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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

June 19, 2014

Richard J. Sparham
Project Officer, Engineering Department
City of Iqaluit
Box 460, Iqaluit, NU
X0A 0H0

Sent via email: r.sparham@city.iqaluit.nu.ca

**Re: Request From the City of Iqaluit Regarding Alternative Waste Storage Sites in
Response to a Fire at the West 40 Landfill**

Dear Mr. Sparham:

This letter is in response to your June 11, 2014 letter, in which you requested, on behalf of the City of Iqaluit (the City), that the Nunavut Water Board (NWB or Board) approve the use of an alternative site outside of the City landfill area to temporarily store bulky metal waste and scrap wood until such time as the fire at the City landfill has been extinguished and normal operations may resume. As indicated in your correspondence, the City is proposing the temporary off-site storage of two waste streams. This proposal would allow the municipal solid waste received by the City at the landfill to be temporarily stored in the space that would become available once the bulky metal wastes are transferred to the proposed new site at the Iqaluit airport. In discussions with the Board, you had asked for the Board's guidance regarding the potential regulatory options that may be available to the City to seek authorization for this temporary storage plan.

At the outset, the Board notes that typically, where the licensee has an **active licence**, the Board could consider the extent to which the proposed activities may constitute a modification to the licence (which would not require a public hearing) or an amendment to the licence (which could trigger the requirement for a public hearing unless considered by the Board and the Minister to be an amendment required for emergency purposes). Unfortunately, as you are aware, the City currently **does not** have an active licence, as Licence No. 3AM-IQA0611 expired in 2012 and has yet to be renewed. Consequently, given the long expired status of the City's water licence, the Board cannot handle this request as a request for a modification or an application for amendment of Licence No. 3AM-IQA0611 because, quite simply, the Board cannot amend a licence that, from a legal perspective no longer grants rights to the licensee. Although the Board notes that the licensee under an expired licence continues to be bound to meet the obligations of an expired licence, as set out in s. 46 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, the rights to the use of waters or the deposit of waste granted to a licensee under a licence **do not** continue once the licence has expired or has been cancelled.

Therefore, without a current licence in place, the Board has considered alternative options for considering the authorization of the off-site, temporary storage proposed by the City. Please note that in considering the available options, the materials provided to the Board to date, and the discussions you have had with the NWB's technical staff, the Board is assuming that the off-site storage at the Iqaluit Airport is being proposed as a temporary measure only. The Board is also assuming that the bulky metal waste and scrap wood will be returned to the City landfill when the fire has been extinguished and municipal solid waste can be received as per normal operations. On this basis, the Board has identified that a Type "B" Water Licence may be sought by either the legal owner¹ of the Airport lands that will be receiving the bulky metal wastes and scrap wood, or other entity legally entitled to use the Airport lands for this purpose (i.e. the City of Iqaluit once the City has entered into a lease agreement which would authorize this use of the lands).

The technical requirements of an application for a Type "B" Licence are as set out in the Board's Technical Guide 4². With respect to the additional specific requirements, your application should also include, but not be limited, the following supplemental information:

1. Copy of the lease agreement between the City of Iqaluit and the title holder of the property being considered for temporary storage of bulky metal and wood waste if the prospective licensee is anticipated to be an entity other than the title holder;
2. Result of any studies, including supporting information such as analytical results, conducted to establish existing conditions of the proposed site;
3. Copy of an Abandonment and Restoration Plan that includes measures to restore the site to conditions preceding use by the City;
4. Details for measure to manage surface water or runoff water generated from the proposed undertaking;
5. Copy of a Waste Management Plan developed to ensure that relevant waste is transferred, stored, and remove from the proposed site in a manner that minimizes impact to the receiving environment; and
6. Copy of a Spill Contingency Plan (SCP) developed to minimize or prevent potential spills that might be associated with the undertaking.

Further, the City is reminded, that although it is not mandatory to conduct a public hearing for the Board to dispose of an application for a Type "B" Water Licence, the Board typically solicits comment from interested parties and the public in respect of all applications received and, should there be public concern associated with a Type "B" Water Licence, the Board may determine that it is in the public's interest to conduct a public hearing for a Type "B" Water Licence (analogous to the public hearing required for a Type "A" Water Licence³). Applicants are advised that the goal for the Board is always to ensure that the Board's process for considering an application ensures that the applicant provides the information required for the Board to

¹ Please note that it is the Board's understanding that the current owner of the site is the Government of Nunavut Department of Transportation but please advise the Board if its assumption is incorrect.

² Nunavut Water Board - Guide 4: Completing and Submitting a Water Licence Application for a New Licence, April 2010, revised April 2013.

³ See s. 51(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10.

render a decision and that all interested parties have an opportunity to participate in the licensing process, including identifying their comments and concerns with respect to a given application.

I trust this provides you with the direction you require at present. Should you have any further questions, please follow up with me directly.

Yours sincerely,



Damien Côté
Executive Director
Nunavut Water Board

cc: AANDC Inspectors
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