

NUNAVUT WATER BOARD

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

HEARING
VOLUME 2

Iqaluit, Nunavut
May 5, 2016

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

3

4 May 5, 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

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13 D. Hohnstein Director of Technical Services

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15 I. Porter Licensing Administrator

16 B. Kogvik Secretary and Interpreter

17 T. Meadows Legal Counsel

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19 APPLICANT

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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)

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3 INDIGENOUS AND NORTHERN AFFAIRS CANADA (INAC)

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5 S. Forte Water Management Coordinator

6 J. Hack Manager Field Operations

7 K. Landa Department of Justice

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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

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17 DEPARTMENT OF FISHERIES AND OCEANS CANADA (DFO)

18 R. Janusz Senior Fisheries Protection

19 Biologist

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1 (PROCEEDINGS COMMENCED AT 9:08 AM)

2 THE CHAIR: Good morning, everyone. I
3 guess we'll continue from yesterday, and I believe we
4 were on presentation by others and associations.

5 And we will now go into closing remarks, and I'd
6 like to invite the Department of Fisheries and Oceans
7 for closing remarks. Thank you.

8 Department of Fisheries and Oceans Closing Statement

9 MR. JANUSZ: Good morning. Richard Janusz,
10 Fisheries and Oceans Canada.

11 As far as our closing remarks go, I would like to
12 simply reiterate our recommendations to the Board.

13 First, we spoke about our agreement with the
14 issuance of a water renewal licence to the City of
15 Iqaluit for a ten-year term and a maximum annual volume
16 withdrawal from Lake Geraldine of 1.1 million cubic
17 metres.

18 We recommend that Iqaluit continue its plan to
19 provide a compliant fish screen as a precautionary
20 measure on its Lake Geraldine water intake.

21 We ask that Iqaluit ensures that it carefully
22 evaluates potential effects on fish and fish habitat
23 across watersheds, including Lake Geraldine, when
24 considering future plans for supplementary water
25 supply.

26 We ask that Iqaluit retain qualified environmental

1 professionals, including biologists, when considering
2 projects in or near water.

3 We noted that it remains Iqaluit's responsibility
4 to ensure it avoids causing serious harm to fish in
5 compliance with the Fisheries Act and the Species at
6 Risk Act as it may apply to aquatic species at risk,
7 and if plans change or its description of a proposal is
8 incomplete or changes in the future, Iqaluit should
9 consult DFO's website or consult with a qualified
10 environmental professional.

11 And we also noted that it is Iqaluit's duty to
12 notify DFO if it has caused or is about to cause
13 serious harm to fish that are part of or support a
14 commercial, recreational, or aboriginal fishery.

15 Thank you. That is the extent of our
16 recommendations.

17 THE CHAIR: I forgot your name, sorry?

18 MR. JANUSZ: Richard Janusz.

19 THE CHAIR: Richard, thank you.

20 MR. JANUSZ: Thank you.

21 THE CHAIR: Next, closing remarks for
22 Environment and Climate Change.

23 Environment and Climate Change Canada Closing Statement

24 MR. SUMMERFIELD: Thank you. Bradley

25 Summerfield with Environment and Climate Change Canada.

26 We just want to thank everybody for having us and

1 for the great hearing that we had here today.

2 Just to go over a few of our final
3 recommendations, the first one in regards to secondary
4 treatment upgrades, Environment and Climate Change
5 Canada recommends using the WSER objectives as a good
6 objective to aim for for effluent criteria for those
7 upgrades.

8 We also recommend to -- that the sediments in the
9 landfill wastewater management ponds, both the
10 emergency ponds and the regular operation ponds, be
11 characterized and that there be some plans for how to
12 properly dispose of those sediments.

13 We support a ten-year term for the licence renewal
14 for the City of Iqaluit.

15 We also recommend that the solid waste management
16 plan be updated to reflect current ongoing activities
17 here in the city, and that the licence clauses be
18 updated to reflect the discussions that have occurred
19 over the last two days, and also the discussed changes
20 to the monitoring program.

21 And we would just like to reiterate that any
22 discharges to freshwater or inland waters do require a
23 water licence, and any discharge criteria would be set
24 under that water licence.

25 So in closing, we will continue to work with the
26 City and INAC, the Water Board, and maintain the

1 cooperation, and optimistic for things to move forward.

2 Thank you.

3 THE CHAIR: Your name?

4 MS. WILSON: Anne Wilson, Environment and
5 Climate Change Canada.

6 I just wanted to echo Brad's thanks, and great
7 hospitality and for a well-run hearing. Thank you.

8 THE CHAIR: Thank you, Anne and Brad for
9 your closing remarks.

10 And for closing remarks, I invite Indigenous and
11 Northern Affairs, and I believe they have some
12 exhibits.

13 Indigenous and Northern Affairs Canada Closing
14 Statement

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

17 Before we begin, it's my understanding that
18 Indigenous and Northern Affairs has prepared an exhibit
19 for this hearing that will assist us in guiding us
20 through their remarks and sort of summarizing the
21 results of discussions that they have had with the
22 Applicant over the last day or so.

23 And so, Mr. Chair, with your indulgence, we
24 propose to file this as the next exhibit but only in
25 electronic form. We don't have hard copies; we're
26 projecting it on the screen so that we can go through

1 it.

2 So, Mr. Chair, that's what I would propose. If
3 there are any objections from any of the parties to
4 filing this exhibit, please identify those now.

5 Thank you, Mr. Chair, so seeing no objections, we
6 will file this as the next exhibit in electronic form.
7 Thank you, Mr. Chair.

8 THE CHAIR: Thank you, Teresa.

9 EXHIBIT 10 - Electronic Itemization of
10 Suggested Modifications to the Licence,
11 Summary of Discussions with Indigenous and
12 Northern Affairs Canada and the Applicant,
13 City of Iqaluit (English)

14 MR. BURGESS: Scott Burgess, Indigenous and
15 Northern Affairs Canada.

16 Thank you, Teresa, and thank you, Mr. Chair, and
17 thank you to the other Board Members and the technical
18 staff, the City, and all the other interveners. This
19 has been a very well-run hearing, and it's been nice
20 and smooth, so that's good.

21 Indigenous and Northern Affairs Canada would like
22 to start by saying that the Applicant has adequately
23 addressed three of the four outstanding concerns that
24 the Department had for this water licence renewal
25 application, including the two most important ones:
26 Timing of plan updates and proposed modifications to

1 the licence.

2 The only outstanding concern is in regards to the
3 disposal of pond sludge at the West 40 landfill,
4 specifically that of the drafting pond, and it has been
5 discussed in more detail by Environment and Climate
6 Change Canada.

7 Yesterday evening, we were able to sort out our
8 concerns regarding requested modifications to the
9 licence. We will discuss each item so that it will be
10 on the record for the Applicant -- sorry, about that --
11 for the Applicant to confirm that they have the same
12 understanding as the Department. These are
13 recommendations we are making for the Board's
14 consideration.

15 As we mentioned yesterday, the Department had 15
16 modifications or -- concerns with 15 modifications with
17 which we were not in agreement in our written
18 submission with the City. Luckily, several of these
19 can be lumped together, so there're actually only 11
20 outstanding ones to go through or at least concerns
21 that we were agreed upon last night with the City.

22 Part A, Item 1 -- sorry, if you look at the
23 screen -- oh, now, what did I do; all right, there we
24 are -- Part A, Item 1, Sections 7, 8, 11, 12, and 14
25 regarding the scope of the licence. The Applicant has
26 agreed to retract these modifications requests.

1 Part B, Item 6 regarding translated executive
2 summaries, the Applicant retracted this removal request
3 earlier yesterday.

4 Part D, Item 5 regarding the submission of Lake
5 Geraldine dam safety inspection reports, we agree that
6 the reports can be submitted with the annual report,
7 and the Applicant agrees to include in the annual
8 report how and when they will address the
9 recommendations made in the dam safety inspection
10 report. Suggested wording for the timing of reviews
11 and inspections would be to conduct them following the
12 frequency recommended in the Canadian Dam Safety
13 Guidelines.

14 Part E, Item 6, regarding the submission of the
15 operation and maintenance manuals for the wastewater
16 treatment facility and sludge management facility,
17 which is also partly covered in Part E, Item 7. We
18 agree with the City that these should be in a single
19 operation and maintenance manual that should also
20 include the sewage lagoon operation and maintenance
21 manual.

22 In the discussion of the timing of planned updates
23 yesterday, the City committed to updating the Sewage
24 Lagoon Operation and Maintenance Manual Number 5(b) in
25 the list of plans to be updated within 120 days of
26 licence issuance. Since sewage sludge operation and

1 maintenance, Number 3 in the list of plans, will be
2 included in the same manual, the schedule and its
3 update will also be 120 days instead of the 60 days
4 agreed upon earlier.

5 Part E, Item 85 -- perhaps not Item 85 -- Part E,
6 Item 8, regarding the submission of sewage lagoon dam
7 safety inspection reports, our comment here is
8 identical to that for Number 3 on the list.

9 Part E, Item 10, regarding submission for the
10 long-term solid wastewater management plan, we have
11 agreed on December 2018 as a reasonable submission date
12 for this plan. This is different than the 60 days
13 after licence issuance schedule agreed on earlier
14 yesterday.

15 Part E, Item 17, regarding submission of a report
16 prior to any discharge or transfer of leach aid from
17 the West 40 landfill, the Applicant has agreed to
18 retract this modification request at this time as this
19 item will have to be changed for the amendment to add
20 landfill runoff treatment infrastructure to the
21 licence.

22 Part F, Item 14, regarding submission of final
23 design for wastewater treatment plant, we agree that
24 this item should refer to Phase 2, that the submission
25 date be tied to the schedule set out at quarterly
26 meetings with Environment and Climate Change Canada and

1 INAC inspectors and the plans be submitted for
2 information and not approval.

3 Part I, Item 7, regarding the submission of a
4 QA/QC plan, that's quality assurance/quality control
5 plan, the Applicant has agreed to provide this plan,
6 which was Number 10 in the list of plans, within 60
7 days of licence issuance.

8 Part I, Item 14, regarding increasing sampling
9 frequency if effluent quality requirements in Part C
10 are exceeded or as directed by the Board or an
11 inspector, it is unclear if there will be effluent
12 quality requirements in Part C and what they might be.
13 We agree with removing the requirement for increasing
14 sampling frequency in the event of exceedances before
15 the new wastewater treatment plant is commissioned.

16 Lastly, Part J, Item 3, regarding submission of
17 the West 40 landfill abandonment and reclamation plan,
18 these are Numbers 11 and 12 in the list of plans to
19 update. We agreed that it would be reasonable to use
20 December 2018 or one year prior to final
21 decommissioning, whichever occurs first. This is also
22 different than the date agreed upon earlier yesterday
23 when discussing timing of the planned updates.

24 In closing, we would like to confirm for the
25 record that we are satisfied that the Applicant will
26 provide INAC an updated spill contingency plan within

1 30 days of the end of this public hearing. We
2 understand that, with this schedule, the plan will not
3 be able to be considered by the Board for the licence,
4 but that the plan will be submitted to the Board within
5 30 days of licence issuance and could then be included
6 as a term in this licence.

7 And to conclude again, the Board has no objection
8 with the proposed term of ten-years for the licence
9 renewal.

10 Thank you again everybody. That concludes our
11 submission.

12 THE CHAIR: Thank you, Scott, and your
13 name, sorry?

14 MS. FORTE: Sarah Forte with INAC.

15 I would just like to make a correction where we
16 had Part E, Item 85, it was actually Part E, Item 8.

17 THE CHAIR: Thank you. Thanks for closing
18 remarks.

19 And next closing remark is the City of Iqaluit,
20 the Applicant.

21 The Applicant, City of Iqaluit, Closing Statement

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

24 On behalf of the City of Iqaluit, I would like to
25 thank the Nunavut Water Board for allowing us the
26 opportunity to present our application at this public

1 hearing. I'd also like to thank each of the
2 interveners and the Board staff for all of their hard
3 work they put into their respective reviews of the City
4 application and the constructive approach they've all
5 taken in helping to guide the City towards achieving
6 both compliance under the expired licence and working
7 towards a successful application for a renewed licence.

8 I'd like to take this opportunity to summarize the
9 scope and changes that the City is requesting to be
10 included in the renewed licence based on the results of
11 this public hearing and the discussions that the City
12 has had with the interveners and Board staff throughout
13 the process.

14 Subject to the approval of the Board, the scope
15 requested is the use of up to 1.1 million cubic metres
16 of inland water from Lake Geraldine; the upgrade,
17 operation, and eventual decommissioning of the
18 wastewater treatment plant and backup sewage lagoon;
19 the operation and eventual decommissioning of the
20 West 40 landfill surface water runoff collection
21 system; a ten-year licence term; and changes to the
22 monitoring program as identified in the table presented
23 by the City earlier yesterday. And I just go through
24 two modifications that were made during the meeting,
25 just so it's on the record here.

26 So, for example, Station IQA-01, the change was

1 instead of requesting that to be removed, we are
2 requesting a change in the frequency of the sampling to
3 match the City's existing sampling protocol for raw
4 water, so that would be twice per year.

5 And the second change was with reference to
6 sampling location IQA-08#, we're requesting that that
7 be changed to two sample locations outside of the
8 landfill, one upstream of the landfill and one
9 downstream, as identified in the letter to the Water
10 Board of February 5th, 2016, in response to some
11 questions that were raised during the technical
12 hearing.

13 During this hearing, the interveners presented
14 outstanding issues with respect to the City's
15 application. Through this process, we've had the
16 opportunity to further discuss and clarify these issues
17 with the interveners and Board staff and are in
18 agreement with the interveners on these issues as they
19 presented in their closing remarks today, and we
20 request that the Board include these changes in the
21 renewed licence as presented this morning.

22 I'd also like to state that what's not included in
23 the licence application or what the City believes
24 shouldn't be included are the emergency measures and
25 associated infrastructure with that.

26 And finally, the City would like to ask the Board

1 to consider the remarks by both Environment and Climate
2 Change Canada and Indigenous and Northern Affairs with
3 respect to discharges to a marine environment and its
4 applicability to this licence renewal, specifically
5 considering that the City -- considering the City's
6 plans to discharge treated effluent from the wastewater
7 treatment plant and landfill retention pond directly to
8 a marine environment.

9 That pretty well sums up what our closing remarks
10 are, and just, again, thank you to everybody for coming
11 here and helping us out with this. And thank you to
12 the Board for giving us the opportunity to present our
13 application.

14 Closing Remarks

15 THE CHAIR: Thank you, City of Iqaluit.

16 And in closing remarks, I'd like to read this:

17 The Board takes this opportunity to thank everyone
18 who participated in this important hearing, especially
19 the Applicant, City of Iqaluit; the intervening
20 parties, Indigenous and Northern Affairs Canada,
21 Department of Fisheries and Oceans Canada, Environment
22 and Climate Change Canada; and all the community
23 members, including elders, for their valued
24 participation in this hearing; interpreters, Ben Kogvik
25 and Mary Hunt and Daniel Cuerrier -- sorry if I didn't
26 pronounce it properly -- court reporter, Karoline

1 Schumann; and Innirvik Support Service Limited, George
2 Metuq, Elaina Cooper, Eelei Uniuqsaraq.

3 And special thanks also to the City of Iqaluit for
4 its outstanding hospitality and support of the Board
5 and staff while we complete our work; the
6 staff/management of the Anglican Parish Hall, catering
7 and others who came together to make this public
8 hearing available and accessible to everyone.

9 As we are at the close of the hearing, I will make
10 some comments to let parties and interested persons
11 know what happens next for this amendment application.

12 First, I now close the public hearing record for
13 the renewal amendment application for Type "A" Water
14 Licence No. 3AM-IQA0612 submitted by the City of
15 Iqaluit for the continuation of municipal undertaking
16 and activities.

17 What this means is that no additional information
18 will be accepted on this application prior to the Board
19 making a final decision.

20 Within 30 to 45 days of hearing record closing and
21 the application being remitted to the Panel, the Panel
22 will issue a decision report to the Minister of
23 Indigenous and Northern Affairs regarding whether to
24 issue renewed and amended Type "A" Water Licence to the
25 Applicant. If the Board's decision is to recommend
26 that renewed and amended Type "A" Licence be issued,

1 the Board will also attach a copy of amended licence to
2 the decision report for the review of the Minister.

3 The Board's reason for decision and attachments
4 will also be provided to the distribution lists for the
5 file and will be publicly available from the NWB's
6 public registry and FTP sites as well. I would
7 encourage everyone interested in receiving a copy of
8 Board's reasons for decision and any associated licence
9 issued to get in touch with the Board, and the staff
10 can ensure that you are included in the distribution
11 list.

12 Thank you everyone. That concludes the public
13 hearing for renewal amendment of Type "A" Water Licence
14 3AM-IQA0612. The hearing is now adjourned. Have a
15 good afternoon, evening. I wish everyone who has
16 travelled to the City of Iqaluit for the hearing safe
17 travels on their return home.

18 And let us close with a prayer. Lootie.

19 (CLOSING PRAYER)

20 _____

21 PROCEEDINGS CONCLUDED

22 _____

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1 CERTIFICATE OF TRANSCRIPT:

2

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

8 Dated at the City of Calgary, Province of Alberta,
9 this 15th day of May, 2016.

10

11

12

13

Karoline Schumann



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Karoline Schumann, CSR(A)

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Official Court Reporter

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EXHIBIT ENTERED

May 5, 2016

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EXHIBIT 10 - Electronic Itemization of
Suggested Modifications to the Licence,
Summary of Discussions with Indigenous
and Northern Affairs Canada and the
Applicant, City of Iqaluit (English)

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