations  
9 provided by the City of Iqaluit. So what we are just  
10 seeking here is confirmation whether all of the items  
11 that the City put forward in those recommendations,  
12 whether it's acceptable to Environment Canada, taking  
13 into consideration the feedback that Environment Canada  
14 already provided to this table. Thank you.

15 MS. WILSON: Anne Wilson, Environment and  
16 Climate Change Canada.

17 And that is correct, we had feedback into the  
18 draft of this table and are happy with this version of  
19 it. Thank you.

20 MR. JOSEPH: Thank you, Environment Canada.

21 And our second question, Mr. Chair -- Sean Joseph,  
22 NWB -- has to do with the performance objectives that  
23 Environment Canada is recommending for the effluent  
24 quality criteria from municipal wastewater.

25 In terms of using those as objectives, does  
26 Environment Canada anticipate having limits set to

1 those or just targets set to those values, or are those  
2 criteria -- or not criteria -- but parameters instead  
3 rather than criteria? Thank you.

4 MS. WILSON: Thank you. It's Anne Wilson,  
5 Environment and Climate Change Canada.

6 These would be treatment objectives or targets,  
7 not regulated criteria, and that would be simply  
8 because of the jurisdictional questions, and the  
9 discussions among the Federal departments about  
10 applicability of the Fisheries Act and of the Arctic  
11 Waters Pollution Prevention Act as being able to manage  
12 the effluent quality.

13 MR. JOSEPH: Thank you, Environment Canada.  
14 Sean Joseph, NWB, and that would be all, Mr. Chair.

15 THE CHAIR: Thank you, Sean. Any  
16 questions from the Board, Nunavut Water Board? No  
17 questions.

18 Then I guess that's it for you guys. Thank you  
19 for your presentation.

20 And our last presentation from Indigenous and  
21 Northern Affairs Canada.

22 Before we start, Teresa, can you ...  
23 Presentation by Indigenous and Northern Affairs Canada

24 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
25 Meadows, legal counsel for the Nunavut Water Board.

26 If I can get the witnesses to state and spell

1     their name for the record, please.

2     MR. BURGESS:                     Scott Burgess, S-C-O-T-T,  
3     B-U-R-G-E-S-S.

4     MS. FORTE:                     Sarah Forte, S-A-R-A-H,  
5     F-O-R-T-E, accent aigu.

6     MR. HACK:                     Hello. Justin Hack,  
7     J-U-S-T-I-N, H-A-C-K.

8     MS. MEADOWS:                   Thank you.

9     SCOTT BURGESS, SARAH FORTE, JUSTIN HACK, Affirmed

10    MS. MEADOWS:                   Teresa Meadows, legal counsel  
11    for the Nunavut Water Board.

12           It's my understanding, Mr. Burgess, that there are  
13    two hard copy exhibits that we have in advance of your  
14    presentation, one being the hard copy of the PowerPoint  
15    presentation in English and Inuktitut, and the second  
16    being an executive summary document that contains the  
17    executive summary of the final submission to the  
18    Nunavut Water Board regarding the City of Iqaluit Type  
19    "A" Water Licence renewal application for municipal  
20    undertakings, dated March 30, 2016; is that correct?

21    MR. BURGESS:                   Scott Burgess, Indigenous and  
22    Northern Affairs Canada.

23           That is correct.

24    MS. MEADOWS:                   Thank you, Mr. Burgess. And  
25    so I will be marking those as the next two exhibits in  
26    this public hearing. You may proceed.

1 EXHIBIT 8 - Hard copy PowerPoint presentation  
2 titled "Indigenous and Northern Affairs  
3 Canada, City of Iqaluit Renewal Application  
4 for Water Licence #3AM-IQA0611, Nunavut Water  
5 Board Public Hearing, Iqaluit, Nunavut, May  
6 4-5, 2016" (English)

7 EXHIBIT 9 - Indigenous and Northern Affairs  
8 Canada final submission to the Nunavut Water  
9 Board regarding Type "A" Water Licence  
10 renewal application for municipal  
11 undertakings, March 30, 2016, Executive  
12 Summary (English, Inuktitut, and French)

13 MR. BURGESS: Thank you. Good afternoon,  
14 Mr. Chairman and other members of the Nunavut Water  
15 Board. My name is Scott Burgess. I am the Manager of  
16 Water Resources for Indigenous and Northern Affairs in  
17 Nunavut.

18 We would like to thank the Nunavut Water Board for  
19 this opportunity to make a presentation, an  
20 intervention regarding the City of Iqaluit's  
21 application to renew its Type "A" Water Licence.

22 I'm joined today by Sarah Forte on my right, the  
23 Water Management Coordinator, and Justin Hack, Manager  
24 of Field Operations and the Water Resources Officer  
25 working on this file, both with the Department's  
26 Nunavut regional office. We are also joined by Ken

1 Landa on the phone from the Department of Justice.

2 On behalf of Indigenous and Northern Affairs  
3 Canada, we would like to thank the Nunavut Water Board  
4 for facilitating this licence application review  
5 process and the Applicant for responding to our  
6 questions and concerns.

7 Hold on just a second, please. Okay, thank you,  
8 Mr. Chair.

9 Throughout this presentation, we will refer to  
10 Indigenous and Northern Affairs Canada as INAC or the  
11 Department, and the acronym INAC may be used on the  
12 slides.

13 We will provide a brief overview of the  
14 Department's responsibilities with respect to the  
15 licence renewal application. We will also list  
16 contributions that have been made by the Department  
17 with respect to the process so far and state the  
18 Department's position on the renewal application.

19 The Department has been an active participant in  
20 this and all previous water licence processes for the  
21 City of Iqaluit and will continue to be involved  
22 throughout the life of the licence.

23 Many technical comments were raised by the  
24 Department in the course of this renewal process. To  
25 simplify this presentation, only outstanding technical  
26 issues were included. The first two are essentially



1 administrative issues, and they were raised during the  
2 technical meeting, and one of them has already been  
3 resolved through discussion with the Applicant since  
4 this presentation was submitted. The last two are  
5 concerns that have arisen since the technical meeting  
6 because of material submitted to the Nunavut Water  
7 Board in reply to requests brought forward at that  
8 technical meeting in January.

9 INAC's staff have participated in numerous  
10 discussions with the City of Iqaluit as well as other  
11 interveners and have been able to reach agreements on  
12 numerous issues to date.

13 Lastly, at the end of our presentation, we will  
14 conclude with a general recommendation for this licence  
15 process.

16 Indigenous and Northern Affairs Canada has a broad  
17 mandate for the co-management of inland water  
18 resources, the management of Crown land in Nunavut, and  
19 the protection of Arctic waters under the following  
20 applicable legislation: The Department of Indian and  
21 Northern Development Act, the Nunavut Land Claims  
22 Agreement Act, the Nunavut Waters and Nunavut Surface  
23 Rights Tribunal Act and Regulations, the Territorial  
24 Lands Act and Regulations, and the Arctic Waters  
25 Pollution Prevention Act and Regulations.

26 The Department administers and enforces regulatory

1 authorizations that pertain to Nunavut's Crown land,  
2 inland water resources, and Arctic waters. The  
3 Department participates in water licence processes  
4 administered by the Nunavut Water Board along with  
5 other interested parties, providing technical advice  
6 and expertise for the Board's consideration.

7 I will now pass the microphone on to Sarah Forte  
8 to present an overview of the technical matters which  
9 were outlined in much greater detail in our final  
10 written submission of March 30th, 2016.

11 MS. FORTE: Sarah Forte with INAC.

12 The Applicant initiated a water licence renewal  
13 process in 2012. Since then, the Department has  
14 submitted four written interventions to the Nunavut  
15 Water Board on this file, as well as participating in  
16 the technical meeting and prehearing conference, which  
17 was held in Iqaluit on January 13th and 14th of this  
18 year.

19 At the beginning of the renewal application  
20 process, the Department reviewed the scope of the  
21 information included in the application and recommended  
22 further information requests in memos provided on  
23 November 12th, 2013, and March 28th, 2015. The  
24 Department conducted a technical review of the renewal  
25 application last summer, and on July 10th, 2015,  
26 comments and recommendations were provided for the

1 Board's consideration in a written memorandum.

2 Before this hearing, the Department made a final  
3 written submission on outstanding issues on March 30th,  
4 2016, and these are what we will present here.

5 The reviews and submissions described in the  
6 previous slide as well as many discussions have led  
7 Indigenous and Northern Affairs to form the position  
8 stated on this slide. The Department's concern is that  
9 the Applicant needs to update their spill contingency  
10 plan before it can support issuance of a renewed  
11 licence and that our comments be considered for the  
12 renewed licence:

13 We now move on to outstanding issues from our  
14 final review, and as Scott presented in the outline,  
15 there are four issues we wish to bring forward, and  
16 each is on a separate slide.

17 The licensee requested several changes to the  
18 monitoring requirements associated with the expired  
19 water licence, as Paul went over in detail during the  
20 City's presentation today.

21 The Department supports these changes with two  
22 exceptions presented on these slides, and since  
23 submitting this presentation, we've met with the  
24 Applicant and come to agreement on both of these  
25 issues, which as Paul mentioned when discussing the  
26 Chart Number 1, Table Number 1.

1           So the first is monitoring of Lake Geraldine raw  
2   water at Station IQA-01. The expired licence requires  
3   monthly sampling during open-water season for routine  
4   and potable water parameters. The Applicant's initial  
5   position was for this requirement to be removed, and  
6   the Department recommended that this sampling  
7   requirement be kept because it will provide information  
8   on the quality of the water source and whether  
9   protection measures in place are adequate.

10          The Department notes that the Applicant provided  
11   data on raw water quality in its latest annual report  
12   for 2015 submitted this spring and appreciates this  
13   sharing of information.

14          The Applicant currently samples raw water from  
15   Lake Geraldine for their operations. A monitoring  
16   requirement, which we understood to be mutually  
17   agreeable, would be for the Applicant to report the  
18   results of raw water quality sampling done for  
19   operational reasons with a minimum of two samples a  
20   year.

21          The parameters reported in 2015 were those in  
22   routine and potable water test groups defined in the  
23   expired licence with the exception of acidity,  
24   oxidation reduction potential, and temperature.

25          The Department recommends that the frequency  
26   requirement for monitoring Station IQA-01, Lake

1 Geraldine raw water, be modified to something more  
2 flexible. It might read one sample for operation  
3 requirements with a minimum of two samples a year.

4 The second point under monitoring requirements is  
5 about West 40 landfill monitoring stations. Sean  
6 brought this up with a question, and the following  
7 states our support for what Paul responded to earlier  
8 today.

9 The expired licence includes Monitoring Station  
10 IQA-08 and IQA-08(#). IQA-08 is defined as a final  
11 discharge point of the West 40 landfill, and IQA-08(#)  
12 is not explicitly defined. The location is to be  
13 provided in accordance with Part E, Item 17; Part F,  
14 Item 10; and Part I, Item 4 for the entire West 40  
15 landfill site.

16 In part, these items refer to the water licence  
17 monitoring program submitted to June 2008. In the  
18 chart of proposed changes to Schedule C, as mentioned  
19 by Sean, as Station IQA-08(#) is omitted. The  
20 Department is of the opinion that this station should  
21 be kept in the renewed licence.

22 Two monitoring station locations at West 40  
23 landfill were agreed upon and are described in a letter  
24 the Applicant submitted on February 5th, 2016. The  
25 Department recommends that these two stations be  
26 included as IQA-08(#) or its equivalent, because they

1 will allow us to monitor the effectiveness of the  
2 drainage management measures for keeping landfill  
3 runoff and leaching contained within the landfill.

4 The next outstanding issue is the disposal of pond  
5 sludge, which was touched upon by Anne in the  
6 presentation just previous to ours. During the  
7 technical meeting, we discussed the possibility for  
8 toxic sludge to be found at the bottom of the ponds  
9 used to contain West 40 landfill runoff and contact  
10 water from the 2014 firefighting efforts. In a letter  
11 dated January 29th, 2016, the Applicant states: (as  
12 read)

13 A plan for the disposal of sediment contained  
14 at the bottom of each pond will be developed  
15 when the City is preparing for final  
16 abandonment and restoration of the West 40  
17 landfill.

18 There are presently four ponds at the landfill: The  
19 detention and retention ponds, which are included in  
20 the expired licence; and the drafting and bioreactor  
21 ponds, which were built in 2014 during emergency  
22 measures for firefighting. While the schedule proposed  
23 would work for ponds used for the operations of the  
24 landfill such as the detention, retention, and  
25 bioreactor ponds, it is problematic for the sediment at  
26 the bottom of the drafting pond, which is slated to be

1 decommissioned in 2016.

2       The Department recommends the Applicant be  
3 required to submit a plan for review for the disposal  
4 of sediments from the ponds it intends to decommission  
5 before doing so, and that this include the drafting  
6 pond.

7       The third outstanding issue is their timing of  
8 plan updates. During the technical meeting and  
9 prehearing conference, the Nunavut Water Board  
10 requested that the Applicant update various management  
11 plans and manuals. In a letter submitted on February  
12 5th, 2016, and again during this hearing, the Applicant  
13 proposed a schedule for updates of a list of 15 plans  
14 and manuals identified by the Water Board.

15       The Department is of the opinion that the proposed  
16 timelines are unrealistically long in the majority of  
17 cases. We propose tighter timelines for most of the  
18 plans as described in our final written submission of  
19 March 30th, 2016. Though we are ready to accept future  
20 due dates for most plans, INAC considers that the spill  
21 contingency plan, which includes the sewage lift  
22 station spill contingency plan as an appendix, must be  
23 updated before a renewed licence can be issued.

24       The latest spill contingency plan available on the  
25 Nunavut Water Board FTP site was updated in November  
26 2004. It's not clear if the contact numbers are still

1 valid, if the resources for responding to spills are  
2 still available as described, if these resources are in  
3 the same location, and if the same chemicals are still  
4 in use, and their MSDS sheets are unchanged or  
5 outdated. An updated spill contingency plan will help  
6 ensure measures are taken to protect the environment,  
7 as well as workers and residents of the city.

8         Since submitting this presentation, we have spoken  
9 with the Applicant about our expectation for the manual  
10 and plan updates. We clarified that we do not expect  
11 them to be rewritten but rather revised to ensure  
12 information is up to date, modified to include any  
13 changes to contact information, equipment, or  
14 procedures, and submitted with a newly dated title  
15 page.

16         We also discussed the fact that we are looking at  
17 those portions of the manual and plans that are related  
18 to the water licence. For example, in the landfill  
19 operation and maintenance manual, the Department is not  
20 concerned with how many passes a loader must make over  
21 newly deposited garbage but, rather, that the drainage  
22 plan is referenced in the manual so that operators are  
23 aware of its existence, how it works, and its  
24 importance. Though the updating exercise is not  
25 trivial, we do not believe it needs to be overly  
26 lengthy.



1           The last outstanding issue is proposed  
2   modifications to the licence, and these have been  
3   already discussed in detail. At the Nunavut Water  
4   Board's request on February 19th, 2016, the Applicant  
5   provided a copy of the expired water licence with  
6   changes and modifications they believed should be  
7   implemented. 38 modifications and removals were  
8   suggested, and the Applicant went through the list of  
9   modifications item by item this morning, and we  
10   appreciate the explanations provided. We respectfully  
11   disagree with many of them.

12           Initially, the Department disagreed with 15 of the  
13   38 proposed changes for reasons presented in our final  
14   written submission. Several of these changes are  
15   removal of items we believe are always relevant and  
16   should be kept, and for other changes, we have  
17   suggested modifications to the wording proposed by the  
18   Applicant. We know that the Applicant retracted one of  
19   the modifications requested, which was included in our  
20   list with which we had concerns, and this is  
21   specifically Part B, Item 6, regarding to translated  
22   executive summaries.

23           Another item which was discussed by the Applicant  
24   and by Environment Canada as well is Part F, Item 14,  
25   which relates to the submission of a final design plan  
26   for the wastewater treatment plant. The Applicant was

1 concerned that including a fixed submission date would  
2 not give them sufficient flexibility, and we agreed it  
3 would be reasonable for the licence to reference the  
4 schedule developed with inspectors from Environment and  
5 Climate Change Canada and the Department, since this  
6 schedule can be updated to reflect evolving situations.  
7 We are also of the opinion that the design plans should  
8 be submitted for information purposes and not for  
9 approval.

10       It has been communicated to us that the  
11 modifications requested by the Applicant to Part B,  
12 Items 3 and 4, may be problematic. These items set  
13 effluent quality criteria for the wastewater treatment  
14 plant. We would like to clarify the Department's  
15 opinion with the following three points: Former water  
16 licences included criteria relating to the discharge of  
17 the wastewater treatment plant effluent; however, the  
18 discharge point will be approximately 20 metres above  
19 the high-water mark of marine water. Based on our  
20 expertise, the Federal interveners are of the view the  
21 wastewater discharge at this location will flow into  
22 the marine environment, and there is no real likelihood  
23 that it would enter and impact inland waters. For that  
24 reason, it is our view that this removes the basis for  
25 having such criteria in this water licence.

26       However, because this discharge of wastewater

1 would enter and impact marine waters, this is a matter  
2 to be addressed under the Fisheries Act and to be  
3 authorized under the Arctic Waters Pollution Prevention  
4 Act. Federal departments will be collaborating with  
5 the City to work towards compliance with the Fisheries  
6 Act and getting proper authorizations under the Arctic  
7 Waters Pollution Prevention Act. The Arctic Waters  
8 Pollution Prevention Act will require a Federal  
9 authorization by Indigenous Affairs as well as a  
10 Territorial authorization under the Public Health Act.

11 We recognize that the Board may wish to provide  
12 advice to the Government respecting marine waters under  
13 Section 41 of the Nunavut Waters and Nunavut Surface  
14 Rights Tribunal Act. Should the Board decide to  
15 provide such advice, we will, of course, take it into  
16 account when making decisions regarding Federal  
17 regulations or authorizations of the discharge of the  
18 City's wastewater treatment plant effluent.

19 I will now turn the microphone back to Scott for  
20 our conclusion.

21 MR. BURGESS: Thank you, Sarah. Scott  
22 Burgess with INAC.

23 The Department would like to conclude by stating  
24 that the Applicant has greatly improved its water  
25 licence renewal application since its initial  
26 submission in 2012. We appreciate the efforts of the

1 Applicant.

2 Since the technical meeting and prehearing  
3 conference in January, they have provided many  
4 outstanding documents as requested. Of the four final  
5 issues discussed in this presentation, the first two  
6 are administrative issues, and one has been already  
7 resolved through discussions with the Applicant, and  
8 some of the issues with the remaining three have also  
9 been dealt with to some degree.

10 The Applicant is proposing a ten-year licence  
11 term, with which the Department does not have an issue.  
12 We agree; we support a ten-year licence term. However,  
13 this is with the understanding that the Applicant will  
14 be submitting amendments to address three concerns as  
15 discussed previously today: The inclusion of the  
16 bioreactor pond at the West 40 landfill in the licence;  
17 water supplementation for Lake Geraldine reservoir to  
18 meet growing water needs of the city; and plans for the  
19 alternative landfill to address the upcoming  
20 end-of-life West 40 landfill. And these three were  
21 mentioned as potential amendments by the City of  
22 Iqaluit earlier today.

23 In the end, INAC recommends that the renewal  
24 application be accepted with the consideration of the  
25 Department's comments and after the Applicant has  
26 submitted an updated spill contingency plan.

1           Thank you, Mr. Chairman and the Board, and that  
2 concludes INAC's presentation.

3   THE CHAIR:                   Thank you, Scott, Sarah, and  
4 Justin.

5           Questions to INAC by the Applicant, City of  
6 Iqaluit?

7 Questioning of Indigenous and Northern Affairs Canada

8   MR. HAMP:                   This is Matthew Hamp, City of  
9 Iqaluit.

10          One of the issues that -- outstanding issues that  
11 Indigenous and Northern Affairs mentioned was the  
12 updates to the spill contingency plan, and I was hoping  
13 you would bring that up actually, give me an  
14 opportunity to ask about it, but you've more or less  
15 explained at our meeting previously. I just wanted to  
16 sort of get it on record here.

17          So just to confirm the updates that sort of you're  
18 envisioning are those to do with updating contact lists  
19 and if there's been any procedural changes between the  
20 2004 plan and to date and not necessarily wholesale,  
21 complete rewrite of the plan; is this correct?

22   MS. FORTE:                   Yes, I would add checking the  
23 MSDS sheets, if they are updated. And the -- just a  
24 sec here -- sewage lift station spill contingency plan  
25 was to be an appendix of the spill contingency plan,  
26 and it isn't presently. So that appendix would have to

1 be created.

2 MR. HAMP: This is Matthew Hamp, City of  
3 Iqaluit.

4 So in terms of timelines for providing an update  
5 to the spill contingency plan in consideration of what  
6 you've asked to be included and the City's  
7 understanding of what "update" means, would it be  
8 acceptable to set a timeline or to just simply say the  
9 issuance of the licence is contingent upon receiving  
10 that spill contingency plan, or would you prefer to  
11 have a timeline attached to it, an actual date or  
12 number of days?

13 MR. BURGESS: Scott Burgess with INAC.

14 Given the time frame of the Nunavut Water Board  
15 processes, what would you consider to be a reasonable  
16 timeline to submit a plan to us?

17 MR. HAMP: Thank you, this is Matthew  
18 Hamp, City of Iqaluit.

19 We would consider 30 calendar days from today or,  
20 I guess, the end of this public hearing, so tomorrow,  
21 to be a reasonable time frame to provide that  
22 information to you, and that's just taking into  
23 consideration our capacity to take on that, recognizing  
24 it's not a huge amount of work; it's just something we  
25 have to account for.

26 MR. BURGESS: Scott Burgess with INAC.

1           We're fine with that; that works for us.

2       MR. HAMP:                       Just had one more question  
3       with regards to tighter timelines than those proposed  
4       by the Applicant for most other plan updates.

5           As mentioned, our capacity to take on these types  
6       of changes is fairly limited, but understanding that  
7       the updates aren't wholesale rewrites of plans, I'd  
8       like to suggest another timeline for each one that  
9       we've recommended, 180 days perhaps, 60 days from  
10      issuance of the licence to have that group of plans  
11      updated as identified in the letter to the Board of  
12      February 5th, 2016, Table 1, "Schedule For Submission  
13      of Updated Plans".

14          Just an added clarification here -- this is  
15      Matthew of the City of Iqaluit -- of course, that would  
16      not include Number 8, since we're speaking of providing  
17      that before the licence.

18          And for 5(b), sewage lagoon operation and  
19      maintenance manual, we'd like to suggest that we keep  
20      that at 180 days just because we have to draft that  
21      from scratch more or less, whereas the other plans are  
22      updates.

23      MS. FORTE:                       Sarah Forte with INAC.

24          What do you propose to do for all those plans  
25      where you wrote "To be determined"?

26          Hi, Sarah Forte here with INAC.

1           Perhaps it would be easier to go through them one  
2 by one.

3       MR. HAMP:                               It's Matthew Hamp from the  
4 City of Iqaluit.

5           We're just going through each one, one by one, and  
6 then we'll --

7       MS. FORTE:                            Okay.

8       MR. HAMP:                            -- do that through the mic.

9       THE CHAIR:                           Before questions, comments,  
10 maybe we can have a 5-minute break, is that possible  
11 while you are at it maybe?

12       MR. HAMP:                           We can probably continue now  
13 if that's okay.

14       THE CHAIR:                           Okay.

15       MR. HAMP:                           This is Matthew Hamp, City of  
16 Iqaluit.

17           So I'll just go through one by one. So on Table  
18 1, "Schedule For Submission of Updated Management  
19 Plans", on Number 1, "Lake Geraldine water balance  
20 assessment", we felt that this was not applicable to  
21 this licence. Number 2, "Wastewater Treatment Plant  
22 Operation and Maintenance Manual", this would be  
23 provided with the upgrades to the facility. I'll go  
24 through those ones quickly.

25           Number 3, "Iqaluit's Sewage Sludge Management  
26 Composting Pilot Project Report", we looked at this as



1 being a fairly quick update, so we're suggesting 60  
2 days from issuance of the licence.

3 The "City of Iqaluit Solid Waste Management Plan",  
4 again, we're not anticipating too many major updates to  
5 that, so in line with our discussion, so it's, again,  
6 60 days upon issuance of the licence.

7 Similarly, the "Iqaluit Landfill Operations and  
8 Maintenance Manual", 60 days from issuance of the  
9 licence.

10 The "Sewage Lagoon Operation and Maintenance  
11 Manual", we could likely reduce that to 120 days, if  
12 that's amenable to Indigenous and Northern Affairs and  
13 the Board. The operation and maintenance manual to  
14 include open burning or incineration. There's an  
15 information-gathering stage that needs to be completed  
16 for the incineration portion. It's not -- the City  
17 hasn't committed to operating that way. They may,  
18 based on the results of our feasibility options  
19 analysis, or they may not, so it's not something that  
20 the City has committed to. Once that's sorted out, we  
21 could come up with some sort of timeline to provide the  
22 update, if it's chosen, but it's really just at an  
23 information-gathering stage right now.

24 In terms of the use of the burn box, I would  
25 suggest 60 days to include some kind of plan, include  
26 that into the operations and maintenance manual from

1 issuance of the licence.

2 Number 6, "West 40 Drainage Management Review",  
3 again, we're not anticipating that would have too many  
4 major changes, so again, 60 days from issuance of the  
5 licence. And, of course, we've spoken of the City of  
6 Iqaluit's spill contingency plan, and we will provide  
7 that prior to issuance of the licence in 30 days of the  
8 end of this hearing.

9 Similarly, Number 8, that falls as an appendix to  
10 the spill contingency plan, which would be provided at  
11 the same time as the plan, 30 days from the end of this  
12 hearing.

13 City of Iqaluit Water Licence Monitoring program,  
14 again, we don't anticipate too many major changes in  
15 the short term, so we'll provide that within 60 days.  
16 In the longer term, depending on whether this major  
17 change is to the criteria, that we may have to issue  
18 another update at some point in the future, so just be  
19 aware of that.

20 City of Iqaluit Quality Assurance/Quality Control  
21 plan, again, not anticipating major changes, so 60 days  
22 would be acceptable upon issuance of the licence.

23 And I believe we've covered the landfill  
24 decommissioning, which is 11 and 12 really, that would  
25 be issued one year prior to final decommissioning of  
26 the West 40 landfill site.

1           And then the last one on the list, the Water  
2   Treatment Plan Operation and Maintenance manual, we  
3   felt that this was not applicable to the scope of the  
4   licence, so we asked for that to be -- or we just noted  
5   that it was not applicable. I think that's it.

6   MS. FORTE:                       Sarah Forte here with INAC.

7           We'd like to say that we agree with those new  
8   schedules you've proposed with one exception, and that  
9   would be Plans 11 and 12. We would like to see a date  
10   associated with those just to make sure that it does  
11   get in, and we're open to discuss that date, but we  
12   would propose perhaps December 2017, because you'd said  
13   it was to be decommissioned in 2018.

14   MR. HAMP:                       Matthew Hamp, City of Iqaluit.

15           If it's amenable to Indigenous and Northern  
16   Affairs, we'd like some time to review our plans just  
17   to make sure we don't commit to a date that's not  
18   achievable, but in principle, it sounds reasonable.

19   THE CHAIR:                       City of Iqaluit, any more  
20   questions to Indigenous and Northern Affairs?

21           Thank you, City of Iqaluit. Seem to be almost  
22   done.

23           Questions to Indigenous and Northern Affairs  
24   Canada, Department of Fisheries and Oceans?

25   MR. JANUSZ:                       Richard Janusz, Fisheries and  
26   Oceans Canada.

1           No questions at this time.

2       THE CHAIR:                   Thank you.

3           Questions to Indigenous and Northern Affairs  
4       Canada, Environment and Climate Change Canada?

5       MR. SUMMERFIELD:           Bradley Summerfield with  
6       Environment and Climate Change Canada.

7           We have no questions.

8       THE CHAIR:                   Thank you.   Members of the  
9       public, questions to INAC?

10          Questions to Indigenous and Northern Affairs  
11       Canada, Nunavut Water Board staff?

12       MS. MEADOWS:               Thank you, Mr. Chair.   Teresa  
13       Meadows, legal counsel for the Nunavut Water Board.

14          I do have a question to Indigenous and Northern  
15       Affairs Canada, and perhaps, Mr. Burgess, I know that  
16       you can probably respond initially, but seeing as your  
17       legal counsel has been patiently waiting on the line, I  
18       would also like to have him weigh in on this one as  
19       well.

20          You referenced in your presentation that there is  
21       a process for regulating the marine discharge under the  
22       Arctic Waters Pollution Prevention Act and the Arctic  
23       Waters Pollution Regulations, and so I'm hoping that  
24       you're able to explain for the Board just a little bit,  
25       give an outline sort of how that might work.

26          And like I said, certainly we can hear from the

1 people here, and then if Mr. Landa wants to weigh in on  
2 that as well, we would very much appreciate it. So  
3 thank you.

4 MR. HACK: Hi, it's Justin Hack with  
5 INAC, and I'll respond to that question.

6 So similarly to the Nunavut Waters and Nunavut  
7 Surface Rights Tribunal Act, there is a prohibition in  
8 the Arctic Waters Pollution Prevention Act that states  
9 that no waste is to be deposited into Arctic waters  
10 without an authorization. Depending on the type of  
11 waste that is to be discharged into an Arctic water --  
12 and in that Act, "Arctic water" is defined as, simply  
13 put, marine waters, Arctic marine waters -- if it's  
14 domestic waste, if the body that issues the  
15 authorization is the Government of Nunavut through  
16 their Public Health Ordinance Act, and if it's an  
17 industrial waste and, depending on the source of the  
18 industrial waste, that waste would be authorized to be  
19 discharged into an Arctic water by either the  
20 Territorial Lands Act, the Federal Real Property Act.  
21 I don't know the exact Act, but we're not responsible  
22 for enforcing that Act, and also the oil and gas --  
23 what's it called?

24 MS. FORTE: I don't know.

25 MR. HACK: Another Act that we don't  
26 enforce, but it's the Oil and Gas Act, and I can

1 reference it later, but the one that is relevant to  
2 INAC would be the Territorial Lands Act, and they could  
3 get an authorization to discharge an industrial waste  
4 to Arctic waters through that Act.

5 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
6 Meadows, legal counsel for the Nunavut Water Board.

7 Perhaps, Mr. Landa, if you're still on the line,  
8 we can maybe reference you to backfill some of the gaps  
9 that maybe were in that explanation.

10 Thank you Mr. Chair.

11 MR. LANDA: It's Ken Landa, and I can  
12 probably add a little bit to Justin's answer, but I  
13 think he did a good job with the overview.

14 He started with the prohibition. The prohibition  
15 requires a permission to avoid there being a  
16 contravention. There are two categories of waste, and  
17 so I'm going to start making some reference now to the  
18 statutes and the regulations themselves.

19 The prohibition on the deposit of waste is in the  
20 Arctic Waters Pollution Prevention Act itself, and  
21 you'll find the prohibition in Section 4. Under the  
22 authority of that same Act, there is a regulation  
23 passed called the Arctic Water Pollution Prevention  
24 Regulation.

25 That regulation, you'll see in Sections 5 and 6,  
26 treats domestic waste and industrial waste differently.

1 Those are defined. The definitions are pretty clear.  
2 And I've had trouble hearing parts of the hearing, so I  
3 don't know what the evidence is, and I'll tell you what  
4 I have is an assumption is that the effluent stream  
5 combines both domestic and industrial waste based on my  
6 understanding of the definitions. I want to be clear,  
7 I haven't heard the evidence on that; it's simply an  
8 assumption on my part.

9 The deposit of domestic waste can be authorized  
10 into the marine environment, directly or indirectly,  
11 can be authorized, as Justin said, under the Public  
12 Health Act or a regulation thereunder, and you'll see  
13 that in Section 5 of the Arctic Waters Pollution  
14 Prevention Regulation.

15 The specifics of the process used by the GN and  
16 the specifics of the Public Health Act is not something  
17 I've looked into individually directly. For industrial  
18 waste, you'll see that's dealt with under Section 6.  
19 And there are -- there is a reference there to three  
20 different Acts that could potentially apply in  
21 different circumstances. The only one relevant,  
22 because of the geography we're dealing with, Iqaluit,  
23 as well as the source of the waste, the only relevant  
24 statute is the Territorial Lands Act.

25 Under that Act, the Minister of Indigenous Affairs  
26 has the authority to enter into agreements, and it's

1 under that authority that I would expect the City of  
2 Iqaluit would be applying for an agreement to be  
3 entered into between Iqaluit and the Minister of  
4 Indigenous Affairs representing her Majesty in Right of  
5 Canada, and that agreement would allow and set  
6 parameters, constraints on the deposit of waste in a  
7 place where it would predictably run into marine  
8 waters.

9 I'll stop there to make sure that I'm answering  
10 the question that you have asked and to see if you have  
11 any follow-up.

12 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
13 Meadows, legal counsel for the Nunavut Water Board.

14 Thank you, Mr. Landa, that was the basis of my  
15 question.

16 I guess the follow-up to that is actually to the  
17 City of Iqaluit in terms of their understanding of the  
18 regulatory process. My understanding is is that this  
19 is a fairly new -- as much as the legislation has been  
20 in place for quite some time, this is a fairly new  
21 approach to the regulation of this marine discharge.

22 And so my question to the City of Iqaluit as  
23 follow-up is whether or not they are aware of the  
24 process and the likely regulation of the marine  
25 discharge that's being proposed right now by Indigenous  
26 and Northern Affairs Canada.



1 MR. HAMP: Matthew Hamp, representing the  
2 City of Iqaluit.

3 We've been in many discussions with Indigenous and  
4 Northern Affairs Canada as well as Environment and  
5 Climate Change Canada on this issue, and we feel we  
6 have a good understanding of how it would be regulated.

7 I would like to just clarify something or maybe  
8 it's a question to be clarified. As I understand it,  
9 an industrial waste is wastewater from an industrial  
10 process. If that's the understanding in this room,  
11 what that is, the City of Iqaluit does not collect  
12 industrial wastewater. There aren't industrial  
13 processes occurring right now in Iqaluit. That's not  
14 to say it wouldn't happen in the future. There's no,  
15 you know, manufacturing industries or that sort of  
16 thing. So just -- that's just a point of clarification  
17 there.

18 But in terms of understanding the process, we have  
19 been learning it through the course of this licence  
20 application process and through the course of the  
21 quarterly meetings with both Indigenous and Northern  
22 Affairs and Environment and Climate Change Canada.

23 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
24 Meadows, legal counsel for the Nunavut Water Board.

25 Thank you, Mr. Landa, that's the end of my  
26 questions. I believe Sean has some additional

1 technical questions. Thank you.

2 MR. LANDA: Mr. Chair, again, may I have  
3 your permission just to follow up on that?

4 THE CHAIR: Can you repeat, Mr. Landa?

5 MR. LANDA: I'm asking your permission if  
6 I could please follow up on what was just said about  
7 industrial waste.

8 THE CHAIR: Yeah, go ahead.

9 MR. LANDA: Thank you. So again, being  
10 careful to just say that I have made some assumptions  
11 and don't know the actual evidence, I thought it would  
12 be helpful if I explained the basis of my assumption  
13 that there is industrial waste in the effluent stream.

14 Industrial effluent, you can refer to definitions  
15 in Section 3 of the Arctic Waters Pollution Prevention  
16 Regulation, industrial waste is, as we just mentioned,  
17 defined as waste, any waste produced by or arising from  
18 an industrial operation, but the regulation goes on to  
19 provide a definition of industrial operation that's  
20 quite broad. It says: (as read)

21 Industrial operation means any undertaking  
22 carried on for commercial purposes that  
23 includes any process of industry,  
24 manufacture, trade, or business, or explored  
25 for developing or exploiting any natural  
26 resource.

1 But I don't think it's necessary for the Board to spend  
2 a lot of time on this, because, of course, we are  
3 talking about the marine environment here, and I think  
4 the jurisdictional issues have been well canvassed.

5 It's simply an assumption of mine that there are  
6 businesses processing materials, whether it's in food  
7 services, et cetera, that do feed into the waste  
8 system. If that assumption is wrong, of course, we'll  
9 have to reconsider that, but there is a basis for the  
10 assumption that I felt it was important to state, and I  
11 think that's probably as far as this topic needs to go.

12 THE CHAIR: Teresa?

13 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
14 Meadows, legal counsel for the Nunavut Water Board.

15 Thank you, Mr. Chair, and thank you for that  
16 clarification, Mr. Landa. I have nothing further.

17 THE CHAIR: Thank you. Any more  
18 questions, comments from staff?

19 MR. JOSEPH: Thank you, Mr. Chair. It's  
20 Sean Joseph at NWB.

21 I would like for INAC to explain a little bit  
22 about the most recent inspection that was done for the  
23 City of Iqaluit. In that inspection, a number of items  
24 were identified, and a number of recommendations made,  
25 in particular, recommendations with regard to potential  
26 leak of the transmission main from the Lake Geraldine

1 to the water treatment plant. There were issues  
2 related to the ash generated from the burn box or burn  
3 barn that the City used to compost its waste.

4 So in terms of the commitments or the  
5 recommendations made by INAC, would INAC be able to  
6 confirm with us whether or not it would be providing  
7 copies of these submissions that it's requesting from  
8 the City in those recommendations?

9 MR. HACK: Hi, it's Justin Hack from  
10 INAC.

11 I will forward on the plans that I have requested  
12 and the updates related to the areas of concern related  
13 to my inspection that occurred on April 11th.

14 MR. JOSEPH: Thank you, INAC. Sean Joseph  
15 at NWB.

16 I have just a comment to make with respect to the  
17 commitments that INAC sought from the City of Iqaluit  
18 with regards to the spill contingency plan being  
19 provided 30 days from the date of the public hearing.

20 One of the things we may want to keep in mind is  
21 that, within that time frame, the Board would be  
22 considering its decision on whether or not to issue a  
23 licence for the undertaking or for the application, and  
24 so that would mean that we would be receiving a plan  
25 within that time frame when it is being considered and,  
26 therefore, not be able to capture in any potential

1 licence that the Board may issue if the decision is  
2 late to arrive.

3 So I'm just wanting to bear in mind in terms of  
4 firming up of the timelines for submission for some of  
5 these management plans.

6 Thank you, Mr. Chair. That would be all.

7 THE CHAIR: Thank you. Any more questions  
8 from staff? Thank you.

9 Questions to INAC from the Board, Nunavut Water  
10 Board Members?

11 MR. TOOMASIE: I don't have one.

12 THE CHAIR: I will just move on. And we  
13 will be reconvening for the community session tonight.  
14 Back here at the hall at 7 PM. See you all later  
15 tonight.

16

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17 PROCEEDINGS ADJOURNED UNTIL 7:00 PM

18

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19 Community Session

20 THE CHAIR: Looks like we're going to  
21 adjourn tonight and come back at 9 tomorrow morning.  
22 No public hearing tonight, I guess. The community  
23 didn't show up.

24 Should we have a closing remark or -- closing  
25 statement at 9. Then we're done for now.  
26 Goodbye.

1 \_\_\_\_\_  
2 PROCEEDINGS ADJOURNED UNTIL 9:00 AM, MAY 5, 2016  
3 \_\_\_\_\_

4 CERTIFICATE OF TRANSCRIPT:  
5

6 I, Karoline Schumann, certify that the foregoing  
7 pages are a complete and accurate transcript of the  
8 proceedings, taken down by me in shorthand and  
9 transcribed from my shorthand notes to the best of my  
10 skill and ability.

11 Dated at the City of Calgary, Province of Alberta,  
12 this 15th day of May, 2016.  
13



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16 Karoline Schumann

17 Karoline Schumann, CSR(A)

18 Official Court Reporter  
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10	EXHIBIT 2 - Hard Copy titled "Table 1 -	31
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15	Changes to Schedule C and Monitoring	
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3	presentation titled "Iqaluit Water	
4	Licence Renewal, Presentation to the	
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22	(English/Inuktitut)	
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1 EXHIBIT 8 - Hard copy PowerPoint 110  
2 presentation titled "Indigenous and  
3 Northern Affairs Canada, City of Iqaluit  
4 Renewal Application for Water Licence  
5 #3AM-IQA0611, Nunavut Water Board Public  
6 Hearing, Iqaluit, Nunavut, May 4-5, 2016"  
7 (English)

8  
9 EXHIBIT 9 - Indigenous and Northern 111  
10 Affairs Canada final submission to the  
11 Nunavut Water Board regarding Type "A"  
12 Water Licence renewal application for  
13 municipal undertakings, March 30, 2016,  
14 Executive Summary (English, Inuktitut,  
15 and French)

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