

## DECISION

### WATER LICENCE 3AM-IQA1626 - EMERGENCY AMENDMENT

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<b>Licensee:</b>	<b>The City of Iqaluit</b>
<b>Licence No:</b>	<b>3AM-IQA1626 Type "A"</b>
<b>Licence Issued:</b>	<b>June 17, 2016</b>
<b>Emergency Amendment for 1 year:</b>	
<b>Amendment No. 6 Effective:</b>	<b>October 15, 2021</b>
<b>Amendment No. 6 Expiry:</b>	<b>Resolution of State of Emergency</b>
<b>Licence Expiry:</b>	<b>June 16, 2026</b>

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Pursuant to its authority under Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement)* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA or Act)*, with respect to the Application for an emergency amendment to the Licence noted above, dated October 13, 2021, provided by the City of Iqaluit, the Nunavut Water Board (NWB or Board) hereby grants the following licence amendments (Amendment No. 6).

The Licence issued June 17, 2016, with an expiry date of June 16, 2026, shall be amended to include the following terms and conditions, with respect to the use of Waters and the deposit of Waste, to allow for the temporary withdrawal of up to 350 m<sup>3</sup> per day of Water from the Sylvia Grinnell River.

#### Procedural History

On October 13, 2021, the Nunavut Water Board (NWB or Board) received the Application for Water Licence Amendment (Application) from the City of Iqaluit (the City or Applicant) for Water Licence No: 3AM-IQA1626. The Application requested that, due to potential contamination of the Lake Geraldine Reservoir – the City's water source – with petroleum hydrocarbons, the amendment be dealt with on an emergency basis under the provisions of Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement)* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*. As provided under s. 52(2)(c) and s. 55(5), of the *NWNSTRA* with the consent of the Minister, the Board may declare the amendment to be required on an emergency basis. With the consent of the Minister, this declaration allows the Board to waive the normal notice, public hearing and comment requirements typically associated with the Board's consideration of an application to amend a Type "A" Water Licence and to process the amendment application on an expedited basis. In addition, the Minister's consent exempts the Application from meeting the pre-licensing conformity determination and impact assessment requirements (as outlined under ss. 152(1)(b) and (c) of the *Nunavut Project and Planning Assessment Act*, S.C. 2013, c. 14, s. 2 (NuPPAA)).

On October 13, 2021, the NWB issued correspondence acknowledging receipt of the City of Iqaluit's application to amend Type "A" Water Licence No: 3AM-IQA1626 on an emergency basis (Amendment No. 6).

On October 14, 2021, the Board received the Declaration of a State of Emergency in the City of Iqaluit by the territorial Minister of Community and Government Services. The Declaration of a State of Emergency was made under the *Emergency Management Act* resulting in the Application being exempt from the conformity and impact assessment requirements as provided for under s. 152(1)(b) of *NuPPAA*.

On October 15, 2021, the NWB's duly appointed panel responsible for decision-making for the file, the Iqaluit Panel (Panel P6) met via teleconference and concluded that emergency circumstances had been established by the City of Iqaluit and directing that the Board seek the Minister's consent for the Board to process the Application on an emergency basis. The Panel also decided to recommend that Amendment No. 6 be granted on the following basis.

#### General Considerations

The City of Iqaluit views the situation as an emergency because there are

*... concerns of possible water contamination [of the City's drinking water source, the Lake Geraldine Reservoir] due to petroleum hydrocarbons. The City of Iqaluit subsequently declared a local state of emergency, given the concerns identified... the City of Iqaluit... continues its investigation in order to confirm possible contamination and source...*

The City requests an authorization to withdraw water from the Sylvia Grinnell River as an alternative to the approved water source, the Geraldine Lake Reservoir, because the Sylvia Grinnell River is the closest water source and is accessible via an existing access road. The Applicant noted in the Application that water withdrawals from this alternate water source had already commenced to ensure the health and safety of residents who have been advised not to drink the water coming from the Geraldine Lake Reservoir while the investigation of potential contamination continues.

Recognizing that the emergency situation means that there has been a very limited opportunity for the Board and any interested parties to review and comment on the Application, the NWB has recommended the term of Amendment No. 6 should be limited to the works and activities required for the City to complete the investigation in respect of the possible contamination of the Geraldine Lake Reservoir, including time required to identify and eliminate the source of contamination.

In the Application, the City indicated that the pumping of fresh Water from the Sylvia Grinnell River is expected to be required for a term of approximately 30 days, to ensure that the population of the City of Iqaluit is supplied with drinking water from the alternate source for the duration of the investigation and application of any required corrective measures. The Sylvia Grinnell River will be the only additional source of water accessed by the City during this time. Water would be trucked from the Sylvia Grinnell River and treated chemically. Amendment No. 6 is limited to the withdrawals from the Sylvia Grinnell River, and no other alternate sources of water may be accessed under this amendment.

On this basis, Panel P6, by way of Motion No: 2021-09-P6-03 has approved the processing of the

Water Licence Amendment Application to Type "A" Water Licence No: 3AM-IQA1626 under emergency circumstances as requested by the City of Iqaluit. Further, if the Minister consents to processing the Application on an emergency basis, Panel P6 has, by way of Motion No: 2021-09-P6-04, approved the issuance of these Reasons for Decision and the specified amendments to Water Licence No: 3AM-IQA1626 (Amendment No. 6) to authorize the activities as follows upon approval by Minister.

## **EMERGENCY AMENDMENT**

Amend Page 3 **Quantity of Water not to be exceeded** to read:

**2,000,000 CUBIC METERS ANNUALLY FROM LAKE GERALDINE RESERVOIR, 500,000 CUBIC METERS ANNUALLY FROM NIAQUNGUK RIVER (APEX RIVER) FOR TRANSFER TO LAKE GERALDINE RESERVOIR, 2,500 CUBIC METRES ANNUALLY FROM IMIQTARVIVINIQ (DEAD DOG LAKE) AND 350 CUBIC METRES DAILY FROM SYLVIA GRINNELL RIVER DURING STATE OF EMERGENCY.**

### **PART A: SCOPE, DEFINITIONS, AND ENFORCEMENT**

Insert Item 1. 1.:

Construction, operation, and removal of temporary facilities to provide for trucking water from the Sylvia Grinnell River.

### **PART D: CONDITIONS APPLYING TO THE USE OF WATER AND WATER MANAGEMENT PLANS**

Amend Item 1 to Read:

The Licensee is authorized to withdraw, from the Lake Geraldine Reservoir at Monitoring Station No. IQA-01, up to 2,000,000 cubic metres of Water annually for the relevant activities, works, and undertakings authorized under the scope of this Licence.

The Licensee is authorized to withdraw, from the Niaqunguk River (Apex River) at Monitoring Station No. IQA-10, up to a total of 500,000 cubic metres of Water annually for the supplementation of Water levels in the Lake Geraldine Reservoir.

The Licensee is authorized to withdraw, from Imiqtarviviniq (Dead Dog Lake) at Monitoring Station No. IQA-14, up to a total of 2,500 cubic metres of Water annually for dust suppression and general municipal purposes.

The Licensee is authorized to withdraw, from the Sylvia Grinnell River, at Monitoring Station No. IQA-17, up to 350 cubic metres of Water daily during the investigation of possible contamination of the Lake Geraldine Reservoir and application of any corrective actions resulting from the investigation.

Insert Item 13:

The Licensee shall cease all withdrawals from the Sylvia Grinnell River (Monitoring Station No. IQA-17) when the Licensee has confirmed the water quality in the Lake Geraldine Reservoir is no longer considered contaminated with petroleum hydrocarbons and the "*Do Not Drink*" Water Advisory has been lifted. The Licensee shall remove any infrastructure set up for water withdrawals at Monitoring Station No. IQA-17.

**PART I: CONDITIONS APPLYING TO MONITORING**

Insert Item 16:

The Licensee shall monitor withdrawals from the Sylvia Grinnell River in accordance with requirements included under Schedule I.

**PART J: CONDITIONS APPLYING TO CLOSURE AND RECLAMATION**

Insert Item 6:

The Licensee shall, within three (3) months of terminating temporary withdrawal of Water from Sylvia Grinnell River or with the 2021 Annual Report, whichever comes first, submit to the Board for review, the final closure report of temporary infrastructure established for Water withdrawals at Monitoring Station No. IQA-17.

**SCHEDULE B: ANNUAL REPORT REQUIREMENTS**

Insert Item v:

The 2021 Annual Report referred to in Part B, Item 1, shall provide the following information:

1. A summary of the investigation of the petroleum hydrocarbon contamination in the City's water supply system, including lessons learned, based on monitoring and mitigation efforts.
2. GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) and datum for the locations of all water withdrawals.
3. The daily and monthly quantities in cubic metres of fresh Water withdrawn from the Sylvia Grinnell River at Monitoring Station IQA-17.
4. Discussion of any observed trends, exceedances, or unanticipated impacts.

**SCHEDULE I: CONDITIONS APPLYING TO MONITORING**

Amend Table 2 to include:

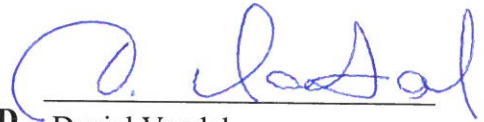
Station ID	Description	Status	Parameter	Testing/ Measurement Frequency	Reporting Frequency
IQA-17	Withdrawal from Sylvia Grinnell River.	New	F	Daily when withdrawals occurring at this station.	2021 Annual Report

**All remaining terms and conditions of Type "A" Water Licence 3AM-IQA1626 dated June 17, 2016, still apply.**

This Licence Amendment No. 6 issued and recorded at Gjoa Haven, NU on **October 15, 2021.**



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Lootie Toomasie  
Chairperson, Nunavut Water  
Board



**APPROVED** \_\_\_\_\_ Daniel Vandal  
**BY:** Minister of Northern Affairs

**DATE:** **OCT 15 2021**