



## **NUNAVUT WATER BOARD**

**WATER LICENCE NO: 3AM-IQA1626**

**REASONS FOR DECISION  
INCLUDING RECORD OF PROCEEDINGS**



# NUNAVUT WATER BOARD

In the Matter of:

Applicant: City of Iqaluit

Subject: Application to Replace and Amend Expired Type “A”  
Water Licence No. 3AM-IQA0612

Date: June 17, 2016

Precedence: Where there is any inconsistency or conflict between the *Nunavut Land Claims Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*, the Agreement prevails to the extent of the inconsistency or conflict. Where there is any inconsistency or conflict between the *NWNSRTA* and any other act of Parliament, except the *Nunavut Land Claims Agreement Act*, the *NWNSRTA* prevails to the extent of the inconsistency or conflict.



## **RECORD OF PROCEEDINGS**

Applicant:	City of Iqaluit
Address:	Box 460 Iqaluit, NU X0A 0H0
Purpose:	Application to Replace and Amend Expired Type "A" Water Licence No. 3AM-IQA0612
Original (incomplete) Application Received on:	October 12, 2012
Complete Application Received on:	May 28, 2015
Application Received from:	City of Iqaluit
Date of Public Hearing:	May 4 and 5, 2016
Public Hearing Record Closed:	May 5, 2016



## **ATTENDEES:**

### **NWB**

#### **Representatives:**

Nunavut Water Board Panel Members (Panel P6):	Chairman Member Member	N. Mike L. Toomasie M. Nartok
Nunavut Water Board Staff:	Executive Director Director of Technical Services Senior Technical Advisor Licensing Administrator Board Secretary/Interpreter Legal Counsel (Shores Jardine LLP)	S. Autut D. Hohnstein S. Joseph I. Porter B. Kogvik T. Meadows
Interpreters:	Inuktitut Translator Inuktitut Translator French Translator	B. Kogvik M. Hunt D. Cuerrier
Court Reporter:	Dicta Court Reporting, Inc.	K. Schumann
Sound Technician:	Innirvik Support Services Ltd.	E. Uniuqsaraq E. Cooper G. Metuq
<b>Applicant:</b>		
City of Iqaluit	Director of Public Works and Engineering Project Officer Project Officer Technical Support (Stantec)	M. Hamp P. Clow R. Sparham D. Lycon



**Parties:**

Indigenous and Northern Affairs Canada (INAC)	Manager Water Resources	S. Burgess
	Water Management Coordinator	S. Forte
	Manager Field Operations	J. Hack
Department of Justice	Counsel	K. Landa
Environment and Climate Change Canada (ECCC)	Environmental Assessment Coordinator	B. Summerfield
	Head of Water Quality Expert Support Group	A. Wilson
	Environmental Enforcement Officer	C. Didham
Department of Fisheries and Oceans Canada (DFO)	Senior Fisheries Protection Biologist	R. Janusz
Written Record of Submissions:	Available from the Board's public registry using the following link:  <a href="ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-IQA0612/2%20ADMIN/4%20HEARINGS/2%20HEARING/">ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-IQA0612/2%20ADMIN/4%20HEARINGS/2%20HEARING/</a>	
Hearing Record (including Hearing Transcript):	Available from the Board's public registry using the following link:  <a href="http://www.nwb-oen.ca/public/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-IQA0612/2%20ADMIN/4%20HEARINGS/2%20HEARING/016%20Public%20Hearing/">http://www.nwb-oen.ca/public/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-IQA0612/2%20ADMIN/4%20HEARINGS/2%20HEARING/016%20Public%20Hearing/</a>	



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## **ABBREVIATIONS**

<b>Short Form</b>	<b>Full Name</b>
AANDC	Aboriginal Affairs and Northern Development Canada (as of November 2015 became INAC)
DFO	Fisheries and Oceans Canada
DIO	Designated Inuit Organization
EC	Environment Canada (as of November 2015 became ECCC)
ECCC	Environment and Climate Change Canada (formerly Environment Canada)
GN-CGS	Government of Nunavut, Community and Government Services
INAC	Indigenous and Northern Affairs Canada (formerly AANDC)
NIRB	Nunavut Impact Review Board
NLCA	Nunavut Land Claims Agreement
NPC	Nunavut Planning Commission
NuPPAA	<i>Nunavut Planning and Project Assessment Act</i>
NWNSRTA	<i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i>
NWB	Nunavut Water Board
PHC	Pre-Hearing Conference
PH	Public Hearing
TM	Technical Meeting

## **REASONS FOR DECISION**

### **Executive Summary**

This decision is in relation to an application before the Nunavut Water Board (NWB or Board), filed by the City of Iqaluit (the Applicant or City), to replace and amend the expired Type “A” Water Licence No. 3AM-IQA0612 (or 3AM-IQA0612) (the Application). The Applicant seeks a Type “A” Licence to authorize the use of water and deposit of waste associated with a “municipal undertaking”.<sup>1</sup>

The scope and content of the Application has been revised several times since it was originally received by the NWB on October 12, 2012. After the October 2012 submission, there was an on-going exchange of updated and revised application documentation culminating with the Board determining on May 28, 2015 that the Board had received sufficient information to deem the Application to be administratively complete.

The Application requests that the Board issue a Type “A” Water Licence on substantially the same terms and conditions as the City’s former water licence, Water Licence No. 3AM-

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<sup>1</sup> As of April 2013, when the *Nunavut Waters Regulations*, SOR/2013-69 came into force, municipal undertaking was defined as “a waste disposal or water system for a municipality.”



IQA0612 which expired in July 2012 (the Expired Licence). The Applicant requested three key amendment areas to the Expired Licence:

- The term of the Licence be 10 years;
- Changes to the monitoring requirements for the undertaking; and
- Changes to some aspects of the scope of the undertaking.

The NWB conducted a thorough review of the Application and associated documentation, including a completeness check, technical review, a technical meeting and a pre-hearing conference held in person, in the nearest community, Iqaluit, Nunavut, on January 13 and 14, 2016. On May 4 and 5, 2016 the Board held an in-person Public Hearing in Iqaluit to consider the Application. A Community Session was hosted by the NWB as part of the Public Hearing on the evening of May 4, 2016, but despite publishing Public Notice, radio, print and social media advertising of the event, no members of the public attended the community session.<sup>2</sup>

On the basis of the information provided within the Application by the City of Iqaluit, technical review of the Application by the Board and interveners, commitments and responses to information requests from the parties during the technical review of the Application, comment submissions received throughout the Board's consideration of the Application, the final written submissions filed with the Board in advance of the Public Hearing and the information provided during the Public Hearing, the three-member panel of the Board, Panel (P6 or the City of Iqaluit Panel), duly appointed by the Board to consider the Application, has by way of Motion No. 2016-02-P6-10 and Motion No. 2016-02-P6-14 decided the following:

- To grant the City of Iqaluit's request to replace and amend the expired Water Licence No. 3AM-IQA0612 in accordance with the rationale provided in this decision and the terms and conditions outlined in this Decision and the attached Licence No.: 3AM-IQA1626 (the Licence);
- Specific terms and conditions of note in the Licence include the following:
  - the term of the Licence will be 10 years, expiring on June 16, 2026, the Board is confident that with the City of Iqaluit's commitment to significant upgrades to the City's Wastewater Treatment Facilities, the City's environmental performance will greatly improve and this supports granting the longer term requested;
  - the volume of water the City of Iqaluit is authorized to use remains at 1.1 million cubic metres annually;

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<sup>2</sup> For a complete list of all attendees at the Public Hearing and Community Session for this Application, see APPENDIX E - Sign-in Sheets – List of Participants in the Public Hearing.



- items that no longer apply (such as items applicable to construction that has now been completed, items that are no longer in use, requirements to file updated plans for approval that have been submitted and approved by the Board or that are no longer applicable to the undertaking, etc.) have been removed;
- the monitoring requirements in the Licence have been revised to streamline and rationalize the monitoring required under the Licence and also to reflect the anticipated improvements to the Wastewater Treatment Facilities that will be implemented by the City in the next two years; and
- amendments to specific terms and conditions of the Expired Licence have been made to reflect general updates, recent amendments to legislative requirements, and changes requested by regulatory authorities (e.g., changes to the requirements associated with the *Nunavut Waters Regulations*).

## **SECTION I**                      **FILE BACKGROUND AND REGULATORY HISTORY**

### **Current Application**

The Application was originally submitted by the City of Iqaluit (Applicant or City) in October 2012, and requested that the Nunavut Water Board (NWB or Board) replace and amend the City of Iqaluit's Type "A" Water Licence No. 3AM-IQA0612 that had expired in July 2012 (the Expired Licence). Between October 2012 and May 2015, the Applicant submitted several application documents and supporting information to the NWB involving varying water uses, waste deposits and scopes. After approximately three (3) years of following-up with the City of Iqaluit, on May 28, 2015 the NWB deemed the Application to be complete and provided Notice of the Application.

The Expired Licence was issued to the City of Iqaluit to authorize the use of water and deposit of waste for a municipal undertaking<sup>3</sup> on May 15, 2006, with the original expiry date set for May 15, 2011. Prior to expiry of that licence, the City applied to the Board for an emergency amendment to extend the term of the licence by one (1) year. The Board granted the emergency amendment on May 13, 2011 with the issuance of the amendment and the Minister of Aboriginal Affairs and Northern Development Canada (AANDC) approved the amendment on June 17, 2011. This extended the expiry date of the Licence to July 15, 2012. Licence No. 3AM-IQA0611 was then used interchangeably as Licence No. 3AM-IQA0612 to denote the changed expiry date.

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<sup>3</sup> As that term was defined under the *Northwest Territories Waters Regulations*, SOR/93-303, Schedule II, Item 3, (the Regulations in force at that time) as follows: Any activity in a municipality, or in a settlement comprising a multiplicity of residential units, that uses only a municipal water and sewage system, including domestic, horticultural, fire protection, commercial or industrial activities.



In July 2012, just days before the expiry of Licence No. 3AM-IQA0612 (3AM-IQA0611) the City again applied for an emergency amendment to extend the Licence term by an additional year, but the Board determined at that time that emergency circumstances did not exist and the City's Licence then expired in 2012. Since that time, as set out in s. 46 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*,<sup>4</sup> the City of Iqaluit continued to be bound by the obligations under the Expired Licence.

The scope of the Application, which was amended several times since the initial version of the Application was submitted in 2012, now includes the following works, activities and undertakings:

1. Withdrawal and use of up to 1,100,000 cubic metres of freshwater annually from Lake Geraldine for municipal purposes;
2. Upgrade, operation, and eventual decommissioning of infrastructure used for managing wastewater at the existing West 40 Wastewater Treatment Plant and backup Sewage Lagoon;
3. Operation and eventual decommissioning of the solid waste management facility at the existing west 40 landfill and associated infrastructure;
4. Changes to the Monitoring Program requirements of the expired licence; and
5. Term of ten (10) years for the required licence.

It should be noted that as requested by the City of Iqaluit, several works, activities, and undertakings were removed from the scope of the City's Application<sup>5</sup> on the understanding that the City will file an amendment application when the City has sufficient information about these components to provide a complete application.

The various submissions and documentation in support of the City's application to replace and amend the Expired Licence was received over the course of approximately four years, from October 12, 2012 to April 7, 2016 (collectively this documentation is considered to be the Application). The following is a listing of the main documents the NWB received from the City in support of the Application:

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<sup>4</sup> S.C. 2002, c. 10, which states: The expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence.

<sup>5</sup> For a listing of the items removed from the Scope of the Licence, see [Section VII, Part A: Scope](#) of this decision.



## 2012 Submissions

### ***Water Licence Application***

- Final Signed Water Licence Renewal Application Form, dated October 2012;
- Cover Letter Regarding Application for Renewal of Water Licence 3AM-IQA0611 (renamed 3AM-IQA0612), dated November 1, 2012;
- Cover Letter Regarding Application for Renewal of Water Licence 3AM-IQA0611 (renamed 3AM-IQA0612), dated November 2, 2012;
- Executive Summary (English);
- Executive Summary (Inuktitut);
- Application Appendices; and
- 2011 Annual Report and Appendices.

### ***Appendix A: General***

- A-1: Topographic map/satellite image (5-metre contours);
- A-2: Water Licence Inspection Reports (July 2008, July 2009, October 2009, July 2010, July 2011, and July 2012);
- A-3: City of Iqaluit Spill Contingency Plan (2004);
- A-4: Alternate Monitoring Plan (2008);
- A-5: Current Monitoring Program Tests Dates (2012);
- A-6: Monitoring Program Test Results (April, July, and September 2012);
- A-7: Spill Reports (2005, 2006, 2007, 2008, 2009, 2010, and 2011);
- A-8: Allangua Road Culvert Installation;
- A-9: Water Licence Reports (2009, 2010, and 2011) ;
- A-10: Audited Financial Statements (2011); and
- A-11: Compliance Assessment (2012).

### ***Appendix B: Water Use***

- B-1: Picture of Water Source Sign;
- B-2: Lake Geraldine Dam Expansion Drawings (2006);
- B-3: Water Treatment Plant; Drawings (2003);
- B-4: Water Treatment Plant Operation & Maintenance Manual (2004);
- B-5: Underwater Dive Report (2010);
- B-6: Watershed Mapping and Monitoring for Northern Community Impact Assessment;
- B-7: Lake Geraldine Dam - Dam Safety Review (2006);
- B-8: Lake Geraldine Dam - Dam Safety Inspections (2009, 2010, 2011, and 2012); and
- B-9: Lake Geraldine Dam - Permanent Record File (2011).

### ***Appendix C: Wastewater***

- C-1: Picture of Lagoon Identification;
- C-2: Sewage Lagoon Drawing (1988);
- C-3: Wastewater Treatment Plant Phase 1 Drawings (2005);
- C-4: Lift station No. 1 - As-Built Drawings (2007);
- C-5: Lift Station No. 2 - As-Built Drawings (2011)
- C-6: Sludge Management Operation & Maintenance Manual (2006);
- C-7: Wastewater Treatment Plant Operation & Maintenance Manual (2006);



- C-8: Sewage Lagoon West Berm Rehabilitation Reports and Drawings (2006);
- C-9: Iqaluit Wastewater Treatment Plant Technical Overview of 2005 Secondary Sewage Treatment Plant Design (2011);
- C-10: Sewage Lagoon Dam Safety Inspections (2006, 2009, and 2011);
- C-11: Sewage Lagoon Permanent record File (2012); and
- C-12: Sewage Lagoon Dam Safety Review Requirement Investigation (2012).

#### ***Appendix D: Solid Waste***

- D-1: Picture of Landfill Sign;
- D-2: Landfill Facility Expansion Drawings (2001);
- D-3: Landfill Drawings (2006);
- D-4: Landfill Berm Repair Drawings (2011);
- D-5: Solid Waste Facility Operations & Maintenance Manual (2005);
- D-6: Landfill Water Management Improvements Report (2009);
- D-7: West 40 Landfill Drainage Management Review (2011);
- D-8: Iqaluit Sewage Sludge Management Composting Pilot Project Report (2009); and
- D-9: Iqaluit Waste Management Project Terms of Reference (2010).

#### ***Copy of Final NIRB Application***

- NIRB Form Part 1 (English);
- NIRB Form Part 1 (Inuktitut); and
- NIRB Form Part 1 (Cover Letter)

#### **2013 Submissions**

- City of Iqaluit Response to NWB April 8, 2013 Letter Regarding Application for Water License Renewal
- Lake Geraldine Water Balance Assessment, dated 2013;
- City of Iqaluit Letter to the NIRB requesting Extension for Requested Additional Information, dated August 27, 2013;
- Iqaluit Waste Management Project: *Newsletter #3*, dated 2013;
- Iqaluit Annual Monitoring Report for Water Licence Monitoring Program -2012
- Letter from the City of Iqaluit to NWB regarding the City of Iqaluit Outstanding Items Submission, dated August 30, 2013;
- City of Iqaluit Quality Assurance and Quality Control Plan, dated March 2013
- City of Iqaluit 2007 Water Licence Annual Reports;
- City of Iqaluit 2008 Water Licence Annual Reports; and
- Monthly General Monitoring Reports: June, July, September, October, December 2012.

#### **2014 Submissions**

- City of Iqaluit Solid Waste Management Plan, West 40 Landfill Decommissioning Technical Memorandum, dated January 2014
- City of Iqaluit Landfill Operations and Maintenance Manual, dated January 2014; and
- City of Iqaluit Solid Waste Management Plan, dated January 2014.



### 2015 Submissions

- Cover Letter Regarding Confirmation of Submission and Scope for Type “A” Water Licence No. 3AM-IQA0611, dated March 2, 2015;
- Appendix A – List of appendices considered under the application;
- Appendix B – Supplementary Water Supply Study, dated August 2014;
- Letter from the city of Iqaluit dated November 13, 2015 in response to Environment Canada technical intervention;
- Letter to the City of Iqaluit dated November 13, 2015 in response to Aboriginal Affairs and Northern Development Canada technical intervention; and
- Letter from the City of Iqaluit dated November 13, 2013 in response to DFO technical intervention.

### 2016 Submissions

- City of Iqaluit’s Presentation for the Technical Meeting and Pre-hearing Conference scheduled for its application;
- City of Iqaluit changes to monitoring proposed by the City of Iqaluit;
- Copy of AANDC and EC Inspector’s Direction – 4<sup>th</sup> Quarter Update 2015;
- Copy of Environment Canada Inspector Directions – Dated March 5, 2013
- Scope Clarification of Renewal Application for Water Licence No. 3AM-IQA0612;
- Recommendations Regarding Management Plans Submitted for the City of Iqaluit Water Licence Application (Commitment No. 5);
- City of Iqaluit of the Landfill Fire Emergency Measure Update;
- Addendum to the Landfill Operations and Maintenance Manual to include current sampling program;
- Additional information regarding historical use of lake Geraldine drainage channel;
- Identification of off-site sampling point locations down gradient of the west 40 landfill;
- Response to NWB recommendations Regarding Management Plans submitted for the City of Iqaluit Water Licence Application;
- Proposed Changes to Schedule C of expired licence 3AM-IQA0612 and monitoring program;
- Licence unofficial copy with suggested edits;
- Location of wastewater Treatment Plan outfall in relation to the Ordinary High Tide Mark;
- Copy of Letter from DFO – Lake Geraldine Drainage Channel, Iqaluit, Nunavut;
- Additional Information Regarding Historical use of Lake Geraldine; and
- City of Iqaluit Public Hearing Presentation.

All documentation associated with the Application and the NWB’s review of the Application is available from the NWB’s FTP site and can be accessed using the following link:

<ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-IQA0612/2%20ADMIN/4%20HEARINGS/2%20HEARING/>



## **Licensing History for the Undertaking**

### **Licences Issued to the City of Iqaluit**

Both the Nunavut Water Board's predecessor, the Northwest Territories Water Board (NWTWB), and the Nunavut Water Board (NWB) have issued water licences to the City of Iqaluit in the past. A summary of the Type "A" and Type "B" Water Licences issued to the City of Iqaluit are available on the NWB's FTP site and consist of the following:

#### ***Licence No N5L3-0087***

- Issued by the Northwest Territories Water Board to the City of Iqaluit on February 23, 1996; and
- Allowed for the use of water and deposit of waste in support of a Municipal undertaking.

#### ***Licence No NWB3IQA9900***

- Issued by the Nunavut Water Board to the City of Iqaluit on December 31, 1999 and expired on December 31, 2000; and
- Allowed for the use 1.1 million cubic metres of water annually and the deposit of waste in support of a Municipal undertaking.

#### ***Licence No. NWB3IQA0103***

- Issued by the Nunavut Water Board on January 1, 2001 and expired on December 31, 2003; and
- Allowed for the use 1.1 million cubic metres of water annually and the deposit of waste in support of a Municipal undertaking.

#### ***Licence No. 3AM-IQA0611 Renumbered to 3AM-IQA0612 (when amended to extend the expiry date)***

- Issued by the NWB on May 15, 2006 with the expiry date originally set for May 15, 2011;
- Allowed for the use 1.1 million cubic metres of water annually and the deposit of waste in support of a Municipal undertaking; and
- Prior to expiry of the licence, the City applied to the Board for an emergency amendment to extend the term of the licence. The Board granted the emergency amendment on May 13, 2011 and the Minister of INAC approved the amendment on June 17, 2011. This allowed for the expiry date of the Licence to be extended to July 15, 2012.



### Type B Licences issued by the NWB to the Project

In addition to the Type “A” Water Licences described above, the NWB has issued two Type “B” licences to the City of Iqaluit, which are as follows:

#### ***Licence No. 8BC-TAD0811***

- Issued on April 2, 2008 and expired on March 31, 2011; and
- Allowed for the use of water and the deposit of waste in support of the construction of an access road and for quarrying activities at the Trail Area Deposit, located approximately 1.3 kilometres northwest of the Upper Base, on the outskirts of Iqaluit.

#### ***Licence No. 8BW-IGD1516***

- Issued on May 27, 2015 and expired on May 26, 2016; and
- Allowed for the construction of three (3) water crossings as part of a 4 kilometre long by 8.5 metres wide, access road to the proposed Northwest Iqaluit Granular Deposit and proposed new landfill site.

None of the works, activities, and undertakings captured under these Type “B” Water Licences are included in the scope of the Type “A” Water Licence that is the subject of this decision. The City indicated at the time it applied for Type “B” Water Licence No. 8BW-IDG1516 that it would eventually amalgamate this licence with any Type “A” Water Licence subsequently issued to the City. However, the Board understands that as no work has been completed under Licence No. 8BW-IDG1516 to date, the City has more recently committed to cancelling their obligations under both the newly expired Licence No. 8BW-IDG1516 in addition to the long expired Licence No. 8BC-TAD0811.

### **Procedural and Regulatory History of the Application**

The following listing summarizes key steps in the procedural history of the NWB’s processing of this Application.

#### October 12, 2012

- NWB acknowledged receipt of an Application to replace and amend the City of Iqaluit’s expired water licence

#### October 29, 2012

- NWB acknowledged receipt of the City’s Application fee

#### November 21, 2012

- NWB requested that the City of Iqaluit cancel, withdraw or provide guidance as to whether an amendment application filed with the Board in 2006 should be



considered as part of the renewal and amendment application or whether it should be withdrawn

April 8, 2013

- NWB issued correspondence outlining outstanding deficiencies associated with the Application

July 5, 2013

- NWB and the City of Iqaluit held a teleconference to discuss matters related to requirements to complete the application and other process issues

July 8, 2013

- NWB issued correspondence outlining the commitments made by the parties during the teleconference

July 25, 2013

- City of Iqaluit provided correspondence to the Nunavut Impact Review Board, which outlined the timelines by which the City intended to submit outstanding requirements to the NIRB

September 27, 2013

- City of Iqaluit filed an addendum to the City's water licence application to replace and amend the Expired Licence

October 21, 2013

- The NWB further acknowledged receipt of the application and commenced a preliminary technical review and completeness check with the deadline for submission set for November 8, 2013

November 8, 2013

- NWB received a submission on completeness from Aboriginal Affairs and Northern Development Canada (AANDC)

December 11, 2013

- NWB issued follow-up correspondence to the City of Iqaluit regarding outstanding requirements while informing the City of its commitment to address those requirements

January 31, 2014

- NWB received from the City of Iqaluit copies of some of the outstanding documents required for the application

January to November 2014

- NWB suspended further processing of the application until the Nunavut Impact Review Board assessment process was completed and all outstanding deficiencies with the water licence application were addressed



November 3, 2014

- NIRB issued its Decision indicating that the proposal may proceed to the licensing stage

March 10, 2015

- Following receipt of additional information, NWB issued an acknowledgement of the receipt of additional information and commenced another preliminary technical review and completeness check for the application with the deadline for submission set for March 31, 2015

March 31, 2015

- Environment Canada (as it then was) requested and was granted an extension to the submission deadline

April 15, 2015

- NWB received submissions on completeness from Aboriginal Affairs and Northern Development Canada and Environment Canada on or before April 15, 2015

May 28, 2015

- NWB issued Notice of the Application and commenced full technical review of the Application with the deadline for submission set for July 5, 2015

June 30, 2015

- Environment Canada requested and was granted an extension to the comment deadline

July 10, 2015

- NWB received technical review submissions from, Aboriginal Affairs and Northern Development Canada, the Department of Fisheries and Oceans Canada and Environment Canada on or before the extended deadline for submissions

July 23, 2015

- NWB received correspondence from the City of Iqaluit indicating that the City would respond to interveners' comments on November 13, 2015

August 10, 2015

- NWB issued follow-up correspondence requesting that the City respond to interveners' comments as soon as possible and not delay until November 13, 2015

November 13, 2015

- The City of Iqaluit provided responses to the technical review comments provided by Aboriginal Affairs and Northern Development Canada, the Department of Fisheries and Oceans Canada and Environment Canada



#### November 27, 2015

- Indigenous and Northern Affairs Canada (formerly AANDC) provided additional comments regarding the City of Iqaluit's response to INAC's information requests

#### December 4, 2015

- NWB provided notice of the Board's intention to hold a Technical Meeting and Pre-hearing Conference in person in the City of Iqaluit during the week of January 11-15, and distributed for public comments or feedback a copy of the draft agenda for the City of Iqaluit TM-PHC

#### December 11, 2015

- NWB additional comments from the Department of Fisheries and Oceans Canada related to the City of Iqaluit Application, TM, Community Session and PHC

#### December 14, 2015

- Indigenous and Northern Affairs Canada provided correspondence, addressed to the City of Iqaluit, regarding INAC's second reply to comments on the City of Iqaluit's water licence
- NWB distributed the final agenda for the Technical Meeting, Community Session, and Pre-Hearing Conference for the City of Iqaluit Water Licence and confirmed the dates of the sessions to be January 13 and 14, 2016

#### January 13-14, 2016

- NWB held a technical meeting and pre-hearing conference in Iqaluit for the City's water Licence Renewal and Amendment Application

#### February 2, 2016

- NWB received a copy of the city of Iqaluit proposed changes to monitoring required

#### February 19, 2016

- NWB issued a Pre-Hearing Conference Decision Report and Notice of the public hearing in English and Inuktitut

#### March 30, 2016

- NWB received Environment and Climate Change Canada's Intervention in respect of the Application

#### April 8, 2016

- NWB received INAC's Final Written Submission regarding the Application

#### April 15, 2016

- NWB distributed the television and radio advertisements for the Public Hearing and also distributed follow up correspondence for the Public Hearing

#### April 22, 2016

- NWB received a copy of the City of Iqaluit Public Hearing Presentation



All information pertaining to the Amendment Application, including the supporting documents is available on the NWB's FTP site and can be accessed from the links provided above.

## **SECTION II**                      **SUMMARY OF FINAL SUBMISSIONS OF THE PARTIES**

### **City of Iqaluit (the Applicant or the City)**

The Applicant proposed the following amendments to the Expired Licence:<sup>6</sup>

- a. increase to the Licence term from 5 years to 10 years;
- b. changes to some aspects of the scope of the Licence; and
- c. changes to the Monitoring Program.

Regarding the maximum annual withdrawal of water from Lake Geraldine, the City indicated that it will request an increase of the maximum annual withdrawal in the future by way of an amendment that would be submitted should the City has identify a suitable supplementary water source.<sup>7</sup>

Regarding the wastewater treatment plant and backup sewage lagoon, the City indicated that there are plans to upgrade the wastewater treatment plant before December 31, 2018.<sup>8</sup>

Regarding the operation and eventual decommissioning of the West 40 Landfill surface water runoff collection system, the City indicated that it is developing a new solid waste management site and will submit this new plan as part of a future amendment to the Licence.<sup>9</sup>

Regarding changes to monitoring programs, the City submitted a number of changes, which are set out in a table attached to the presentation.<sup>10</sup>

Regarding the Landfill Fire Emergency Measures, while outside the scope of the current licencing process, the City submitted that the containment, treatment and discharge of the landfill runoff under the emergency measures will end by October 31, 2016.<sup>11</sup> The City also indicated that the Applicant plans, if required, to request approval of the new pond prior to the end of the emergency measures, by way of an amendment to the Water Licence.

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<sup>6</sup> City of Iqaluit, Exhibit 1, NWB Public Hearing Licence No. 3AM-1QA0612, "Water Board Public Hearing May 4-5, 2016", PowerPoint Presentation, (English, French, Inuktitut) filed on April 20, 2016, p. 5 (Exhibit 1).

<sup>7</sup> City of Iqaluit, Exhibit 1, p. 11.

<sup>8</sup> City of Iqaluit, Exhibit 1, p. 12.

<sup>9</sup> City of Iqaluit, Exhibit 1, p. 13.

<sup>10</sup> City of Iqaluit, Exhibit 1, p. 14.

<sup>11</sup> City of Iqaluit, Exhibit 1, p. 16.



In response to INAC's position that the parameters applicable to the marine discharge from the Wastewater Treatment Plant (WWTP) can be administered by an agreement between the Minister of Indigenous and Northern Affairs Canada and the Applicant, the City indicated that they had discussions with INAC and the City is becoming more familiar with the proposed regulatory process. However, the City clarified that, in their view, the marine discharge will not contain industrial wastewater in the foreseeable future. Specifically, the City provided:

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

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

But in terms of understanding the process, we have been learning it through the course of this licence application process and through the course of the quarterly meetings with both Indigenous and Northern Affairs and Environment and Climate Change Canada.<sup>12</sup>

### **Indigenous and Northern Affairs Canada (INAC)**

INAC's (formerly Aboriginal and Northern Affairs Canada or AANDC) participation in water licensing processes in Nunavut is informed by their mandate under the following Acts and associated regulations: *Department of Indian Affairs and Northern Development Act*,<sup>13</sup> *Nunavut Land Claims Agreement*, *Nunavut Waters and Nunavut Surface Rights Tribunal Act*,<sup>14</sup> *Territorial Lands Act*,<sup>15</sup> and the *Arctic Waters Pollution Prevention Act*.<sup>16</sup>

INAC recommended that a Type "A" Water Licence be granted for a ten-year term to replace and amend the Expired Licence, subject to the Department's comments and the submission

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<sup>12</sup> M. Hamp, City of Iqaluit, NWB Public Hearing File No.3AM-IQA0612, Transcript, May 4, 2016, Volume 1, lines 3 to 22, pg. 137.

<sup>13</sup> R.S.C. 1985, c. I-6.

<sup>14</sup> S.C. 2002, c. 10.

<sup>15</sup> R.S.C. 1985, c. T-7.

<sup>16</sup> R.S.C. 1985, c. A-12.



of an updated Spill Contingency Plan. Below is a summary of the outstanding issues identified by INAC:<sup>17</sup>

1. Monitoring Requirements:
  - a. maintain the current testing requirement for Lake Geraldine; and
  - b. Update Water Licence Monitoring Program for West 40 Landfill monitoring stations.
2. Disposal of Pond Sludge:
  - a. Submission of a disposal plan for sludge from water retention ponds at West 40 Landfill before decommissioning the ponds.
3. Timing of Plan Updates:
  - a. Update Spill Contingency Plan before issuing the Licence;
  - b. Tighter timelines/deadlines for submission of updated plans.
4. Proposed Modification to the current Licence:
  - a. Justification for 15 of the 38 changes proposed to the Expired Licence. (INAC highlights that the City had provided the Expired Licence as part of the Application however many of the requested changes were to remove terms and conditions from the Expired Licence with no justification.<sup>18</sup>

Regarding monitoring requirements, INAC requested that specific information with respect to the location of monitoring stations, the parameters for monitoring, and frequency of monitoring be provided.

Regarding the proposed disposal of pond sludge<sup>19</sup> into the West 40 Landfill, INAC indicated that while it is logical to develop such a plan, it may be problematic for the sediment at the bottom of the pond to be removed during decommissioning of the emergency measures infrastructure which the City was planning for 2016. The pond is located in a ditch and when the berms around the pond are removed, water will likely run through and may entrain contaminated sediments if the sludge has not been properly dealt with. Therefore, INAC recommended that the Applicant be required to submit a plan for the disposal of sediment that has accumulated in the ponds as part of the overall decommissioning of this infrastructure. INAC also noted this would require a plan to be developed in a very abbreviated timeline in order for the work to be done in the fall of 2016.

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<sup>17</sup> Indigenous and Northern Affairs Canada, Exhibit 8, NWB Public Hearing Licence No. 3AM-1QA0612, City of Iqaluit Renewal Application for Water Licence #3AM-1QA0612, Nunavut Water Board Public Hearing, pp. 6-9 (Exhibit 8).

<sup>18</sup> Indigenous and Northern Affairs Canada "Final Submission Regarding City of Iqaluit Type A Water Licence Renewal Amendment application for Municipal Undertakings" filed on March 30, 2016, (INAC's Written Submission).

<sup>19</sup> This sludge accumulated when emergency measures infrastructure was put into place to extinguish the landfill fire in 2014.



At the Public Hearing, INAC and the City of Iqaluit came to agreement with respect to several of the City's requested amendments to the Expired Licence.<sup>20</sup>

With respect to INAC's position that an updated Spill Contingency Plan must be filed before the Board considers issuing a Licence, INAC confirmed their satisfaction with the following timing:

...we would like to confirm for the record that we are satisfied that the Applicant will provide INAC an updated spill contingency plan within 30 days of the end of this public hearing. We understand that, with this schedule, the plan will not be able to be considered by the Board for the licence, but that the plan will be submitted to the Board within 30 days of licence issuance and could then be included as a term in this licence.<sup>21</sup>

### **Environment and Climate Change Canada (ECCC)**

ECCC's (formerly Environment Canada, EC) participates in the water licensing process in the exercise of their jurisdiction under the *Department of the Environment Act*, R.S.C. 1985, c. E-10, *Canadian Environmental Protection Act*, 1999,<sup>22</sup> *Fisheries Act*,<sup>23</sup> *Migratory Birds Convention Act*, 1994<sup>24</sup> and *Species at Risk Act*.<sup>25</sup>

ECCC submitted recommendations on the following topics:<sup>26</sup>

1. Implementation of secondary treatment;
2. Effluent quality criteria for municipal waste water;
3. Management of contaminated sediments from various landfill water management ponds; and
4. Terms and conditions for a Licence (including amendments to the Expired Licence).

With respect to implementation of secondary treatment of sewage effluent, ECCC recommended that the wastewater treatment upgrade design specifications must ensure that

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<sup>20</sup> Indigenous and Northern Affairs Canada, Exhibit 10, "Itemization of Suggested Modifications to the Licence, Summary of Discussions with Indigenous and Northern Affairs Canada and the Applicant, City of Iqaluit".

<sup>21</sup> S. Fortier, INAC, NWB Public Hearing File No.: 3AM-IQA0612, Transcript, May 5, Volume 2, p. 160, lines 1-7.

<sup>22</sup> S.C. 1999, c. 33.

<sup>23</sup> R.S.C. 1985, c. F-14.

<sup>24</sup> S.C. 1994, c. 22.

<sup>25</sup> S.C. 2002, c. 29.

<sup>26</sup> ECCC, Exhibits 6 and 7, NWB Public Hearing Licence No. 3AM-1QA0612, "Environment and Climate Change Canada's Final Presentation to the Nunavut Water Board respecting the City of Iqaluit's Municipal Water Licence No. 3AM-IQA0612, Final Public Hearing, Iqaluit, Nunavut, Bradley Summerfield May 4-5, 2016" PowerPoint Presentation, filed on April 20, 2016, p. 5 (Exhibit 7).



discharge is compliant with the *Fisheries Act*.<sup>27</sup> In this regard, ECCC submitted that it is satisfied with the City's progress to investigate treatment system options to improve wastewater quality and recommended that the upgrade design specifications ensure that appropriate effluent quality is achieved such that discharge is compliant with s. 36(3) of the *Fisheries Act*.<sup>28</sup>

While recognizing that the *Wastewater Systems Effluent Regulations*<sup>29</sup> (WSER) do not apply in Nunavut, ECCC recommended that the WSER provide due diligence guidance for *Fisheries Act* compliance.<sup>30</sup> ECCC also recommended that the City should strive to meet or exceed WSER effluent quality standards at the end of the treatment system and rely on the WSER for monitoring of effluent quality criteria.<sup>31</sup>

Regarding the Landfill Fire Emergency Measures, ECCC recognized that the issue is outside the scope of the Application. However, ECCC reminded the City that it has agreed to properly treating and disposing of the discharge that accumulated during the City's emergency efforts to extinguish the landfill fire before the closure of the landfill.<sup>32</sup> However, ECCC noted that the sediments contained in the landfill holding ponds and the fire runoff treatment ponds should be characterized in advance so that appropriate plans for closure can be developed. In this regard ECCC recommended that sediments in water management ponds at the landfill be chemically characterized and the volume estimated in advance of closure planning of the existing landfill.<sup>33</sup>

Regarding specific terms and conditions of the Licence, ECCC recommended that the following changes to the Expired Licence would be appropriate:

- a. Update the conditions of Part J: Abandonment and Restoration to include closure and reclamation;
- b. Update Schedule C: Monitoring, by adopting the agreed upon monitoring plan changes proposed by the City;
- c. Update Part E: Waste Disposal and Waste Management Plans to include details regarding future landfill use enclosure as well as burn box and incinerator use.<sup>34</sup>

ECCC submitted that it has no concern with proposed Licence term of 5-10 years.

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<sup>27</sup> ECCC, Exhibit 7, p. 6.

<sup>28</sup> Environment and Climate Change Canada's Intervention to the Nunavut Water Board Respecting the City of Iqaluit Municipal Water Licence 3AM-IQA0612, March 30, 2016 (ECCC's Final Written Submission).

<sup>29</sup> SOR/2013-139 (WSER).

<sup>30</sup> ECCC, Exhibit 7, p. 7.

<sup>31</sup> ECCC's Final Written Submission.

<sup>32</sup> ECCC, Exhibit 7, p. 9.

<sup>33</sup> ECCC's Final Written Submission.

<sup>34</sup> ECCC, Exhibit 7, pp. 11-13.



## Fisheries and Oceans Canada (DFO)

DFO is responsible for regulating coastal and inland fisheries as well as administering habitat and serious harm provisions under the Federal *Fisheries Act*.<sup>35</sup> DFO also complies with *Fisheries Protection Policy* and the *Fisheries Productivity Investment Policy*, which set out guidance on the application of fisheries protection and measures to offset serious harm to fish. DFO is also responsible for administering the provisions of the *Species At Risk Act*<sup>36</sup> applicable to aquatic species at risk.

With respect to the Application, DFO indicated that its main focus was on the water withdrawal in Lake Geraldine and the potential negative impact on fish habitat characteristics in that Lake and the outflowing stream.<sup>37</sup> However, DFO indicated that the “uncertainty about the ability of the Lake Geraldine watershed to support much in the way of fish population leads us to believe that this negative alteration may not cause what we refer to as a significant localized effect.”<sup>38</sup> Additionally, DFO submits that its conclusion of no significant localized effect is supported by local stakeholders and fisheries managers “...that the watershed is not and has never been of local direct or indirect fisheries concern.”<sup>39</sup>

DFO also submitted that the Department and the City have resolved a number of issues concerning the Renewal Application, and the parties come to an agreement with respect to the following:<sup>40</sup>

- A ten-year licence term;
- A maximum annual water volume withdrawal from Lake Geraldine of 1,100,000 cubic meters;
- That the City will continue to provide a compliant fish screen as a precautionary measure on its water intake at Lake Geraldine;
- That the City will evaluate potential effects on fish and fish habitat across watersheds, including Lake Geraldine and future plans for supplementary water supply;
- That the City will retain qualified environmental professionals, including biologists;

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<sup>35</sup> R.S.C. 1985, c. F-14.

<sup>36</sup> S.C. 2002, c. 29.

<sup>37</sup> R. Janusz, DFO, NWB Public Hearing File No.3AM-IQA0612, Transcript, May 4, 2016, Volume 1, lines 9-24, pg. 84.

<sup>38</sup> R. Janusz, DFO, NWB Public Hearing File No.3AM-IQA0612, Transcript, May 4, 2016, Volume 1, lines 16-20, pg. 84.

<sup>39</sup> R. Janusz, DFO, NWB Public Hearing File No.3AM-IQA0612, Transcript, May 4, 2016, Volume 1, lines 21-24, pg. 84.

<sup>40</sup> R. Janusz, DFO, NWB Public Hearing File No.3AM-IQA0612, Transcript, May 4, 2016, Volume 1, pp. 88-89.



- That the City will avoid causing serious harm to fish and comply with applicable legislation; and
- That the City will comply with its duty to notify DFO if it has caused or is about to cause serious harm to fish.

### **SECTION III**                      **SUBMISSIONS BY OTHER INTERVENING PARTIES OR MEMBERS OF THE PUBLIC**

There were no written submissions provided to the NWB by any other intervening party or members of the public. On the evening of May 4, as part of the in person Public Hearing, the Board hosted a Community Session. Despite Public Notice being published and posted, radio and television advertisements of the event and notifications on social media, no members of the public attended the Community Session.

### **SECTION IV**                      **JURISDICTION OF THE NWB**

Under Division 2 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*<sup>41</sup> (NWNSRTA) the NWB has jurisdiction to issue a licence,<sup>42</sup> amend a licence,<sup>43</sup> or in certain circumstances, cancel a licence.<sup>44</sup> In exercising the Board's statutory functions under the Nunavut Land Claims Agreement (NLCA) and the statutory regime governing the Board (the NWNSRTA and the *Nunavut Waters Regulations*), the NWB must be guided by the following objects:

... to provide for the conservation and utilization of waters in Nunavut, except in a national park, in a manner that will provide the optimum benefit from those waters for the residents of Nunavut in particular and Canadians in general.<sup>45</sup>

In setting the terms and conditions of a licence, the NWB is guided by these objects and the NWB's statutory duty to make *all* reasonable efforts to minimize *any* adverse effects on aquatic ecosystems. Reading several of the Articles of the NLCA together,<sup>46</sup> the NWB relies on the broad definition of "ecosystemic" found in Article 12, Section 12.1.1. of the NLCA, requiring not only the NIRB but also the NWB to ensure that all components of the ecosystem, such as fish and fish habitat, are protected within the parameters of s. 71 of the NWNSRTA.

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<sup>41</sup> Sections 42-81 of the NWNSRTA.

<sup>42</sup> See ss. 42, 48, 55, 56, and 70 of the NWNSRTA.

<sup>43</sup> See s. 43(1)(b) of the NWNSRTA.

<sup>44</sup> See s. 43(1)(c) of the NWNSRTA.

<sup>45</sup> See s. 35 of the NWNSRTA.

<sup>46</sup> This approach is consistent with the direction provided in Article 2, section 2.9.1 of the NLCA.



In accordance with Article 13, Section 13.3.6 of the Nunavut Land Claims Agreement and s. 29 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA),<sup>47</sup> the Board has delegated its power to dispose of all matters related to the Application for a Type “A” Water Licence to replace and amend Expired Licence No. 3AM-IQA0612, including the conduct of this public hearing, to a Panel of the Board (which is referred to as Panel P6 or the City of Iqaluit Panel).

As with any applications considered by the NWB, the burden of proof rests with the Applicant, the City of Iqaluit, to demonstrate that the request for a licence should be granted and that the proposed terms and conditions (amendments to the Expired Licence) should be granted. In addition, the NWB Rules of Practice state: “[a]ny party offering evidence before the NWB shall have the burden of introducing sufficient and appropriate evidence to support its position.”<sup>48</sup>

## **SECTION V**                      **REQUIREMENTS OF THE NWNSTRA AND THE NLCA**

### **Objects of the NWB and its Relationship to other Bodies**

#### **Land Use Planning**

On October 2, 2012 the Nunavut Planning Commission (NPC) provided the NWB with confirmation<sup>49</sup> that the undertaking falls outside of the boundaries of the two approved land use plans currently administered by the NPC. However, following the implementation of NuPPAA in July 2015, the NWB received a copy of correspondence<sup>50</sup> from the NPC, dated August 15, 2015, in which it indicated that the undertaking had to be reviewed in accordance with NuPPAA.

Subsequent to the August 15, 2015 correspondence, the NPC issued follow-up correspondence<sup>51</sup> on August 28, 2015 stating that the NIRB had issued a decision in 2014 for the undertaking, and that no additional review was required as no modifications were made to the proposal following the NIRB’s initial review. As such, the project proposal falls under section 235(1) of NuPPAA. On this basis, the NWB considered the requisite land use planning requirements of the NLCA to be fulfilled such that the NWB could process the Application.

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<sup>47</sup> S.C. 2002, c. 10.

<sup>48</sup> Section 23.1 of the Nunavut Water Board “Rules of Practice and Procedure for Public Hearing” (May 11, 2005).

<sup>49</sup> NPC Determination, City of Iqaluit - Water license renewal, October 5, 2012.

<sup>50</sup> Letter from B. Aglukark, NPC, to M. Hassan, City of Iqaluit, cc’d P. Clow and M. Hamp, City of Iqaluit, Re: NWB 3AM IQA0612 – Type “A” Amendment, August 12, 2015.

<sup>51</sup> Letter from P. Scholz, NPC to ddd cc’d P. Clow, City of Iqaluit, R. Ikkutisluuk, NWB, and T.Arko, NIRB, Re: NWB 3AM IQA0612 – Type “A” Amendment, August 28, 2015.



## Environmental Assessment

On November 3, 2014 the Nunavut Impact Review Board (NIRB) issued a screening decision under Article 12, Section 12.4.4 (a) of the NLCA.<sup>52</sup> The screening decision confirmed that the Project Proposal (the Application) may be processed by the NWB without a Part 5 or 6 Review as long as the Project Proposal was carried out in accordance with project-specific terms and conditions that were attached to the NIRB's approval.

The following NIRB Screening Decision terms and conditions are relevant to the Board's consideration of the water licence:

### **Water Use**

5. The Proponent shall not extract water from any fish-bearing waterbody unless the water intake hose is equipped with a screen of appropriate mesh size to ensure that there is no entrapment of fish. Small lakes or streams should not be used for water withdrawal unless approved by the Nunavut Water Board.
6. The Proponent shall not use water, including constructing or disturbing any stream, lakebed or the banks of any definable water course unless approved by the Nunavut Water Board.

### **Landfill Operations**

13. The Proponent shall dispose of non-hazardous materials only at the landfill and shall limit this disposal to those materials listed as acceptable for disposal. Hazardous materials, materials listed as unacceptable for disposal at the landfill, or materials that contain asbestos, fluorescent tubes or ozone depleting substances are not to be disposed of in the landfill and must be disposed of at an authorized facility, unless otherwise permitted.
18. The Proponent shall ensure there is no obstruction of natural drainage, flooding or channel diversion from access or other structures or facilities.

### **Restoration of Disturbed Areas**

32. The Proponent shall ensure that all disturbed areas are restored to a stable or pre-disturbed state to the extent possible upon reclamation and closure of project activities.

### **Other**

35. Any activity related to this application, and outside the original scope of the project as described in the application and considered within this decision, will be considered a new project and should be submitted to the NIRB for Screening.

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<sup>52</sup> NIRB, Screening Decision Report, NIRB File No.: 13UN034, November 3, 2014.



## NWB Advice Regarding Marine Areas

As set out under s. 41 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*,<sup>53</sup> the Board may jointly (with the other Institutions of Public Government established under the Nunavut Land Claims Agreement as the Nunavut Marine Council) or individually, as the Board, advise and make recommendations in respect of any marine area to “any department or agency of the Government of Canada or the Government of Nunavut, and those governments shall consider that advice and those recommendations when making any decision that may affect that marine area.”

With respect to this Application, there was considerable discussion during both the technical review of the Application and also during the Public Hearing regarding the limits on the Board’s jurisdiction to set effluent quality criteria for the Sewage Lagoon Facility and Wastewater Treatment Plant (WWTP) as the parties considered discharges from the WWTP to be discharges into the marine environment. The position of the Federal regulators, as summarized at the Public Hearing by Indigenous and Northern Affairs Canada was as follows:

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

However, because this discharge of wastewater would enter and impact marine waters, this is a matter to be addressed under the Fisheries Act and to be authorized under the Arctic Waters Pollution Prevention Act. Federal departments will be collaborating with the City to work towards compliance with the Fisheries Act and getting proper authorizations under the Arctic Waters Pollution Prevention Act. The Arctic Waters Pollution Prevention Act will require a Federal authorization by Indigenous Affairs as well as a Territorial authorization under the Public Health Act.<sup>54</sup>

<sup>53</sup> NWNSRTA, S.C. 2002, c. 10.

<sup>54</sup> S. Burgess, NWB Public Hearing File No.: 3AM-IQA0612, Transcript, May 4, Volume 1, pp. 122-123, lines 10-25 and lines 1-10.



The Board accepts the assertion of the City and the Federal parties that the discharge from the Sewage Lagoon Facility and the WWTP constitutes a discharge into the marine environment. Further, recognizing that the jurisdiction of the NWB is limited to “waters” as defined under s. 4 of the NWNSRTA to mean inland waters, the Board also agrees that a water licence is not the appropriate instrument for the establishment of effluent quality criteria for discharges into the marine environment. Consequently, the Board has removed from the Licence those terms and conditions (Part E, Items 3 (a) and (b) in the Expired Licence that purported to regulate effluent quality at the point of discharge into the marine environment.

Although the Board has removed these provisions from the Licence, the Board could, if circumstances warrant, provide advice to the Federal and Territorial agencies responsible for authorizing the marine discharge under the auspices of s. 41 of the NWNSRTA.

Reflecting the NWB’s advisory role, the Board recommends that when considering the City’s application for the required authorizations under the *Arctic Waters Pollution Prevention Act*, R.S.C. 1985, c. A-12, Indigenous and Northern Affairs Canada (INAC), and the Government of Nunavut (GN) authority responsible for issuing the required authorization under the *Territorial Lands Act*, consider including similar effluent quality criteria as the criteria formerly developed by the Board and included in the Expired Licence. The NWB, in selecting the criteria in the Expired Licence had determined that these criteria were sufficiently protective of water quality in the area and therefore it is the Board’s position that these criteria could provide a useful basis for the regulatory authorizations ultimately developed by INAC and GN to authorize the discharges from the SWWTP.

## **SECTION VI            DECISION TO ISSUE**

On the basis of the Application, the written materials filed with the Board, and the Public Hearing, the Board has decided to issue Water Licence No. 3AM-IQA1626 (the Licence) subject to the conditions set out below. The Licence authorizes the City of Iqaluit’s continued use of water and deposit of waste for a municipal undertaking, but also contains terms and conditions necessary to protect the environment, conserve the water resources, and provide appropriate safeguards in respect of the use of waters in accordance with the Application.

In deciding to grant the Application, the Board is however troubled by the fact that the City of Iqaluit has been operating without the required water licence since July 2012 when the previous Licence No. 3AM-IQA0612 (Amended 3AM-IQA0611) expired. The Board recognizes that there are many competing priorities for funds within the City of Iqaluit, but was concerned about a lack of commitment to compliance with the requirements of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA).



As the Board has noted in past decisions, the ability of the Board, and indeed all participants in Nunavut's integrated regulatory process, including enforcement agencies, to ensure that there is compliance with the objects of the Nunavut Land Claims Agreement (NLCA) can be seriously compromised when situations of pervasive and long-term non-compliance are allowed to continue.

The Board does however, recognize the recent steps and significant financial commitments made by the City of Iqaluit to substantially improve their record of compliance with the NWNSRTA, obligations under the *Fisheries Act*,<sup>55</sup> and future authorization for the marine discharge that will be part of the Indigenous and Northern Affairs Canada process under the *Arctic Waters Pollution Prevention Act*.<sup>56</sup> The Board also notes that further amendments to the water licence are expected in the near future to ensure that there will be sufficient water available to support this rapidly growing community. As part of the Board's consideration of an amendment, the Board will expect the City to provide updates to the Board and participants in the licensing amendment process about the City's progress with respect to meeting outstanding compliance obligations.

### **Conditions for Issuance of a Licence**

Section 57 of the NWNSRTA provides several key legislative requirements that must be satisfied before the NWB may issue a licence.

The Board may not issue a licence unless the applicant satisfies the Board that

- (a) any waste produced by the appurtenant undertaking will be treated and disposed of in a manner that is appropriate for the maintenance of the water quality standards and effluent standards that are prescribed by the regulations or, in the absence of such regulations, that the Board considers acceptable; and
- (b) the financial responsibility of the applicant, taking into account the applicant's past performance, is adequate for
  - (i) the completion of the appurtenant undertaking,
  - (ii) such measures as may be required in mitigation of any adverse impact, and
  - (iii) the satisfactory maintenance and restoration of the site in the event of any future closing or abandonment of that undertaking (underlining added).

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<sup>55</sup> R.S.C. 1985, c. F-14.

<sup>56</sup> R.S.C. 1985, c. A-12.



### Financial Responsibility of the Applicant

As outlined under the NWNSRTA, s. 57(b), the NWB considers three aspects of the responsibility of an Applicant to carry out a licensed undertaking:

- (i) the financial ability of the Applicant to complete the appurtenant undertaking;
- (ii) the ability of the Applicant to undertake measures to adequately monitor for impacts and implement measures to mitigate any impacts; and
- (iii) the Applicant's ability to maintain and restore the site during care and maintenance, closure and abandonment.

As a public authority, the Board's inquiry into the financial responsibility of the Applicant is somewhat different than would be the case for other types of corporate or individual water licence applicants. Reflecting this distinction, the Board has focused this inquiry on the second and third elements of the financial responsibility assessment; the ability to undertake measures to adequately monitor and mitigate impacts and the ability of the City to maintain and restore the site during care and maintenance, closure and abandonment.

During the Board's assessment of the extent to which the City has the ability to undertake the required monitoring and mitigation measures, the Board has considered the Applicant's compliance history as an indication of the City's ability to undertake impact monitoring and the mitigation necessary to conduct the undertaking in a manner that is protective of the freshwater environment.

As noted in the Reasons for Decision accompanying the Expired Licence in 2006,<sup>57</sup> the City of Iqaluit has had "regulatory problems" in terms of operating without a valid water licence for various periods commencing in the 1990s and continuing to 2016. In addition, the City has had significant and persistent issues of non-compliance, including discharges into the marine environment contrary to the *Fisheries Act*, R.S.C. 1995, c. F-14,<sup>58</sup> and an application in 2001 by a resident of Iqaluit for an interim injunction to enforce the terms and conditions of the former water licence.<sup>59</sup>

Since 2006 when the Expired Licence was issued, compliance issues have unfortunately continued. In October 2012, Aboriginal Affairs and Northern Development Canada (as it was known then, renamed to Indigenous and Northern Affairs Canada in 2015) and Environment Canada (as it was known then, renamed to Environment and Climate Change

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<sup>57</sup> Nunavut Water Board, Reasons for Decision 3AM-IQA0611, May 15, 2006 at pp. 12-16.

<sup>58</sup> *R. v. Iqaluit*, 2002 CanLII 53331 (NU CJ).

<sup>59</sup> *P. Crowley v. Iqaluit (Municipality of)*, 2001 CanLII 2461 (NU CJ).



Canada in 2015) conducted a joint inspection at the City of Iqaluit's Sewage Lagoon Facility and Wastewater Treatment Plant (WWTP). Laboratory testing of the samples of effluent discharged from the WWTP that were taken during this inspection confirmed that the effluent was a substance deleterious to fish as defined under s. 34(1) of the Federal *Fisheries Act*.

On this basis, in March 2013, Environment Canada issued an Inspector's Direction to the City of Iqaluit pursuant to the Inspector's jurisdiction under s. 38(7.1) of the *Fisheries Act*.<sup>60</sup> The Inspector's Direction required the following:

1. Develop and submit a detailed written report to...Environment Canada Fisheries Act Inspector, no later than July 3, 2013 on the City's plans to address this non-compliance. This plan shall specify the proposed method to manage the Sewage and Wastewater effluent and/or the planned changes to the Sewage and Wastewater Treatment Plant and shall include a detailed chronology of the short and long term progress, measures and activities that have and will be taken and provide dates when each progress measure and activity was initiated and concluded such that it will be compliant with subsection 36(3) of the *Fisheries Act*.
2. Advising...an Environment Canada Fisheries Act Inspector, in writing each calendar quarter starting as of the day hereof of the measures which were taken in the previous calendar quarter until such time that the WWTP will be compliant with subsection 36(3) of the *Fisheries Act*.

In addition, AANDC (now INAC) also issued an Inspector's Direction for the site requiring the following:

- A plan for coming into compliance;
- Filing of the outstanding 2007 and 2008 Annual Reports;
- Submission of a water balance report with assessment of recharge needs;
- QA/QC plan;
- Monthly general Monitoring Reports (dating back to the 2012 Monitoring Program);
- Annual General Monitoring Reports (dating back to the 2012 Monitoring Program);
- Submission of various plans and manuals as part of the Iqaluit Waste Project; and

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<sup>60</sup> See Inspector's Direction of C. Didham, Inspector and Fishery Officer, Environmental Enforcement Division, Environment Canada, Enforcement Branch, March 5, 2013 available on the NWB website filed by the City of Iqaluit in fulfillment of a commitment following the Technical Meeting and Pre-hearing Conference for the Application.



- Installation of outdoor monitoring program station signs.<sup>61</sup>

On May 20, 2014, a section of the West 40 landfill caught fire. The City implemented several emergency measures involving the use and storage of water, which were exempted from requiring immediate Board authorization under the emergency measures provisions of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA). However, the City has indicated that the on-going construction, maintenance and reclamation of these Emergency Measures, as well as the authorization to continue to use water and deposit waste associated with these additions to the site will be addressed in future by the City applying for amendments to the scope of the Licence to include this infrastructure.

In addition, on November 3, 2014, the INAC Inspector issued a Letter of Non-Compliance to the City of Iqaluit under s. 90 of the NWNSTRA for using waters and depositing waste for a municipal undertaking without a valid water licence.

Based on the most recent WWTP Compliance Plan Update (4<sup>th</sup> Quarter 2015),<sup>62</sup> it appears that the City of Iqaluit has made substantial progress on planning for a significant upgrade to the WWTP to be completed by the end of December, 2018 (with commissioning to follow). In addition, INAC's Field Operations in correspondence to the City (copied to the Board)<sup>63</sup> has confirmed that the City is continuing to show "reasonable progress" and diligence in achieving various compliance milestones, including completing the process to obtain a valid Type "A" Water Licence.

While the Board is disappointed to see that the City's compliance problems continued to persist even after the Licence was granted in 2006, the diligence and direction of INAC and ECCC Inspectors as well as concerted efforts by the City since 2013, appear to be yielding genuine results. Although the Board recognizes that the City, as is the case with many municipalities, is operating under considerable fiscal pressure, given the importance of compliance to the health and safety of the community and the protection of the environment, the City's progress must continue and compliance must become a top priority. Based on the evidence provided by the Inspectors for both INAC and ECCC, the Board is, for the first time in more than 20 years, cautiously optimistic that great strides are being made to improve environmental performance and bring the City into full compliance. To this end, the Board

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<sup>61</sup> Letter from J. Hack, Water Resources Officer, INAC to K. Kharatyan, NWB, January 29, 2016 available on the NWB website as filed by INAC in fulfillment of a commitment following the Technical Meeting and Pre-hearing Conference for the Application.

<sup>62</sup> Document entitled "AANDC and EC Inspector's Direction, 4<sup>th</sup> Quarterly Update 2015, City of Iqaluit" and available on the NWB website as filed by the City of Iqaluit in fulfillment of a commitment following the Technical Meeting and Pre-hearing Conference for the Application.

<sup>63</sup> Letter from J. Hack, Water Resources Officer, INAC to K. Kharatyan, NWB, January 29, 2016 available on the NWB website as filed by INAC in fulfillment of a commitment following the Technical Meeting and Pre-hearing Conference for the Application



would appreciate being kept informed by all the parties as the City's plans for compliance continue to progress over the course of the current Licence.

### Compensation of Existing or Other Users

The NWNSRTA requires that the NWB be satisfied that compensation of existing or other water users affected by the Application has been or will be paid.<sup>64</sup> To ensure that all parties with the potential to bring a water compensation claim have been notified of their rights under the NWNSRTA, the NWB provides, in the Notice of Application, an invitation to parties with water user compensation issues to advise the NWB regarding such issues. Notice of the Application in accordance with s. 55 of the NWNSRTA was issued by the Board on May 28, 2015 and the NWB confirms that no representations regarding compensation were made to the NWB.

### **Issuance of a Licence**

As stated above and pursuant to s. 42(1) of the NWNSRTA, the NWB has decided to issue Water Licence 3AM-IQA1626 subject to the terms and conditions set out in this decision. In issuing the Licence, the NWB is satisfied that the Application contained the required information and is in the proper form having regard to the requirements of the NWNSRTA<sup>65</sup> and associated regulations.<sup>66</sup>

### **Applications in Relation to the Licences**

Overall, the NWB is satisfied that the requirements of s. 48 of the NWNSRTA were met by the Applicant. The City of Iqaluit filed an Application which complied with the NWB's Rules, and was accompanied by the fees required by regulation including the application fee and water use fees. Further, the City has also provided the necessary application and supplementary information required to evaluate whether a Licence to replace and amend the Expired Licence should be granted and also to assess whether the amendments to the Expired Licence requested by the Applicant are reasonable and consistent with the objects of the Board as established under the NLCA and the NWNSRTA.

### **Application to Amend or Application for Future Modifications**

In relation to future applications to amend or modify activities proposed by the City of Iqaluit and associated reclamation and remediation measures that may become necessary, the NWB reminds the City of Iqaluit that it must comply with all requirements of the NLCA,<sup>67</sup> the

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<sup>64</sup> See ss. 58-60 of the NWNSRTA.

<sup>65</sup> See s. 48 of the NWNSRTA.

<sup>66</sup> *Nunavut Waters Regulations*, SOR/2013-69, April 18, 2013.

<sup>67</sup> See Article 12, Clause 12.4.3 (b) of the NLCA.



*Nunavut Planning and Project Assessment Act*,<sup>68</sup> and the NWNSRTA.<sup>69</sup> In particular, the Board notes that the scope of the authorized water uses or deposits of waste is defined as provided by the City in the Application and as set out in Part A of the Licence, and any requested changes to that scope may require processing as an amendment to the Licence.

### **Cancellation or Expiry of the Licence**

As identified above, the NWB reminds the City that the provisions of s. 46 of the NWNSRTA states: “[t]he expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence.”

The Applicant is also reminded that pursuant to the NWB’s authority under s. 43(1)(c)(iii) of the NWNSRTA, the NWB may, on application by a licensee, or on its own motion, cancel a licence at any time that the NWB considers the cancellation to be in the public interest.

### **Term of Licence**

Section 45 of the NWNSRTA (in force as of the date of this decision) provides that the term of a licence or any renewal shall not exceed twenty-five years. The Applicant initially requested a 25-year term for the Licence; however, during the Technical Meeting and Pre-Hearing Conference, the Applicant requested that the term be changed to 10 years. Although in the past, the City of Iqaluit’s compliance history and delays in ensuring that an active water licence was in force, meant the Board was hesitant to issue a licence for a term exceeding 5 years, for this Application the Board recognizes that the City has taken tangible and verifiable steps on the path to compliance. In particular, the Board notes that the City has made a significant commitment to improving their Waste Treatment Facilities and practices associated with the undertaking, and has made great strides to achieve compliance in the longer term. Consequently, the Board remains cautiously optimistic that the City will meet these commitments and this justifies the issuance of a longer term Licence that will enable the City to focus on complying with the terms and conditions in the Licence rather than on efforts to renew the Licence for shorter terms.

Given these circumstances, the NWB is satisfied that a ten-year term is appropriate.

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<sup>68</sup> S.C. 2013, c. 14 (NuPPAA).

<sup>69</sup> See s. 43 of the NWNSRTA.



## **SECTION VII**      **WATER LICENCE 3AM-IQ1626 TERMS AND CONDITIONS**

The Licence does not take effect until approval of the Minister is given or deemed to have been given pursuant to s. 56 of the NWNSRTA.<sup>70</sup> As indicated in Section VI, the Panel has decided to issue a Licence, subject to the conditions contained herein.

To provide context and clarity, the NWB has provided the discussion and comments about specific terms and conditions that follow. The NWB has not, however, provided specific comments for those licence terms and conditions that are clear in their wording and intent on the face of the Licence.

### **Part A:      Scope, Definitions and Enforcement**

#### **Scope**

The scope of activities, works, and undertakings included under Licence No. 3AM-IQA1626 issued to the City of Iqaluit for a Municipal undertaking, as classified under schedule 1, Item 3, of the *Regulations*,<sup>71</sup> (the Licence) is as follows:

- i. Use, management, and protection of the Lake Geraldine drainage basin and associated infrastructure;
- ii. Management and protection of Waters surrounding the West 40 Landfill site;
- iii. Management, collection, and monitoring of leachate from the West 40 Landfill site and adjacent Sludge Management Facility;
- iv. Management of improved drainage works at the West 40 Landfill site;
- v. Management, operation, and eventual closure and reclamation of the current West 40 Landfill site and associated solid waste disposal facilities;
- vi. Upgrades, operation, maintenance, monitoring, and eventual closure and reclamation of a Wastewater Treatment Plant (WWTP);
- vii. Operation, maintenance, monitoring, and eventual closure and reclamation of a Sludge Management Facility;
- viii. Operation, maintenance, monitoring and eventual closure and reclamation of a Sewage Lagoon Facility;
- ix. Implementation of contingency measures for the Wastewater and Landfill management facilities; and
- x. Implementation of changes to the monitoring requirements including frequency, parameters, and stations being monitored.

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<sup>70</sup> Section 56 of the NWNSRTA states:

The issuance, amendment, renewal and cancellation of a type A licence, and if a public hearing is held, a Type B licence are subject to the approval of the Minister.

Under s. 56(2.2) if the Minister does not issue a decision within 45 days of receiving the Licence from the Board, (or within 90 days if the Minister has extended the decision-making period by an additional 45 days) the Minister is deemed to have approved the Licence.

<sup>71</sup> SOR/2013-69.



The above scope resulted from several changes requested by the Licensee and granted by the Board during the licensing process for the Application. Key items removed from the scope that the Licensee indicated would potentially be captured as part of a future amendment to the Licence, included the following:

1. Construction, operation, and eventual decommissioning of a new Solid Waste Management Facility (SWMF), to be located approximately 7.5 km northwest of the City Centre;
2. Supplementation of Lake Geraldine water supply with water withdrawn from the Apex River; and
3. Use, management, and eventual decommissioning of the collection ponds used during the landfill firefighting exercise.

Further, in Licence No. 3AM-IQA1626, the Board removed several items from the scope of the Expired Licence based on comments and recommendations provided by the Applicant and intervening parties or to reflect updated licence terms and conditions and address aspects of the project scope that are no longer applicable to the undertaking. On this basis, the following items included in the scope of the Expired Licence were removed from the scope of the Licence:

- Raising of the Lake Geraldine dam by 2.0 metres to meet over-winter storage capacity;
- Extension of the two berms adjacent to the Lake Geraldine dam and construction of a new berm to the south of the Lake Geraldine dam;
- Landfill expansion into the northern adjacent site in the West 40 Landfill site; and
- Upgrades, maintenance, operation and monitoring of the Sewage Lagoon.

It should be noted that since the Expired Licence was issued in 2006, the NWB has, in some cases updated, added, amended, and removed some of the terms and conditions that are generally applicable to this type of undertaking. The Licence has been amended to reflect these general revisions. Wherever the Board has chosen to make changes to key items within the Expired Licence the Board has highlighted these changes and provided discussion.

### Definitions

Several minor changes have been made in the Licence to reflect changes to the definitions contained in the Expired Licence. These changes are primarily to capture the amended scope for the undertaking as well as to include general updates and address relevant comments and recommendations provided by intervening parties and the Licensee during the review process.



### Enforcement

To ensure that the Licensee complies with the terms and conditions of the Licence, Inspectors, designated and empowered by the Minister<sup>72</sup> of Indigenous Affairs and Northern Affairs Canada (INAC), may inspect or examine works, activities, and undertakings associated with the use of waters and/or the deposit of waste for the purposes of exercising their powers in accordance with the NWNSRTA. The Licensee should note that compliance with the terms and conditions of this Licence does not necessarily absolve it from the responsibility to comply with all other applicable legislation, guidelines, and directives.

The Board has made only minor changes to the terms and conditions relevant to the enforcement provisions of the Expired Licence. In the Licence, the key change the Board has made to the Expired Licence terms and conditions related to enforcement is the removal of Part A, Item 3 (d), which require an Inspector to submit annual reports for the undertaking. The Board's rationale for removing this condition from the Licence is that the Board cannot purport to limit or direct an Inspector's discretion and flexibility in carrying out his/her duties and functions. In addition, the Board recognizes that this section was unique to only the Expired Licence and is not consistent with the Board's approach to other licences. In the Board's view, removal of this term and condition from the Licence ensures consistency in the Board's reporting requirements across similar types of undertakings and minimizes potential interference with respect to the Inspector's discretion and flexibility in carrying out his/her duties.

### Compliance

The Board also points out to the City of Iqaluit that the Licence states that "Compliance with the terms and conditions of this Licence does not absolve the licensee from responsibility for compliance with all applicable legislation, guidelines and directives." In this respect, the Board notes that although the regulatory process governing the City's outflow into the marine environment is outside the NWB's jurisdiction, the Board still expects, having identified these additional compliance requirements during the water licensing process, that the City will be sure to seek the required permits, approvals and authorizations from regulatory authorities applicable to the outflow.

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<sup>72</sup> Sections 85-88 of the NWNSRTA.



## **Part B: General Conditions**

Part B of the Licence addresses many of the general terms and conditions that apply to the undertaking, such as annual report submission, protocols for handling documents related to the licence, posting of signage at sites associated with the undertaking, and more.

Changes made to this section of the Licence centre on removal and addition of terms and conditions to ensure that relevant Licence requirements are consistent with the scope of the undertaking and licences issued for similar types of undertakings.

## **Part C: Conditions Applying to Security**

The term and condition related to security from the Expired Licence has been brought forward, unchanged, into the Licence.

## **Part D: Conditions Applying to the Use of Water and Water Management Plans**

Section 11 of the NWNSTRA states "... no person shall use, or permit the use of, water in Nunavut except in accordance with the conditions of a licence."

Part D of the Licence focuses on water use and the related management plans. The Licensee did not request any changes to the water use requirements for the undertaking, therefore, only minor changes were made to this section of the Licence primarily to update the conditions to reflect current NWB requirements.

As under the Expired Licence, the Licensee requested the use of up to 1,100,000 cubic metres of water annually from the Lake Geraldine Reservoir. The Board has authorized the continued use of this volume under the Licence. The Board notes, however, that information provided in the Application suggests that the Lake Geraldine Reservoir may not be capable of satisfying the City's freshwater demand for the entire ten-year term of the Licence (given the growth projections for the City and the associated increased demand for water). Consequently, the City anticipates having to apply for an amendment to the Licence in the near future that will include, among other items, augmenting the water withdrawn from the Lake Geraldine Reservoir with freshwater withdrawn from the Apex River (or other alternative source).

To ensure that the current amount of water use authorized under the Licence does not negatively impact freshwater resources, the Board has included several terms and conditions under Part D of the Licence including those carried over from the Expired Licence that will continue to apply to the use and management of freshwater.



Notably, in keeping with DFO's recommendations, the Board has retained requirements in the Licence for the use of DFO-compliant fish screens. Also the requirements for continuation of Dam Safety Inspections (DSI) and Dam Safety Reviews (DSR) of the Lake Geraldine Reservoir, with only slight modifications to the frequency of the inspections, reviews and the timing for report submission following inspection have been retained. The frequency of DSI's and DSR's are now linked to the *Canadian Dam Association (CDA) - Dam Safety Guidelines*.<sup>73</sup> The timeline for submission of inspection reports and the Licensee's responses to addressing issues in the inspections reports have been changed from sixty (60) days, following completion of a DSI or DSR, to submission as part of the Licensee's Annual Report, following inspections. Terms and conditions addressing the requirements as related to DSI's and DSR's are included under Part D, Item 4.

Another notable change made to this section of the Licence relates to the inclusion of terms and conditions requiring the Licensee to evaluate the potential effects on freshwater including fish and fish habitat, associated with any plans to augment the Lake Geraldine Reservoir, taking into consideration DFO's recommendations. The Board notes that while supplementation of the Lake Geraldine Reservoir is not part of the scope of the Licence, it is important that the Licensee be reminded of the need to address this requirement as part of any future application to supplement the Lake Geraldine Reservoir. Conditions related to this requirement are included under Part D, Item 9 of the Licence.

#### **Part E: Conditions Applying to the Deposit of Waste and Waste Management Plans**

Part E of both the Expired Licence and the Licence focus on terms and conditions relevant to Waste Management and the associated plans. The Board has retained, as well as amended many of the terms and conditions under Part E of the Expired Licence, in the Licence. Some of the significant terms and conditions that have been amended are as follows.

##### *Part E, Item 3, of the Expired Licence*

Part E, Item 3 of the Expired Licence included discharge criteria and limits for Effluent generated by the Sewage Lagoon Facility, Wastewater Treatment Plant, and Runoff Water from construction areas and sites impacted by the undertaking. Changes made to conditions associated with this part of the Expired Licence under the Licence include removal of the regulated discharge criteria and limits included under Part E, Items 3(a) and 3(b) of the Expired Licence. As the Board's jurisdiction for these discharges is quite limited (as these are largely regulated under the *Fisheries Act* and the *Arctic Waters Pollution Prevention Act*, these discharge criteria and limits have been replaced by including additional monitoring

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<sup>73</sup> Canadian Dam Association, *Dam Safety Guidelines 2007* (2013 Edition).



requirements in Schedule I of the Licence for both the Sewage Lagoon Facility and Wastewater Treatment Plant.

The NWB's main rationale for removing regulated Effluent quality parameters for the Sewage Lagoon Facility and the Wastewater Treatment Plant from the Licence is based on the recognition that the effluent final discharge points for both facilities are located in the marine environment, Koojesse Inlet, which is outside the NWB's jurisdiction in terms of establishing discharge criteria for a deposit of waste to fresh water. The removal of the effluent quality parameters is supported by both Environment and Climate Change Canada (ECCC) and Indigenous and Northern Affairs Canada (INAC). ECCC in its technical review comments and presentation at the Public Hearing stated that while the NWB had in past licences included criteria with limits for the effluent discharges coming from these facilities, ECCC noted that the outfall is about 20 metres above the tidal High Water Mark and is discharging into the marine environment. Therefore, ECCC observed that it may not be appropriate for the NWB to include regulatory limits in the Licence for these two facilities, given the point of discharge. ECCC, however, recommended that specified effluent criteria be considered as performance objectives by the City and that the NWB include regular monitoring requirements for these facilities in the Licence. Additional details related to the monitoring requirements for the discharge from these facilities are included under Schedule I of these Reasons for Decision.

With respect to the effluent criteria for runoff water associated with construction activities, Part E, Item 3(c) of the Expired Licence, the condition has been carried over into the Licence and is included under Part E, Item 4. The NWB has retained the regulated parameters for runoff water associated with construction activities in the Licence because there is an expectation that the Licensee will be carrying out upgrades to the Wastewater Treatment Plant in the coming years that is likely to generate runoff water, and it also likely that the general ongoing maintenance at site may generate runoff water that the Licensee must ensure meets the specified effluent discharge criteria in order to protect freshwater quality at the site.

#### Part E, Item 8 of the Expired Licence

Part E, Item 8 of the Expired Licence required the Licensee to undertake Dam Safety Inspections (DSI) of the Sewage Lagoon Facility at specific times of the year and at specific frequencies. This term and condition has been amended in the Licence under Part E, Item 10, in order to allow the Licensee to undertake DSIs of the Wastewater Treatment Facilities in accordance with the frequency and reporting requirements under the most recent version of the Canadian Dam Association, *Dam Safety Guidelines*.<sup>74</sup> .

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<sup>74</sup> Canadian Dam Association, *Dam Safety Guidelines 2007* (2013 Edition).



## **Part F: Conditions Applying to Construction**

Consistent with the approach taken for other parts of the Licence, the Board has amended, updated, removed, and added, as required, terms and conditions to Part F of the Expired Licence to reflect the construction that has taken place at the site already and the anticipated construction of the Upgraded Wastewater Treatment Plant.

Specifically, the Board has added the requirement that the Licensee submit for the NWB's review, for-construction design drawings and plans for the upgrades to the Wastewater Treatment Plant at least thirty (30) days prior to the commencement of construction activities. In addition, the Board has amended the terms and conditions of the Licence related to approval of the construction report and as-built drawings under the Expired Licence. Requirements have been included under Part F, Item 1 of the Licence noting that the NWB will be accepting these documents, but not approving such documents.

Other notable changes the Board has made to this section of the Licence include the following:

- Terms and conditions that have been added/amended under the Licence:
  - *Part F, Item 14 of the Expired Licence:* This condition, which required the Licensee to submit to the Board for review final design drawings for upgrades to the Wastewater Treatment Plant (WWTP) within ten (10) days of the Licence effective date, has been superseded by an all-encompassing condition under Part F, Item 1 of the Licence
- Terms and Conditions in this Part of the Expired Licence that have been removed from the Licence:
  - *Part F, Item 9 of the Expired Licence:* Conditions related to conducting Dam Safety Review for Lake Geraldine Raw Water Storage Upgrade II have been amended upon request of the Licensee for consistency with the Canadian Dam Association, *Dam Safety Guidelines*. The amended condition is now included under Part D, Item 4 of the Licence.
  - *Part F, Item 11 of the Expired Licence:* This condition required submission, for Board approval, of Final Design for the West 40 Landfill Expansion. As the expansion has been completed, the NWB has removed this condition from the Licence.
  - *Part F, Item 12 of the Expired Licence:* This condition required submission of Final Design Drawings for the Sludge Management Facility. As this requirement has been met, the Board has removed it from the Licence.



- *Part F, Item 13 of the Expired Licence:* This condition required the Licensee to submit to the Board for approval Final Design Drawings for the rehabilitation of the west berm of the Sewage Lagoon. As the Licensee has satisfied this requirement, it has been removed from the Licence.

## **Part G: Conditions Applying to Modifications**

This section of the Licence is intended to address minor or limited changes that do not fundamentally change the nature and scope of the undertaking and that may be carried out by the Licensee without seeking an amendment to the Licence. As this section tends to be very general and consistent across all Type “A” licences, the Board has made only minor updates and edits to the Licence to reflect some updates to the Board’s approach to modifications and to reflect recent changes to Nunavut’s regulatory processes applicable to modifications.

The provisions of Part G, Item 1 allow for a Licensee to carry out certain types of “modifications” (as defined in the Licence) without consent from the Board. However, pursuant to Article 11, Section 11.5.9A and Article 12, Section 12.4.3 of the Nunavut Land Claims Agreement (NLCA) and ss. 76 and 141 of the *Nunavut Planning and Project Assessment Act* (NuPPAA),<sup>75</sup> a proposed modification submitted under this Licence may require processing by the Nunavut Planning Commission (NPC) and a screening determination by the Nunavut Impact Review Board (NIRB). It is therefore the responsibility of the Licensee to notify and consult with the NPC and the NIRB to ensure the requirements of Articles 11 and 12 of the NLCA and the applicable requirements of NuPPAA are met prior to submitting a notification of modification to the NWB under the Licence.

Further, the Applicant is required to obtain permission from the NWB for modifications that do not meet the definition of modifications or the criteria of Part G, Item 1. Without written consent from the NWB, the Licensee is not allowed to carry out any modifications. Changes that do not meet the definition of modification under the Licence or the requirements of Part G may be considered to be amendments to the Licence and could be subject to a Type “A” water licence amendment process, including a public hearing as may be required under the NWNSRTA.

## **Part H: Conditions Applying to Contingency Planning**

Two previously approved spill contingency plans were authorized for implementation under the Expired Licence. They included a general plan entitled *City of Iqaluit Spill Contingency Plan*, updated 2004, and a specific plan entitled *Sewage Lift Station Spill Contingency Plan*, dated 2003. As the two plans underwent no updates in the years following implementation,

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<sup>75</sup> S.C. 2013, c. 14.



both INAC and the NWB expressed concerns about the validity of some of the information contained in the plans. In response, the City had initially proposed to update the plans within 180 days following issuance of the Licence. However, prior to and during the Public Hearing for the Application, INAC objected to the timeline as proposed by the City.

In response to INAC's objections, the City proposed to amalgamate, update, and submit a copy of the amalgamated and updated Spill Contingency Plan to INAC within thirty (30) days following the date of the Public Hearing.<sup>76</sup> The City also committed to providing the NWB with a copy of the same plan within thirty (30) days from the date of issuance of the Licence. However, recognizing that there may be a delay of up to 90 days between the NWB issuing the Licence and the date on which the Licence is approved by the Minister and takes effect, the NWB has decided that the timeline for submission of the amalgamated and updated Spill Contingency Plan required under the Licence should be thirty (30) days following the effective date of the licence (approval of the Minister) rather than the date the NWB issues the Licence to the Minister for her consideration and approval. The requirement for submission of the updated Spill Contingency Plan is included under Part H, Item 1 of the Licence. The updated plan must address general spill contingency planning requirements for all aspects of the undertaking, including spill contingency planning requirements for the sewage lift station.

To ensure that the Licence fully reflects the Applicant's commitment to amalgamate all spill contingency planning into the updated Spill Contingency Plan, the Board has removed the requirement for submission of a separate Sewage Lift Station Spill Contingency Plan from the Licence (this requirement was previously required in Part H, Item 2 of the Expired Licence).

## **Part I: Conditions Applying to Monitoring**

With respect to the monitoring requirements under the Licence, the NWB's jurisdiction is very broad and the NWB may include conditions in the licence related to monitoring programs to be undertaken.<sup>77</sup> In general, most of the monitoring requirements under the Expired Licence have been carried forward to the Licence. However, changes to the monitoring program have been made to address required updates to plans, scope changes, and relevant recommendations provided by the interveners and the Licence.

The general changes made to this section of the Licence are not discussed specifically in this document as these changes and updates from the terms and conditions of the Expired Licence

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<sup>76</sup> This agreement was confirmed by INAC at the close of the Public Hearing, see S. Fortier, INAC, NWB Public Hearing File No.: 3AM-IQA0612, Transcript, May 5, Volume 2, pp. 159-160, lines 24-26 and lines 1-6.

<sup>77</sup> See s. 70(1)(c) of the NWNSTRA.



are considered routine and do not warrant detailed discussion. Details on specific changes made to address plans required under this section of the licence are provided in the [Management Plans, Manuals and Reports](#) section of this document.

Specific changes made to the monitoring program are included under the discussions for “Schedule I”, which was previously referred to as Schedule C under the Expired Licence, and changes relevant to submission of monitoring plans are included under discussions related to the [Management Plans, Manuals and Reports](#) section of this document.

## **Part J: Conditions Applying to Closure and Reclamation**

For the Closure and Reclamation Part of the Licence, which was formerly referred to as “Abandonment and Restoration” in the Expired Licence, the NWB has made some changes to reflect that the Applicant has already met some of the terms and conditions prior to or during the licensing process, and having satisfied these terms and conditions, the Board considered it appropriate to remove these terms and conditions.

For the purposes of the Licence, the term “Closure and Reclamation” has replaced “Abandonment and Restoration” which was the term formerly used for this part of the Expired Licence. This change reflects ECCC’s recommendation that it is more appropriate to use the term “closure”, to denote everything from a planned permanent decommissioning of an undertaking to an unplanned abandonment of an undertaking, whereas abandonment is a much narrower scope than the term “closure”. ECCC also noted that the term “closure” is the term currently used in relevant guidelines.

### **Schedules A, B and I**

Schedules A, B, and I have been included in the Licence to provide additional context, details and guidance with respect to the specific requirements of Parts A, B and I respectively of the Licence. Additionally, the schedules help to provide the Board and the Licensee with some flexibility for addressing reasonable changes to administrative details that, in the Board’s view, do not require an amendment to the Licence. The following sections outline the schedules included in the Licence.

#### *Schedule A*

As in the Expired Licence, the Licence includes Schedule A, Definitions, that provides the meaning of terms as defined in the Licence. The function of this Schedule is to support consistent interpretation and application of key terms of the Licence. As the majority of the terms defined in the Licence have remained the same as those included in Schedule A of the Expired Licence, the NWB has made only minor changes to Schedule A to ensure that the definitions are up-to-date and continue to be applicable to the undertaking in the current circumstances.



### *Schedule B*

Schedule B applies to general and specific annual reporting requirements for the undertaking. Similar to Schedule A, only minor changes were made to Schedule B in the Licence. These minor changes were required to ensure that all requirements are up-to-date and consistent with the undertaking in the current circumstances.

The requirement under schedule B, which are linked to Part B, Item 1 of the Licence, stipulates that a report detailing the use of water and the deposit of waste activities, that must be submitted to the Board for review prior to the 31<sup>st</sup> of March, annually. The Board provides public access to the information provided in Annual Reports submitted by licensees through its ftp site as well as upon requests from interested parties.

The NWB has included on its FTP site, a standardized form for annual reporting that licensees can use to submit reporting information, supplemented by other relevant information.

### *Schedule I*

Schedule I of the Licence, was previously Schedule C under the Expired Licence. This Schedule has been renamed to make it clear that it is linked to Part I of the Licence and the Conditions Applying to Monitoring. This Schedule includes updates or changes to the monitoring requirements, taking into consideration the Licensee's requests, intervener's recommendations, the Board' Mandate and the scope of the undertaking. The Board has made four main types of changes under Schedule I:

- Changes to Regulated Parameters
- Changes to Monitoring Stations
- Changes to Type of Monitored Parameters
- Changes to Monitoring and Reporting Frequency and Responsibilities

### ***Changes to Regulated Parameters***

As stated under the section of these Reasons reviewing changes to Part E, under the Expired Licence, Part E, Items 3a, 3b, and 3c, the Board had imposed requirements for monitoring effluent discharged from the Sewage Lagoon Facility, Wastewater Treatment Plant, and surface runoff water from construction activities, respectively. During the application process for this Licence, the issue was raised regarding the extent of the NWB's jurisdiction to regulate the effluent which eventually discharges into the marine environment from the Sewage Lagoon and Wastewater Treatment Plant. As discussed in detail in the section of the decision subtitled [NWB Advice Regarding Marine Areas](#) the Board has accepted the view of the INAC and ECCC that because the final point of discharge is the marine environment and not freshwater, it is appropriate for the Board to remove effluent criteria for the Sewage Lagoon Facility and the Wastewater Treatment Plant from the list of regulated



parameters in the Licence. ECCC, however, indicated that although the parameters for the Effluent may not constitute Effluent limits, it may still be advisable to include these parameters in the Licence for monitoring purposes so that the Board and parties can continue to assess whether the wastewater treatment performance objectives are being met.

While the City did not explicitly request the removal of regulated parameters from the licence, the NWB has considered the recommendations made by intervening parties and weighed the overall potential effects to the freshwater environment in its decision and considers it appropriate to remove the regulated parameters for the Sewage Lagoon Facility and Wastewater Treatment Plant from the Licence. The Board has however retained the regulated parameters and associated effluent quality limits related to runoff water linked to construction activities, given the expected construction activities associated with upgrades to the Wastewater Treatment Plant in the near future.

### ***Changes to Monitoring Stations***

On the topic of monitoring stations associated with the Expired Licence, the City requested both removal and addition of specific stations from the monitoring program requirements of the Expired Licence, which are as follows:

Monitoring Station	Description	Request
IQA-01(#):	Based on Part I, Item 4	Removal (Inactive)
IQA-03	Sewage Lagoon Influent	
IQA-07	Surface water entering west 40 landfill	
IQA-08#	Based on Part E17, F10 and I4	
IQA-09	Contaminated soil accepted at the landfill	
IQA-08A	Up-gradient of West 40 Landfill	Addition
IQA-08B	Down-Gradient of West 40 Landfill	

The Applicant's rationale for requesting the removal of IQA-01(#) is that the data captured at this station is already included in other Licence requirements while the basis for requesting removal of station IQA-03 is the assertion that all surface runoff water from the Sewage Lagoon Facility is eventually collected in berms prior to being released into the marine environment. For the removal request associated with IQA-08#, the Licensee indicated that two additional stations, IQA-08A and IQA-08B should be added to address relevant concerns raised by INAC that there would be a data gap if the monitoring at IQA-08# was removed. The proposed locations for IQA-08A and IQA-08B are up-gradient and down gradient of the West 40 Landfill Facility, respectively.



The Board has seriously considered the Licensee's requested changes to monitoring stations, and the rationale provided, while considering interveners' comments and recommendations, and has decided to grant the Applicant's requests to remove or add the monitoring stations as requested. It should be noted that for the stations that have been removed from the updated monitoring program, the Board has labelled those stations "Inactive" in the table listing the monitoring stations so that parties referencing past monitoring reports will be able to link the historical information to monitoring station locations under previous licences, including the Expired Licence.

### ***Changes to Type of Monitored Parameters***

The City also requested changes to the parameters being monitored under the Expired Licence to exclude chlorinated alkenes and LC<sub>50</sub> bioassay testing. In response, both intervening parties, INAC and ECCC, generally supported the Applicant's request. However, in addition ECCC recommended that research be conducted on the topic of chlorinated alkenes and that the LC<sub>50</sub> test be replaced with acute lethality testing EPS1/RM/50 after the WWTP is constructed and commissioned. After considering the Applicant's request and the Intervener's comments and recommendations, the Board has included the changes to parameters as requested by the City within the new Licence.

Apart from the parameters changes made for the Wastewater Treatment Facilities, the Board has added Polychlorinated Biphenyls (PCBs) and Benzene, Toluene, Ethylbenzene and Xylene (BTEX) to monitoring requirements for the Solid Waste Facility.

### ***Changes to Monitoring, Reporting Responsibilities and Frequency***

Under the Expired Licence, the Board had included specific monitoring responsibilities for the INAC (formerly AANDC) Inspector to carry out on an annual basis. Based on the Board's discretion and submissions from INAC, these responsibilities have been removed from the Licence.

With respect to monitoring and reporting frequency, the Applicant requested several changes, which the Interveners agreed to and which the Board has granted as reflected in new Schedule I of the Licence.

### **Management Plans, Manuals and Reports**

Throughout the review of the Application, Interveners, the Board, and the Applicant have considered and commented to various extents on the following management plans, which have been received either under the Expired Licence, with the Application or are requirements under the Licence:

1. Lake Geraldine Water Balance Assessment
2. Wastewater Treatment Plant Operations and Maintenance Manual



3. Sewage Sludge Manage Composting Pilot Project Report
4. Solid Waste Management Plan
5. Landfill Operations and Maintenance Manual, January 2014
6. Sewage Lagoon Operations and maintenance manual
7. West 40 Drainage Management Review
8. General Spill Contingency Plan and Sewage Lift Station Spill Contingency Plan
9. Monitoring Program
10. Quality Assurance/Quality Control Plan
11. Solid Waste Management Plan West 40 Landfill Decommissioning Technical Memorandum, January 2014
12. Final Abandonment and Restoration Plan West 40 Landfill; and
13. Water Treatment Plant Operation and Maintenance Manual

In respect of the Board's handling and review of plans received under the Licence, it should be noted that there are two different approaches for handling plans required under the Licence. For some plans, the Board merely "accepts" the plans as received. For plans that are accepted by the Board, the Board generally posts the plan on the NWB public registry, but does not invite or receive technical review or other forms of comment in respect of the plan. In contrast, for plans that are "approved" by the Board, comments are typically invited on these plans and the Board reviews the plan and considers whether to approve such plans or not. These plans, as approved are integral to the Licensee's compliance with the conditions of the Licence.

The Licensee should be aware that the Board may alter or modify a plan for the purpose of achieving legislative objectives, and that the plans approved by the Board are considered a part of the Licence.

The following subsections summarize the Board's specific requirements and/treatment of particular management plans or documents.

#### **Lake Geraldine Water Balance Assessment**

Part B, Items 3(a) and 3(b) of the Expired Licence, required the Licensee to submit for information, one year prior to expiry of the Licence, a complete water balance for Lake Geraldine along with an assessment of the recharge needs and long-term water demand. To satisfy this requirement, on August 20, 2013 the Licensee submitted a document entitled *Lake Geraldine Water Balance Assessment*, dated August 20, 2013. The document was reviewed by intervening parties and the Board during the licensing process; however, it has not been either approved or accepted with the issuance of the Licence because much of its content is expected to be the subject of further evaluation under any future application submission with respect to augment the City's potable water supply.



### **Wastewater Treatment Plant Operations and Maintenance Manual, January 2014**

Part E, Item 6 of the Expired Licence required the Licensee to submit to the Board for approval, an operation and maintenance manual for the Wastewater Treatment Facilities. The Licensee submitted on November 13, 2012, a manual entitled *Operation and Maintenance Manual for the Iqaluit Wastewater Treatment Plant Conversion and Expansion – Phase 1, Iqaluit, Nunavut*, dated 2006. Following receipt and review of the document, the Board informed the City that the form of the document was not consistent with the *Guidelines for the Preparation of an Operation and Maintenance Manual for Sewage and Solid Waste Disposal Facilities in the Northwest Territories* (GNWT 1996), and that the manual should be revised and resubmitted to the Board upon revision of the manual to be in compliance.

During the Board’s review of the Application, the City committed to providing an updated version of the manual by December 21, 2018, following commissioning of the Wastewater Treatment Plant. In recognition of this commitment, the Board has carried over and included requirements under Part E, Item 7 of the Licence that will require the City to submit an Operation and Maintenance Manual on or prior to December 21, 2018.

### **Iqaluit Sewage Sludge Management Composting Pilot Project Report**

Part E, Item 7 of the Expired Licence required the Licensee to submit a final assessment report for the sludge management pilot project. On November 13, 2012 the Licensee submitted a document entitled *Iqaluit Sewage Sludge Management Composting Pilot Project Report*, dated March 31, 2009, as part of the documents to renew the licence. As the assessment report was to generally assess the effectiveness of the City’s sludge treatment process, which is determined to be generally effective overall, this requirement has been removed in the Licence.

### **Solid Waste Management Plan**

Part E, Item 10 of the Expired Licence required the Licensee to submit to the Board for review, a long-term Solid Waste Management Plan. As part of the Application, the City submitted a document entitled *City of Iqaluit Solid Waste Management Plan*, dated January 2014. During the licensing process, the Applicant requested that this plan be removed from the Licence. However, INAC recommended that the plan be updated by December 2018 to reflect expected changes in solid waste management, as the West 40 Landfill is expected to reach capacity by that time. The Board is in agreement with INAC that the plan should be updated and resubmitted given that the construction of a new landfill facility is not considered to be within the scope of the Licence. The requirement for submission of the updated Solid Waste Management Plan for the Board’s review is included under Part E, Item 9 of the Licence.

### **Solid Waste Operations and Maintenance Manual**

Part E, Item 11 of the Expired Licence authorized the implementation of a previously approved Solid Waste Facility Operation and Maintenance Manual, dated 2005. As part of



the documents included with the Application, the Applicant submitted a manual entitled *City of Iqaluit, Landfill Operations and Maintenance Manual*, dated January 2014. Interveners' comments on the Manual suggest that it should be updated to address leachate management, sampling, open burning requirements and other concerns. The Board has included requirements under Part E, Item 12 of the Licence that require the City, within sixty (60) days from the Minister's approval of the Licence (effective date of the Licence), to submit to the Board for approval an Operations and Maintenance Manual for the Landfill Facility

#### **Sewage Lagoon Operations and Maintenance Manual**

The Expired Licence did not include requirements for submission of an Operation and Maintenance (O&M) Manual specifically for the Sewage Lagoon Facility. During the review process for the Application, INAC requested that an Operations and Maintenance Manual be provided for the Sewage Lagoon Facility. The Board agrees with INAC's submission and has included a term or condition that would require the City to file an O&M Manual for that Facility under Part E, Item 6 of the Licence. Further, once the Wastewater Treatment Plant is upgraded and commissioned, the O&M Manual for the Sewage Lagoon Facility is to be incorporated into the O&M Manual for the Upgraded Wastewater Treatment Plant as set out under Part E, Item 7.

#### **West 40 Drainage Management Review**

The Licensee submitted on November 13, 2012, the document entitled *West 40 Landfill Drainage Management Review*, dated September 16, 2011. The document, which addresses the collection, monitoring, and control of runoff water from the West 40 landfill site and adjacent sludge management facility, was not necessarily a requirement under the Expired Licence. Given the comments received from intervening parties and the importance of the information contained in the report regarding the management of effluent water quality, the Board has included requirements under Part E, Item 14 of the Licence for the Licensee to submit to the Board for review, an updated version of the document by December 31, 2017.

#### **General Spill Contingency Plan and Sewage Lift Station Spill Contingency Plan;**

Part H, Items 1 and 2 of the Expired Licence authorized the City to implement a general Spill Contingency Plan, dated 2004, and a specific Spill Contingency Plan for the Sewage Lift Station, dated 2003. The Licensee did not include any updated spill contingency plans as part of its Application. Based on discussions carried out and commitments made during the licensing process, the Board has included under Part H, Item 1, the requirements for the Licensee to submit to the Board for approval within thirty (30) days of the effective date of the Licence, an amalgamated and updated Spill Contingency Plan that would replace all plans that were previously authorized for use under the Expired Licence.

#### **Monitoring Program**

Part I, Item 4 of the Expired Licence required the Licensee to submit a Monitoring Program for the Water Supply, Wastewater Treatment Plant, and Solid Waste Management Facilities



to the Board for approval. The City submitted as part of the Application the Plan entitled *City of Iqaluit Water Licence Monitoring Program*, dated June 2008. Prior to submission of the program as part of the Application, the same monitoring program had previously been submitted to the Board. However, due to various program deficiencies, the program was never approved by the Board. During the review of this Application, the City committed to updating the plan 180 days following issuance of the Licence. However, INAC recommended that the Program be submitted to the Board for approval within sixty (60) days following issuance of the Licence. The Board agrees that as the implementation of an approved monitoring program has been an outstanding requirement for a number of years, it is reasonable for the Board to expect a revised and compliant Monitoring Program be provided as soon as possible, and the six (6) months requested by the City to file this vital information is too long. Consequently, the Board has included requirements under Part I, Item 2 of the Licence that would require the City to submit an updated Monitoring Program to the Board for approval within sixty (60) days of the effective date of the Licence.

**Quality Assurance/Quality Control Plan, March 2013;**

Part I, Item 7 of the Expired Licence required the Licensee to submit a Quality Assurance/Quality Control (QA/QC) Plan to the Board for approval. In the Application, the City submitted the plan entitled *Quality Assurance / Quality Control Plan (QA/QC)*, dated March 2013. The Applicant also committed to updating the QA/QC Plan within 180 days following issuance of the Licence. INAC in its comments on the QA/QC Plan recommended that it be updated sixty (60) days following issuance of the licence. The Board has modified the conditions in the Licence applicable to the QA/QC Plan to reflect that it is no longer Board practice to approve QA/QC Plans. Instead of approving the QA/QC Plan, the Board now reviews the Plan along with a letter of acceptability from an accredited laboratory. On this basis, the Board has included requirements under Part I, Item 7 of the Licence for the QA/QC Plan, along with an acceptance letter from an Analyst of an accredited laboratory, to be submitted for the Board's review within sixty (60) days of the effective date of the Licence.

**Solid Waste Management Plan West 40 Landfill Decommissioning Technical Memorandum, January 2014**

As part of its Application, the City submitted the Plan entitled *Iqaluit Solid Waste Management Plan West 40 Landfill Decommissioning Technical Memorandum*, dated January 2014, which the Board has accepted with the issuance of the Licence under Part J, Item 1 of the Licence.

**Final Abandonment and Restoration Plan West 40 Landfill**

Based on discussions among the parties and a commitment made by the Applicant during the Board's review of the Application, the Board has included requirements for the City to submit a Final Abandonment and Restoration Plan for the West 40 Landfill to the Board for



approval at least one (1) year prior to the expiry of the Licence. Conditions related to this requirement are included under Part J, Item 2, of the Licence.

### **Water Treatment Plant Operation and Maintenance Manual**

The City submitted prior to, and as part of its Application, a manual entitled *Process Operation and Maintenance Manual for City of Iqaluit Water Treatment Plant*, dated 2004. In response to the initial submission of the Manual the Board had recommended that the Manual be revised to reflect relevant aspects of the format included in the *Guidelines for the Preparation of an Operation and Maintenance Manual for Sewage and Solid Waste Disposal Facilities in the Northwest Territories* (GNWT 1996). During the processing of this Application, the City requested that the Manual be removed from any future licence issued by the Board as the water treatment plant should be considered outside of the scope of the Water Licence. INAC, the only Intervener to comment on this issue agreed with the Applicant that the requirement could be removed.

The Board, however, disagrees with the Applicant's position that the Manual is not within the scope of the Licence in that many aspects of the operation of the Potable Water Treatment Plant involve the use of water and/or the deposit of waste, and as such falls directly under the Board's mandate. The Board has therefore included conditions to address this requirement under Part D, Item 2 of the Licence, which requires the City to submit an updated O & M Manual for the Potable Water Treatment Plant (of reduced scope) within sixty (60) days of the effective date of the Licence.



## **APPENDIX A - Agendas for Public Hearing and Community Session**

### **PUBLIC HEARING AGENDA**

**CITY OF IQALUIT (LICENCE 3AM-IQA0612)**

**VENUE: SAINT JUDE'S ANGLICAN PARISH HALL, IQALUIT, NUNAVUT**

**May 4 - 5, 2016 (9:00 a.m. – 5:00 p.m., ET, Including Intermissions)**

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1. Opening Prayer
2. Opening Remarks by the Chairperson, which shall include the purpose of the Hearing and the scope of matters, which will be considered by the Board
3. Introduction of the Board Members and staff
4. Identification and introduction of the Parties
5. Introduction of the Elders and their role in the Hearing
6. Introduction and identification of the persons, associations, agencies, etc., who have not submitted interventions but who have expressed a desire to speak at the Hearing
7. Identification of any Motions or any objections
8. Presentation by the Applicant
9. Questioning of the Applicant by Parties respecting the Applicant's presentation
10. Questioning by the Board staff and Panel Members
11. Presentation by Interveners
12. Questioning of Interveners by Parties
13. Questioning by the Board staff and Panel Members
14. Presentation by any other persons, associations, agencies, etc. who have advised the Chairperson that they wish to speak
15. Questioning of other persons, associations, agencies, etc. by Parties
16. Questions by the Board staff and Panel Members
17. Upon completion of presentations by all Parties, the Board will give the Applicant the opportunity to reply. Then all Parties will have the opportunity to make final closing statements taking into account matters raised at the Hearing
18. Closing remarks by the Chairperson; and
19. Closing Prayer



## **AGENDA: Community Session**

CITY OF IQALUIT (LICENCE 3AM-IQA0612)

VENUE: SAINT JUDE'S ANGLICAN PARISH HALL, IQALUIT, NUNAVUT

**May 4, 2016 (7:00 p.m. - 10:00 p.m., ET, Including Intermissions)**

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1. Opening Prayer
2. Opening Remarks by the Chair
3. Presentation by the Nunavut Water Board (NWB) – Type “A” water licensing process for the Application (15 minutes)
4. Questions and/or comments from community members and other participants
5. Presentation by the City of Iqaluit regarding the Renewal-Amendment Application before the Board for Type “A” Water Licence 3AM-IQA0612 (20 Minutes)
6. Question and/or comments from community members and other participants
7. Presentation from each intervening party pertaining to its mandate and role(s) in the water licensing process as well as an overview of their findings pertaining to their technical review of the Application (15 Minutes/Intervener)
8. Questions and/or comments from community members and other participants
9. Closing Remarks
10. Closing Prayer



## **APPENDIX B - Exhibit List**

<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Date</b>	<b>From</b>
1	Hard Copy PowerPoint Presentation Water Board Public Hearing May-5, 2016 Presentation of the Applicant  (Inuktitut, English and French)	May 4, 2016	City of Iqaluit
2	Hard Copy Table 1: Changes to Schedule C and Monitoring Program  (Inuktitut)	May 4, 2016	City of Iqaluit
3	Hard Copy Table 1: Changes to Schedule C and Monitoring Program  (French)	May 4, 2016	City of Iqaluit
4	Hard Copy Table 1: Changes to Schedule C and Monitoring Program  (English)	May 4, 2016	City of Iqaluit
5	Hard Copy PowerPoint Presentation Iqaluit Water Licence Renewal Presentation to the Nunavut Water Public Hearing, Iqaluit NU May 4-5, 2016  (English)	May 4, 2016	Fisheries and Oceans Canada
6	Hard Copy Power Point Presentation Environment and Climate Change Canada's Final Presentation to the City of Iqaluit's Municipal Water Licence 3AM-IQA0612  (English/French)	May 4, 2016	Environment and Climate Change Canada
7	Hard Copy Power Point Presentation Environment and Climate Change Canada's Final Presentation to the City of Iqaluit's Municipal Water Licence 3AM-IQA0612  (English/Inuktitut)	May 4, 2016	Environment and Climate Change Canada



<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Date</b>	<b>From</b>
8	Hard Copy Power Point Presentation Indigenous and Northern Affairs Canada City of Iqaluit Renewal Application for Water Licence #3AM-IQA0611 Nunavut Water Board Public Hearing Iqaluit  (English)	May 4, 2016	Indigenous and Northern Affairs Canada
9	Hard Copy Final Submission to the Nunavut Water Board Regarding City of Iqaluit Type A Water Licence Renewal Application for Municipal Undertakings March 30, 2016 Executive Summary  (English, Inuktitut and French)	May 4, 2016	Indigenous and Northern Affairs Canada
10	Electronic Form Only Itemization of Suggested Modifications to the Licence Summary of Discussions with Indigenous and Northern Affairs Canada and the Applicant, City of Iqaluit  (English)	May 4, 2016	Indigenous and Northern Affairs Canada





## **APPENDIX D - List of Submissions and Correspondence**

### **Application Submissions:**

#### ***March 2015 Submissions***

Cover Letter Regarding Confirmation of Submission and Scope for Type “A” Water Licence  
3AM-IQA0611

Appendix A – List of documents submitted as part of the initial submission for the application

Appendix B – Supplementary Water Supply Study

Appendix C – Letter to the City of Iqaluit from Aboriginal Affairs and Northern Development  
Canada pertaining to monitoring requirement in the expired licence

#### ***2014 Submissions***

City of Iqaluit Landfill Operations and Maintenance Manual, dated January 2014

City of Iqaluit Solid Waste Management Plan, dated January 2014

Iqaluit Solid Waste Management Plan, West 40 Landfill Decommissioning Technical  
Memorandum, dated January 2014

#### ***2013 Submissions***

Cover Letter: City of Iqaluit Outstanding Items Submission

2012 Annual Monitoring Report

2007, 2008 Annual Report

Monthly General Monitoring Reports: June, July, September, October, December (2012)

Lake Geraldine Water Balance Assessment (2013)

Iqaluit Supplementary Water Supply Sampling Parameters (2013)

Iqaluit Waste Management Project: Newsletter #3 (2013)

Quality Assurance and Quality Control Plan (2013)

City of Iqaluit Renewal Application Addendum (Letter). This item describes Terms and  
Conditions associated with the Amendment No. 1 Application withdrawn by the City of  
Iqaluit (2006) that the City is proposing to be included in the Application Renewal  
(2012).

#### ***2012 Submissions***

Cover Letter

Cover Letter (Updated Appendices)

Executive Summary (English)

Executive Summary (Inuktitut)

Application for Water Licence Renewal; and

Application Appendices (contents as described):

*Appendix A: General*

- A-1: Topographic map/satellite image (5m contours)
- A-2: Water Licence Inspection Reports (2008, Jul 2009, Oct 2009, 2010, 2011, 2012)
- A-3: City of Iqaluit Spill Contingency Plan (2004)



- A-4: Alternate Monitoring Plan (2008)
- A-5: Current Monitoring Program Tests Dates (2012) Appendix A Page 2
- A-6: Monitoring Program Test Results (April 2012, July 2012, September 2012)
- A-7: Spill Reports (2005, 2006, 2007, 2008, 2009, 2010, 2011)
- A-8: Allangua Road Culvert Installation
- A-9: Water Licence Reports (2009, 2010, 2011)
- A-10: Audited Financial Statements (2011)
- A-11: Compliance Assessment (2012)

*Appendix B: Water Use*

- B-1: Picture of Water Source Sign
- B-2: Lake Geraldine Dam Expansion Drawings (2006)
- B-3: Water Treatment Plant Drawings (2003)
- B-4: Water Treatment Plant Operation & Maintenance Manual (2004)
- B-5: Underwater Dive Report (2010)
- B-6: Watershed Mapping and Monitoring for Northern Community Impact Assessment
- B-7: Lake Geraldine Dam - Dam Safety Review (2006)
- B-8: Lake Geraldine Dam - Dam Safety Inspections (2009, 2010, 2011, 2012)
- B-9: Lake Geraldine Dam - Permanent Record File (2011)

*Appendix C: Wastewater:*

- C-1: Picture of Lagoon Identification
- C-2: Sewage Lagoon Drawing (1988)
- C-3: Wastewater Treatment Plant Phase 1 Drawings (2005)
- C-4: Lift station No. 1 - As-Built Drawings (2007)
- C-5: Lift Station No. 2 - As-Built Drawings (2011)
- C-6: Sludge Management Operation & Maintenance Manual (2006)
- C-7: Wastewater Treatment Plant Operation & Maintenance Manual (2006)
- C-8: Sewage Lagoon West Berm Rehabilitation Reports and Drawings (2006)
- C-9: Iqaluit Wastewater Treatment Plant Technical Overview of 2005 Secondary Sewage Treatment Plant Design (2011)
- C-10: Sewage Lagoon Dam Safety Inspections (2006, 2009, 2011)
- C-11: Sewage Lagoon Permanent Record File (2012)
- C-12: Sewage Lagoon Dam Safety Review Requirement Investigation (2012)

*Appendix D: Solid Waste*

- D-1: Picture of Landfill Sign
- D-2: Landfill Facility Expansion Drawings (2001)
- D-3: Landfill Drawings (2006)
- D-4: Landfill Berm Repair Drawings (2011)
- D-5: Solid Waste Facility Operations & Maintenance Manual (2005)
- D-6: Landfill Water Management Improvements Report (2009)



- D-7: West 40 Landfill Drainage Management Review (2011)
- D-8: Iqaluit Sewage Sludge Management Composting Pilot Project Report (2009)
- D-9: Iqaluit Waste Management Project Terms of Reference (2010)

**Additional File Submissions & Correspondence:**

1. Email from Robin Ikkutisluk, Licence Administrator Assistant, NWB to Megan Leach, Director of Engineering and Sustainability, City of Iqaluit; Re: Acknowledgement of Renewal Water Licence Application, dated **October 29, 2012**.
2. Letter from Robin Ikkutisluk, Licence Administrator Assistant, NWB to Megan Leach, Director of Engineering and Sustainability, City of Iqaluit; Re: Acknowledgement and Receipt of Application Fee Renewal Water Licence, dated **October 29, 2012**.
3. Email from Robin Ikkutisluk, Licence Administrator Assistant, NWB, to Megan Leach, Director of Engineering and Sustainability, City of Iqaluit, Guide6 Electronic Documentation, dated **November 20, 2012**.
4. Email from Robin Ikkutisluk, Licence Administrator Assistant, NWB to Megan Leach, Director of Engineering and Sustainability; Re: City of Iqaluit Application for Amendment request withdrawal, dated **November 21, 2012**.
5. Letter from Sean Joseph, Technical Advisor, NWB to John Hussey, Chief Administrative Officer, City of Iqaluit; Re: Application for Renewal Water Licence, dated **April 8, 2013**.
6. Letter from John Hussey, Chief Administrative Officer, City of Iqaluit to Sean Joseph, Technical Advisor, NWB; Re: Response to April 8, 2013; Re: Letter regarding Application for Water License Renewal, dated **April 30, 2013**.
7. Letter from Sean Joseph, Technical Advisor, NWB to John Hussey, Chief Administrative Officer; Re: City of Iqaluit's Water Licence Renewal Application Addendum Requirements, dated **July 8, 2013**.
8. Letter from John Hussey, Chief Administrative Officer, City of Iqaluit to Jaswir Dhillon, Technical Advisor, NIRB; Re: Request for Additional Information Required for the City of Iqaluit's Water Licence Renewal Project Proposal, dated **July 25, 2013**.
9. Letter from John Hussey, Chief Administrative Officer, City of Iqaluit to Sean Joseph, Technical Advisor, NWB; Re: City of Iqaluit Renewal Application Addendum, dated **September 27, 2013**.
10. Letter from Phyllis Beaulieu, Manager of Licensing, NWB to John Hussey, Chief Administrative Officer, City of Iqaluit; Re: Renewal Amendment Application City of Iqaluit's Type "A" Water Licence, dated **October 21, 2013**.
11. Letter from David Abernethy, Regional Coordinator, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Completeness Assessment, dated **November 8, 2013**.



12. Letter from Phyllis Beaulieu, Manager of Licensing, NWB to John Hussey, Chief Administrative Officer, City of Iqaluit; Re: Renewal Amendment Application City of Iqaluit's Type "A" Water Licence, dated **December 11, 2013**.
13. Email from Damien Cote, Executive Director, NWB to Erik Allain, Manager of Field Operations, AANDC; Re: Renewal Amendment Application, dated **January 11, 2014**.
14. Email from Erik Allain, Manager of Field Operations, AANDC to Damien Cote, Executive Director, NWB; Re: Renewal Amendment Application, dated **January 13, 2014**.
15. Email from Damien Cote, Executive Director, NWB to Erik Allain, Manager of Field Operations, AANDC; Re: Renewal Amendment Application, dated **January 13, 2014**.
16. Email from Megan Leach, Director of Engineering and Sustainability, City of Iqaluit to Robin Ikkutisluk, Licence Administrator Assistant and Phyllis Beaulieu, Manager of Licensing, NWB; Re: Outstanding Solid Waste Management Submissions, dated **January 31, 2014**.
17. Email from Robin Ikkutisluk, Licence Administrator Assistant, NWB to John Hussey, Chief Administration Officer, City of Iqaluit, and Meagan Leach, Director of Engineering and Sustainability; Re: City of Iqaluit Renewal Application Submission of Reports, dated **February 19, 2014**.
18. Email from Megan Leach, Director of Engineering and Sustainability to Robin Ikkutisluk, Licence Administrator Assistant, NWB; Re: City of Iqaluit Renewal Application Submission of Reports, dated **February 19, 2014**.
19. Email from Richard J. Sparham Project Officer, City of Iqaluit to Sean Joseph, Technical Advisor, NWB; Re: City of Iqaluit's Type "A" Water Licence Renewal and Amendment Project Proposal, dated **September 17, 2014**.
20. Letter from Elizabeth Copland, Chairperson NIRB to the Honourable Bernard Valcourt, Minister of AANDC; Re: Screening Decision for the City of Iqaluit's Application for Water Licence Renewal Project Proposal, dated **November 3, 2014**.
21. Letter from Robert Savard, Water Resources Officer, AANDC to Paul Clow, Project Officer, City of Iqaluit; Re: Appendix C Re-evaluating Water Monitoring Letter November 14, 2014, dated **December 5, 2014**.
22. Submission from Concentric Associates International Incorporated to NWB Licensing; Re: Lake Geraldine Dam Safety Review Iqaluit Nunavut Final Report, dated **February 5, 2015**.
23. Letter from John Mabberi-Mudonyi, Acting Chief Administration Officer, City of Iqaluit to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Confirmation of Submissions and Scope for Type "A" Water Licence Renewal Amendment Application, dated **March 2, 2015**.
24. Email from Michael Mohammed, Environment Canada to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Accessing documents for 3AM-IQA0612 City of Iqaluit Type "A" Water Licence Renewal Amendment Application, dated **March 31, 2015**.



25. Letter from Sarah Forte, Waste Water Management Coordinator AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: AANDC Completeness Assessment of an Application to Amend and Renew Water Licence 3AM-IQA0612 City of Iqaluit Municipal Undertaking, dated **March 31, 2015**.
26. Email from Robin Ikkutisluk, Licence Administrator Assistant, NWB to John Price, and Michael Mohammed, Environment Canada; Re: Extension Request City of Iqaluit Type "A" Renewal and Amendment Water Licence Application, dated **April 1, 2015**.
27. Letter from John Price, Environment Assessment Officer, EC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: 3AM-IQA0612 City of Iqaluit Type "A" Water Licence Renewal and Amendment Application, dated **April 15, 2015**.
28. Letter from Ben Kogvik, Acting Executive Director, NWB to Muhamud Hassan, Chief Administrative Officer, and Meagan Leach, Director of Engineering and Sustainability, City of Iqaluit; Re: Licence No. 3AM0IQA0612 Type "A" Notice of Renewal Amendment Application and Commencement to Technical Review Period for City of Iqaluit Municipal Water Licence, dated **May 28, 2015**.
29. Email from Robin Ikkutisluk, Licensing Administrator Assistant, NWB; to Michael Hanssen, City of Iqaluit; Re: Notice of Application and Commencement of Technical Review Period City of Iqaluit, dated **May 28, 2015**.
30. NWB Notice to Local Organizations Request to Post Notices from Robin Ikkutisluk, Licensing Administrator Assistant, NWB; English and Inuktitut, dated **May 28, 2015**.
31. Email from Jaida Ohokannoak, Manager, Technical Administration NIRB to Robin Ikkutisluk, Licensing Administrator Assistant, NWB; Re: NIRB 13UN034 - NWB Licence No. 3AM-IQA0612 City of Iqaluit Type "A" Renewal Amendment Application, dated **June 5, 2015**.
32. Email from Phyllis Beaulieu, Manager of Licensing, NWB to Meagan Leach, Director of Engineering and Sustainability, City of Iqaluit; Re: Request for deadline Extension – Re: 150528 Notice of Application and Commencement of Technical Review Period, dated **June 30, 2015**.
33. Email from Michael Mohammed, Environment Canada, to Robin Ikkutisluk, Licensing Administrator Assistant, NWB; Request for deadline extension - Re:150528 Notice of Application and Commencement of Technical Review Period, dated **June 30, 2015**.
34. Email from Meagan Leach, Director of Engineering and Sustainability, City of Iqaluit to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Request for deadline Extension - Re: 150528 Notice of Application and Commencement of Technical Review Period City of Iqaluit, dated **July 2, 2015**.
35. Email from Phyllis Beaulieu, Manager of Licensing, NWB to Meagan Leach, Director of Engineering and Sustainability, City of Iqaluit: Re: Extension to Deadline Completeness Review, dated **July 2, 2015**.
36. Letter from Sarah Forte, Water Management Coordinator, AANDC to Robin Ikkutisluk, Licensing Administrator Assistant, NWB; Re: AANDC Review of the City of Iqaluit's



Type “A” Amendment and Renewal Water Licence Application 3AM-IQA0612 Municipal Undertaking, dated **July 10, 2015**.

37. Letter from Richard Janusz Senior Fisheries Protection Biologist, DFO to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Licence No. 3AM-IQA0612 Type “A” Notice of Renewal Amendment Application and Commencement of Technical Review Period for City of Iqaluit Municipal Water Licence, dated **July 10, 2015**.
38. Letter from John Price, Environment Assessment Officer, EC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: 3AM-IQA0612 Notice of Application and Commencement of Technical Review Period City of Iqaluit with Comment Table, dated **July 10, 2015**.
39. Email from Paul Crow Project Officer, City of Iqaluit to Sean Joseph, Sr. Technical Advisor, NWB; Re: City of Iqaluit Response to Comment Period Water Licence 3AM-IQA0612, dated **July 23, 2015**.
40. Letter from Robin Ikkutisluk, Acting Manager of Licensing, NWB; to Muhamud Hassan, Chief Administrative Officer, City of Iqaluit; Re: 3AM-IQA0612 Previous Licence No. 3AM-IQA0611 Type “A” Amendment Renewal Application by the City of Iqaluit for a Municipal Undertaking, dated **August 10, 2015**.
41. Email from Robin Ikkutisluk, Acting Manager of Licensing, NWB to Muhamud Hassan, Chief Administrative Officer, City of Iqaluit; Re: Type “A” Amendment Renewal Application by the City of Iqaluit for Municipal Undertaking, dated **August 10, 2015**.
42. Letter from Peter Scholz, Senior Planner, NPC, to Muhamud Hassan, Chief Administrative Officer, City of Iqaluit; Re: NWB 3AM-IQA0612 Type “A” Amendment, dated **August 28, 2015**.
43. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Phyllis Beaulieu, Manager of Licensing, NWB; Re: City of Iqaluit’s Response to 150710 3AM-IQA0612 EC Response to City of Iqaluit Comment Table, dated **November 13, 2015**.
44. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Phyllis Beaulieu, Manager of Licensing, NWB; Re: City of Iqaluit’s Response to 150331 3AM-IQA0612 Completeness Assessment AANDC Review, dated **November 13, 2015**.
45. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Phyllis Beaulieu, Manager of Licensing, NWB; Re: City of Iqaluit’s Response to Stakeholders Submission 150415 3AM-IQA0612 EC Letter of Comment, dated **November 13, 2015**.
46. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Phyllis Beaulieu, Manager of Licensing, NWB; Re: City of Iqaluit’s Response to 150710 3AM-IQA0612 DFO Comment to NWB on Completeness, dated **November 13, 2015**.
47. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Phyllis Beaulieu, Manager of Licensing, NWB; Re: City of Iqaluit’s Response to Stakeholders Submission 150710 3AM-IQA0612 AANDC Technical Comments, dated **November 13, 2015**.



48. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Phyllis Beaulieu, Manager of Licensing, NWB; Re: City of Iqaluit's Response to 131106 3AM-IQA0612 Completeness Assessment AANDC Review, dated **November 13, 2015**.
49. Email from Phyllis Beaulieu, Manager of Licensing, NWB to Paul Clow Project Officer, City of Iqaluit; Re: 3AM-IQA0612 Acknowledgement of Submissions, dated **November 16, 2015**.
50. Email from Phyllis Beaulieu, Manager of Licensing, NWB to Muhamud Hassan, Chief Administrative Officer, City of Iqaluit, Matthew Hamp, Director of Public Works and Engineering City of Iqaluit and Paul Clow Project Officer, City of Iqaluit; Re: 3AM-IQA0612 TM & PHC Correspondence, dated **November 26, 2015**.
51. Letter from Stephanie Autut, Executive Director, NWB to Muhamud Hassan, Chief Administrative Officer, City of Iqaluit; Re: Water Licence No. 3AM-IQA0612 or Licence No. 3AM-IQA0611 Type "A" Renewal Amendment Application by the City of Iqaluit for a Municipal Undertaking, dated **November 26, 2015**.
52. Letter from Sean Joseph, Senior Technical Advisor, NWB to City of Iqaluit distribution; Re: Draft Agenda TM/PHC Draft Agendas, dated **November 26, 2015**.
53. Letter from Sarah Forte, Water Management Coordinator AANDC to Matthew Hamp, Director of Public Works and Engineering, City of Iqaluit; Re: First reply to City of Iqaluit's response to AANDC's comments regarding its renewal application for water licence 3AM-IQA, dated **November 27, 2015**.
54. Email from Robin Ikkutisluk, Licensing Administrator, NWB to Bradley Summerfield, AANDC; Re: City of Iqaluit Water Licence Renewal Application Documents, dated **December 1, 2015**.
55. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Draft Agenda Technical Meeting and Pre-Hearing Conference, dated **December 3, 2015**.
56. Email from Sean Joseph, Senior Technical Advisor, NWB to Muhamud Hassan, Chief Administrative Officer, City of Iqaluit, Paul Clow, Project Officer, City of Iqaluit, Matthew Hamp, Director of Public Works and Engineering City of Iqaluit; Re: Draft Agenda Technical Meeting and Pre-Hearing Conference, dated **December 4, 2015**.
57. Letter from Phyllis Beaulieu, Manager of Licensing, NWB to Muhamud Hassan, Chief Administrative Officer, City of Iqaluit; Re: Draft Agenda Technical Meeting and Pre-Hearing Conference, dated **December 4, 2015**.
58. Email from Sean Joseph, Senior Technical Advisor, NWB; to Matthew Hamp Director of Public Works and Engineering City of Iqaluit; Re: Samples of Presentation, dated **December 4, 2015**.
59. Email from to Matthew Hamp, Director of Public Works and Engineering City of Iqaluit, to Sean Joseph, Senior Technical Advisor, NWB; Re: Samples of Presentations, dated **December 8, 2015**.



60. Email from Sean Joseph, Senior Technical Advisor NWB to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Samples of Presentations, dated **December 9, 2015**.
61. Email from Sarah-Lacey McMillan, EC, to Licensing; Re: 151126 3AM-IQA0612 TM & PHC Correspondence, dated **December 9, 2015**.
62. Email from Richard Janusz, Senior Fisheries Protection Biologist, DFO to Licensing, NWB; Re: 151126 3AM-IQA0612 TM & PHC Correspondence, dated **December 11, 2015**.
63. Letter from Sarah Forte, Water Management Coordinator AANDC to Matthew Hamp, Director of Public Works and Engineering City of Iqaluit: Re: Second reply to City of Iqaluit's response to AANDC's comments regarding its renewal application water licence 3AM-IQA with Comment table tracking, dated **December 14, 2015**.
64. Email from Phyllis Beaulieu, Manager of Licensing, NWB to Matthew Hamp, Director of Public Works and Engineering, City of Iqaluit; Re: Request Confirmation on Attendance at TM/PHC, dated **December 14, 2015**.
65. Email from Matthew Hamp, Director of Public Works and Engineering, City of Iqaluit to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Request Confirmation on Attendance at TM/PHC, dated **December 14, 2015**.
66. Email from Phyllis Beaulieu, Manager of Licensing, NWB to Matthew Hamp, Director of Public Works and Engineering City of Iqaluit, Paul Clow, Project Officer, City of Iqaluit, Muhamud Hassan, Chief Administrative Officer, City of Iqaluit; Re: Final TM/PHC Agenda, dated **December 14, 2015**.
67. Letter from Phyllis Beaulieu, Manager of Licensing, NWB; Re: Agenda TM Community Session PHC, dated **December 14, 2015**.
68. Radio Announcement to City of Iqaluit, from Ida Porter, Licensing Administrative Assistant, NWB; Re: Radio Announcement TM/PHC, dated **January 5, 2016**.
69. Submission from INAC to Licensing NWB; Re: INAC presentation for technical meeting English, French, Inuktitut, dated **January 7, 2016**.
70. Submission from DFO to Licensing NWB; Re: DFO presentation for technical meeting English, French, Inuktitut, dated **January 7, 2016**.
71. Submission from ECCC to Licensing NWB; Re: ECCC presentation for technical meeting English, French, Inuktitut, dated **January 7, 2016**.
72. Radio Announcement to City of Iqaluit, from Ida Porter, Licensing Administrative Assistant, NWB; Re: Radio Announcement TM/PHC, dated **January 7, 2016**.
73. Submission from NWB letter to City of Iqaluit distribution; Re: Community Session Presentation, dated **January 11, 2016**.
74. Submission from City of Iqaluit to NWB Licensing, Re: City of Iqaluit Water Board TM/PHC final English, French, Inuktitut, dated **January 12, 2016**.



75. Submission from NWB Licensing, to City of Iqaluit distribution; Re: TM Community Session PHC Final Agenda Inuktitut, dated **January 12, 2016.**
76. Letter from Curtis Didham, Inspector and Fishery Officer, EC, to City of Iqaluit, and John Hussey, Chief Administration Officer, dated March 5, 2013; Re: Fisheries Act Inspector's Direction with AANDC and EC Inspector's Direction 4th Quarterly Update 2015, dated **January 22, 2016.**
77. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Karen Kharatyan, Manager of Licensing, NWB; Re: Scope Clarification of Renewal Application for Water Licence 3AM-IQA0612, dated **January 22, 2016.**
78. Email from Robin Ikkutisluuk, Licence Administrator Assistant, NWB to Paul Clow Project Officer, City of Iqaluit; Re: Nunavut Water Board response to commitments No. 5 City of Iqaluit with Table, dated **January 25, 2016.**
79. Letter from Sean Joseph, Senior Technical Advisor, NWB City of Iqaluit; Re: NWBs Response to Commitments No. 5, dated **January 25, 2016.**
80. Letter from Justin Hack, Water Resource Officer, INAC to Karen Kharatyan, Manager of Licensing, NWB; Re: A Summary of Compliance with the INAC Inspector's Direction, City of Iqaluit, dated **January 29, 2016.**
81. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Karen Kharatyan, Manager of Licensing, NWB; Re: Update Compliance History Inspectors Direction, dated **January 29, 2016.**
82. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Karen Kharatyan, Manager of Licensing, NWB; Re: Landfill Fire Emergency Measures Update, dated **January 29, 2016.**
83. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Karen Kharatyan, Manager of Licensing, NWB; Re: Prepare an addendum to the Landfill Operations and Maintenance Manual to include the current sampling program, dated **February 5, 2016.**
84. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Karen Kharatyan, Manager of Licensing, NWB; Re: Additional information regarding historical use of Lake Geraldine drainage channel, dated **February 5, 2016.**
85. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Karen Kharatyan, Manager of Licensing, NWB; Re: Identification of off-site sampling point locations down gradient of the West 40 Landfill, dated **February 5, 2016.**
86. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Karen Kharatyan, Manager of Licensing, NWB; Re: Response to NWB Recommendations Regarding Management Plans Submitted for the City of Iqaluit Water Licence Application, dated **February 5, 2016.**
87. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Karen Kharatyan, Manager of Licensing, NWB; Re: Changes to Schedule C of expired licence 3AM-IQA0612 and the Monitoring Program, dated **February 5, 2016.**



88. Email from Paul Clow, Project Officer, City of Iqaluit to Sean Joseph, Senior Technical Advisor, and Karen Kharatyan, Acting Manager of Licensing, NWB; Re: Submission February 17, 2016, dated **February 11, 2016.**
89. Email from Karen Kharatyan, Acting Manager of Licensing, NWB to Paul Clow, Project Officer, City of Iqaluit; Re: Submission February 12, 2016 dated **February 17, 2016.**
90. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Karen Kharatyan, Manager of Licensing, NWB; Re: Changes to the Conditions to expired Water Licence 3AM-IQA0611, dated **February 19, 2016.**
91. Letter from Muhamud Hassan, Chief Administrative Officer, City of Iqaluit to Karen Kharatyan, Manager of Licensing, NWB; Re: Location of Wastewater Treatment Plant Outfall in relation to the Ordinary High Tide Mark, dated **February 19, 2016.**
92. Letter from Stephanie Autut, Executive Director, NWB to City of Iqaluit Distribution; Re: Type "A" Water Licence No. 3AM-IQA0612 Pre-Hearing Conference Decision Regarding an Application for Renewal and Amendment, dated **February 19, 2016.**
93. NWB Notice of Public Hearing English and Inuktitut to City of Iqaluit distribution, dated **February 19, 2016.**
94. Letter from Zoya Martin, Aquatic Science Biologist, DFO to Paul Clow, Project Officer, City of Iqaluit, and Staff at the City of Iqaluit, Nunavut; Re: Lake Geraldine Drainage Channel Iqaluit Nunavut, dated **February 22, 2016.**
95. Letter from Muhamud Hassan, Chief Administrative Officer to Karen Kharatyan, Manager of Licensing, NWB; Re: Additional information regarding historical use of Lake Geraldine drainage channel, dated **February 23, 2016.**
96. Letter from Bradley Summerfield, Environmental Assessment Coordinator EC to Sean Joseph, Senior Technical Advisor, NWB; Re: 3AM-IQA0612 City of Iqaluit Water Licence Renewal Application, dated **March 30, 2016.**
97. Submission from ECCC's to NWB Licensing; Re: ECCC's Intervention Respecting the City of Iqaluit Municipal Water Licence 3AM-IQA0612, dated **March 30 2016.**
98. Submission from INAC to NWB Licensing; Re: Final Submission Regarding City of Iqaluit Type "A" Water Licence Renewal Amendment Application for Municipal Undertakings, dated **March 30, 2016.**
99. Submission from ECCC, to NWB Licensing; Re: Executive Summary English and French, dated **March 31, 2016.**
100. Email from Robin Ikkutisluk, Licensing Administrator Assistant, NWB to Anne Wilson, EC and Distro Iqaluit, ECCC; Re: Submission of Changes to Monitoring Program City of Iqaluit Type "A" Renewal Water Licence, dated **April 1, 2016.**



101. Letter from Stephanie Autut, Executive Director, NWB to Matthew Hamp, Director of Public Works and Engineering City of Iqaluit, Paul Clow, Project Officer, City of Iqaluit; Re: Follow Correspondence Including Agenda, dated **April 15, 2016.**
102. Radio Announcement to City of Iqaluit Public Hearing Announcement, from Ida Porter, Licensing Administrative Assistant, NWB, dated **April 15, 2016.**
103. TV Ad to City of Iqaluit TM PHC Public Hearing Announcement, from Ida Porter, Licensing Administrative Assistant, NWB, dated **April 15, 2016.**
104. Submission from ECCC to NWB Licensing, NWB; Re: ECCC Final Presentation English and Inuktitut, dated **April 20, 2016.**
105. Submission from INAC to Licensing Department, NWB; Re: INAC Final Community Presentation and Technical Final Presentation, dated **April 20, 2016.**
106. Submission from City of Iqaluit, to Licensing Department NWB; Re: City of Iqaluit Water Board Public Hearing Presentation Final, dated **April 22, 2016.**
107. Submission from DFO to Licensing Department NWB; Re: DFO Detailed Written Submission Iqaluit Water Licence Renewal May 4 to 5 2016, dated **April 22, 2016.**
108. Email from Ida Porter, Licensing Administrative Assistant, NWB to City of Iqaluit Distribution; Re: 3AM-IQA0612 Public Hearing Confirmation on Attendance and list of attendees, dated **April 26, 2016.**
109. Email from Anne Wilson, EC to Ida Porter, Licensing Administrative Assistant, NWB; Re: EC Public Hearing Confirmation on attendance and list of attendees, dated **April 27, 2016.**
110. Letter from Thomas Hoggarth, Acting Regional Manager, Regulatory Reviews, DFO to Karen Kharatyan, Manager of Licensing, NWB; Re: DFO 14 HCAA 01381 letter to NWB Iqaluit water licence renewal, dated **April 28, 2016.**
111. Submission from DFO to NWB Licensing; Re: DFO Iqaluit Public Hearing Presentation May 4 to 5 2016, dated **April 28, 2016.**
112. Email from Richard Janusz, DFO to Ida Porter, Licensing Administrative Assistant, NWB; Re: DFO Public Hearing Confirmation on attendance and list of attendees, dated **April 28, 2016.**
113. Letter from Stephanie Autut, Executive Director, NWB to Matthew Hamp, Director of Public Works and Engineering City of Iqaluit, Paul Clow, Project Officer, City of Iqaluit; Re: Inuktitut Follow Correspondence Including Agenda, dated **April 28, 2016.**
114. Email from Scott Burgees, P Geo Acting Manager Water Resources Division, INAC, to Ida Porter, Licensing Administrative Assistant, NWB; Re: INAC Public Hearing Confirmation on attendance and list of attendees dated, **April 28, 2016.**
115. Submission from Ida Porter, Licensing Administrative Assistant, NWB to City of Iqaluit; Inuktitut Radio Announce PH, dated **April 28, 2016.**
116. Submission from NWB Licensing, to City of Iqaluit, Inuktitut TV Ad announcement PH, dated **April 28, 2016.**



117. Letter from Stephanie Autut, Executive Director, NWB to Matthew Hamp, Director of Public Works and Engineering City of Iqaluit, Paul Clow, Project Officer, City of Iqaluit; Re: French Follow Correspondence Including Agenda, dated **April 29, 2016.**
118. Submission from INAC to NWB Licensing; Re: INAC final community presentation French and Inuktitut and INAC final public presentation Inuktitut, dated **April 29, 2016.**
119. Email from Paul Clow, Project Officer City of Iqaluit to Ida Porter, Licensing Administrative Assistant, NWB; Re: Public Hearing City of Iqaluit list of attendees, dated **April 29, 2016.**
120. Radio Announcement (French) from Ida Porter, Licensing Administrative Assistant, NWB; Re: City of Iqaluit Public Hearing Announcement, dated **April 29, 2016.**



## **APPENDIX E - Sign-in Sheets – List of Participants in the Public Hearing**

Wednesday, May 4, 2016 3AM-10A0612

Name	Last Name	Organization	Phone Number	Email Address
Stephanie	Audet	NWB		
Dave	Hohnstien	NWB		
Ben	Kosvik	NWB		
Ida	Porter	NWB		
Sean	Joseph	NWB		
Kootie	Toomasie	NWB Board		
Makabe	Nartok	NWB Board		
Theresa	Meadows	NWB Legal		
Caroline	Shuman	Court Reporter		
Norman	Mike	NWB Board		
Elana	Cooper	ISS		
Felai	UnivSarag	Innirvik		
Justin	Hade	INAC		
Jonathan	Mesher	INAC		
Edith	Paragar	INAC		
Sarah	Forci	INAC		
Scott	BURGESS	INAC		
MARTIN	HAMP	City of Igloolik		
RICHARD	SPARHAM	City of Igloolik		
PAUL	CLOW	City of Igloolik		
Amelia	Wingard	INAC		
Alice	Wilson	ECCC		
Bradley	Summerfield	ECCC		
DIANA	DIANA	ECCC		

Public Hearing  
Wednesday, May 4, 2016  
3AM-10A0612

Day 1 Morning  
Session

Name	Last Name	Organization	Phone Number	Email Address
Lisa	Bachellier	INAC	867-979-4566	
George	metug	ISS	979-1012	
Daniel	Cuervier	Cuervier + Assoc.	979-1330	cuervier@gmail.com
Mary	Hunt	Tukilik Translator		
Afternoon				
Paul	Cloze	City of Iglood	867-979-6363	p.cloze@city.iglood.nv.ca
DAVID	LYCON	Stantec	604-551-2863	david.lycon@stantec.com
Daniel	Cuervier	Cuervier + Asso	979-1330	
RICHARD	SPARHAM	CITY OF Iglood	867-979-6363	r.sparham@city.iglood.nv.ca
George	Mehr	ISS		
Flannery	Cooper	ISS	979-1012	
Amelia	Wingston	INAC	975-3877	Amelia.Wingston@nrc.gc.ca
Lisa	Bachellier	INAC	975-4566	lisa.bachellier@nrc.gc.ca
Jonathan	Mesher	INAC		
Sarah	Forte	INAC		
SCOTT	BURGESS	INAC		
MATTHEW	HARR	City of Iglood		
Anne	Wilson	ECCD		
Brad	Summerfield	ELC		
CURTIS	DRUM	ECCC		
Andrea	Markley	INAC	975-4554	Andrea.Markley@nrc.gc.ca
Xiaohong	Yang	INAC	975-4584	xiaohong.yang@nrc.gc.ca
Stephanie	Autut	NWB ED		
Dave	Hohnstien	NWB DTS		
Jenni	Hack	INAC		

Day 1  
Afternoon

Name	Last Name	Organization	Phone Number	Email Address
EDITH	BARAGAR	INAC		
Ben	KOSVIK	NWB Board		
Ida	Porter	NWB		
Norman	Mike	NWB Board		
Lootie	Toomasie	NWB Board		
Theresa	Meadows	NWB Legal		
Caroline	Schuman	Court Dicta		
Mary	Hunt	Tukilik Translator		
Makabe	Nartok	NWB Board		
Sean	Joseph	NWB T.A		
CHRISTIANE	LAFREY	INAC		
William	Auty	Public		willautut@gmail.com
Michael	Sewchand	INAC		
RICHARD	JANUSZ	DFO		richard.janusz@

Public Hearing  
Wednesday, May 11, 2016  
3AM-1QA0612

Day 1  
Evening

Name	Last Name	Organization	Phone Number	Email Address
Stephanie	Autut	NWB EID		
Dave	Hohnstien	NWB DTS		
Sean	Joseph	NWB		
Ben	Kogvik	NWB		
Ida	Porter	NWB		
Theresa	Meadows	NWB Legal		
Caroline	Schuman	Court Dicta		
Mary	Hunt	Tukilik Translator		
Hootie	Toomasie	NWB Board		
Makabe	Nartok	NWB Board		
Norman	Mike	NWB Acting Chair		
Sarah	Foté	INAC		
Paul	Cloward	City of Iglood		
Richard	Janusz	DO		
Bradley	Summerfield	ELL		
Anne	Wylson	"		
Scott	Burgess	INAC		
David	Lyson	STATER		
Matthew	Hamp	City of Iglood		
Richard Spence	Seacham	City of Iglood		
Flanna	Cooper	ISS	919-1012	
Daniel	Cuervier	Quebec Asso	979-1330	
George	Methy	ISS		
Curran	Atkinson	ECC		
Sonia	Arcades	NWB		

May 4, 2016  
Evening

## Registration Form

JO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Justin	Huck	INAC				
2							
3							
4							
5							
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May 5, 2016  
 Morning

# Registration Form

IO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Geoffrey	Lycon	ISL				
2	DAVID	STAUDER	STAUDER				
3	LICHARD	JANUSZ	DFD				richard.janusz@dfd-nuq.qc.ca
4	MATTHEW	HAMP	City of Iqaluit				
5	Scott	BURGESS	INAC				
6	Greg	Bahenvel	INAC				
7							
8	David	Greenier	Greenier 1-8550				
9	Sarah	Forté	INAC				
10	CURTIS	DETHAM	ECC				
11	Anne	Wilson	"				
12	Bradley	Summerfield	"				
13	Paul	Clout	City of Iqaluit				
14	Stephanie	Antut	NWB ED				
15	Justin	Huckle	INAC				
16	Dave	Hohnstien	NWB DTS				
17	Sean	Joseph	NWB				
18	Ben	Koguk	NWB				
19	Ida	Porter	NWB				
20	Norman	Mike	NWB Board				
21	MaKabe	Nartok	NWB Board				
22	Kootie	Toomasie	NWB Board				
23	Mary	Hunt	Tukilik Translator				
24	Caroline	Schuman	Court Dicta				
25	Erina	Cooper	ISS				
26							
27							
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