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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File No.: 3AM-PAN----

To: Pangnirtung Distribution List

Date: December 22, 2017

Subject: Type “A” Water Licence 3AM-PAN----: Pre-Hearing Conference Decision Regarding an Application for a Water Licence to Replace 3BM-PAN1417

This Pre-Hearing Conference Decision Report is in relation to an application filed by the Government of Nunavut—Community and Government Services Department (GN-CGS) on behalf of the Hamlet of Pangnirtung (the Hamlet or Applicant) for a new Type “A” Water Licence 3AM-PAN---- to authorize the use of water and deposit of wastes associated with a Municipal Undertaking¹ in replacement of an expired Type “B” Water Licence 3BM-PAN1417 (the Application). On December 19, 2017, the Members of the Pangnirtung Panel (the Panel or P18), duly appointed by the Nunavut Water Board (NWB or Board) as the decision-makers for the file met by teleconference to consider the next steps in the NWB’s processing of the Application. By Motion #2017-14-P18-03, the Panel approved the release of this Pre-Hearing Conference Decision Report. In addition, by Motion #2017-14-P18-04 the Panel authorized the issuance of this procedural direction associated with the Board holding an in person Public Hearing to be held in the Hamlet of Pangnirtung to support the Panel in their decision-making for the file.

The NWB has tentatively set the date for the Public Hearing for the file to take place sometime in the week of March 19-23, 2018. Please note that the dates of the Public Hearing are subject to final confirmation that will be issued in the NWB’s Notice of Public Hearing set to be published on January 12, 2018. In addition, even after the Notice of Public Hearing has been issued, the Board reserves the right to adjust this schedule if Hearing logistics dictate, if the documentation required to be supplied in advance of the Hearing has not been provided, etc.

In accordance with Rule 14 of the NWB’s *Rules of Practice and Procedure* (the Rules), and the previous direction and delegation of the Panel to the staff of the NWB, the NWB’s staff held a technical meeting (TM) and a Pre-Hearing Conference (PHC) for the Application 3AM-PAN---- by teleconference on December 5 and 6, 2017. Although these meetings were held by teleconference, the Hamlet provided interested community members an opportunity to participate

¹ “Municipal Undertaking” is defined under the *Nunavut Waters Regulation*, SOR/2013-69, Schedule 1, Item 3 as a waste disposal or water system for a municipality.



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

in the teleconference, with the Hamlet making an interpreter available to participants during the meetings to support anyone who may have required simultaneous interpretation into Inuktitut. The sign in sheets of the parties who attended the teleconference in the Hamlet, are attached to this Report as Appendix B.

The Application was submitted to the NWB on April 4, 2017, and following the receipt of responses to the NWB's requests for various clarifications and additional information in support of the Application, on May 17, 2017, the NWB acknowledged receipt of the Hamlet's Application, filed by GN-CGS on behalf of the Hamlet, and began the NWB's formal processing of the Application. Following the completion of a technical review and public comment period in respect of the Application, on October 30, 2017 the NWB provided correspondence confirming that the Application could proceed to the TM/PHC stage and advising that the TM and PHC were scheduled for December 5 and 6, 2017 and would be conducted via teleconference. The TM /PHC Agendas are attached as Appendix A to this Decision.

As set out in Rule 14.1 of the Rules and discussed in detail in Section 6.0, the PHC dealt with the following matters relevant to the Application:

- Timetable for the pre-Hearing exchange of information;
- Identification of interested parties;
- Submissions of interested parties;
- List of issues to be dealt with at the Public Hearing;
- Desirability of amending the Renewal and Amendment Application for the purpose of clarification;
- Procedures for the Public Hearing; and
- Identification of any other matters that may assist in the simplification and disposition of the Public Hearing.

Having considered the technical review comments received to date by the NWB in respect of the Application, the discussions at both the Technical Meeting and Pre-Hearing Conference and the Commitments of the Applicant as outlined in Appendix D, the Panel, P18, has concluded that the Application is ready to proceed to the Public Hearing stage of the Board's consideration of the Application. As noted above, the Panel has directed that the Public Hearing to consider the Application is tentatively scheduled for the week of March 19-23, 2018 and shall be conducted in person in the Hamlet of Pangnirtung in accordance with the timelines and other procedural details provided in the text that follows.



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

Introduction and Registration

The following participants registered and attended the TM/PHC teleconference on December 5 and 6, 2017:

Hamlet of Pangnirtung representatives:

- Ron Ladd: Hamlet of Pangnirtung
- Bhabesh Roy: GN-CGS
- Stephen Bliss: Consultant to the Applicant, exp. Services Inc.

Indigenous and Northern Affairs Canada (INAC) representatives:

- Sarah Forte
- Ian Parsons
- Lisa Bachellier
- Wajid Daouda

Environment and Climate Change Canada (ECCC)

- Emily Nichol
- Gabriel Bernard-Lacaille
- Anne Wilson

Fisheries and Ocean Canada (DFO)

- Jeff Moyer

The listings of the parties attending at the Hamlet to participate in the TM/PHC teleconference for each day are attached as Appendix B to this Report.

1.0 The Application Before the Board

The Application before the Board was filed on behalf of the Hamlet by GN-CGS and requests a new Type “A” Water Licence to authorize the use of water and deposit of waste associated with a Municipal undertaking on Commissioner’s land. Although this Application seeks to replace the Hamlet’s previous Water Licence 3BM-PAN1417, which was a Type “B” Water Licence, due to the daily water use requirements when the Hamlet is refilling the water reservoir, as well as the volume of water within the Hamlet’s reservoir, the Hamlet exceeds the updated thresholds for a Type “B” Water Licence and triggers the requirement for a Type “A” Water Licence under the *Nunavut Waters Regulations*, SOR/2013-69. The documents filed by the Applicant in support of the Application are listed in detail in Appendix C that is attached to this Pre-Hearing Conference Decision.



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

All of these submissions are available from the NWB's public registry at the following link:

<http://www.nwb-oen.ca/public/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-PAN----/>

Scope of the Application

The scope of the Hamlet of Pangnirtung Type “A” Application 3AM-PAN----, as it was originally received by the Board in April 2017 was as follows:

1. Replacement of the expired Licence with a new Type “A” Licence for a term of ten (10) years;
2. Storage and use of up to 120,000 cubic metres of freshwater annually. The water will be extracted from Duval River; with a proposed withdrawal of between 900-2000 m³/day (amount per day depending on the number of hours of pumping per day, from a low of 8 hours to a high of 18 hours);
3. Continued management of municipal waste (sewage treatment) and industrial (fish processing plant) waste generated by the relevant facilities operated by the hamlet; and
4. Continued management of solid waste including municipal solid waste, waste metals and hazardous waste generated by the Hamlet.

Following discussions at the Technical Meeting for the file, the Hamlet indicated that they would be applying to modify the term of the Licence sought from a 10 year term to a 15 year term.

2.0 Procedural History

Licence history

Both the Northwest Territories Water Board and the Nunavut Water Board (NWB) have issued water licences to the Hamlet of Pangnirtung (the Hamlet) in the past. The following summarizes the Licences issued to the Hamlet.

Northwest Territories Water Board issued to the Hamlet of Pangnirtung

- Licence N5L4-1447
 - Issued on January 1, 1991 and expired on December 31, 2000
 - The Licence allowed for the use of 50,000 cubic metres of water per year and the deposit of waste in support of a Municipal undertaking



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

The following are the licences issued by the NWB to the Hamlet:

- NWB3PAN0207
 - Issued on December 1, 2002 and expired on November 31, 2007
 - Allowed for the use of 100,000 cubic metres of water annually in support of a Municipal undertaking
- 3BM-PAN0810
 - Issued on August 8, 2008 and expired on August 31, 2010
 - Allowed for the use 100,000 cubic metres of water and the deposit of waste in support of a Municipal undertaking
- 3BM-PAN1417
 - Issued on September 16, 2014 and expired on September 15, 2017.
 - The Licence allowed for the use of 74,000 cubic metres of water annually and the deposit of waste in support of a Municipal undertaking.

Pre-Licensing Requirements

The Nunavut Planning Commission (NPC)

On November 22, 2016, NPC issued its determination for the Application, which stated that:

- the project is located outside of a region with an approved land use plan and therefore no land use plan conformity assessment was required by the NPC;
- the undertaking does not belong to a class of works or activities that are exempt from screening by the Nunavut Impact Review Board (NIRB), as set out in Schedule 12-1 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (the *Nunavut Agreement*); and
- on this basis, the NPC forwarded the Application to the NIRB for screening under Article 12 of the *Nunavut Agreement* and Part 3 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*).



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

The Nunavut Impact Review Board (NIRB)

On March 17, 2017 the NIRB issued its Screening Decision Report associated with the Application,² which states that a further review of the project is not required in accordance with Article 12 of the *Nunavut Agreement* and s. 92(1)(a) of the *NuPPAA*. Specifically, the NIRB noted that:

Subject to the Proponent's compliance with the terms and conditions as set out in [sic] below, the NIRB is of the view that the project proposal is not likely to cause significant public concerns and it unlikely to result in significant adverse environmental and social impacts.³

On the basis of the NPC's consideration of the project and the NIRB's screening of the project, the NWB has concluded that the conformity and environmental assessment requirements for the Application under ss. 38 and 39 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA) have been met and the Application can now be processed by the NWB.

Procedural History – Hamlet of Pangnirtung Type “A” Water Licence Application

The following includes a brief overview of the procedural history for the Application. It should be noted that the following listing captures only the major procedural steps associated with the Application. All documentation and the complete history of the NWB component of the licensing file are available from the NWB's ftp site at the link provided in Section 1.0 of this decision.

April 4, 2017

NWB received from GN-CGS, on behalf of the Hamlet of Pangnirtung or the Applicant, an Application to renew and amend Type “B” Water Licence No. 3BM-PAN1417. Based on the scope of the Application, the NWB determined that the Application would trigger the requirements for a new Type “A” Licence, and directed that the Application should be processed as a new Type “A” Application.

² NIRB Screening Decision Report, NIRB File No.: 16WN066, March 17, 2017.

³ NIRB Screening Decision Report, NIRB File No.: 16WN066, March 17, 2017, at p. 1.



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417
PHC Decision

May 4, 2017

NWB issued correspondence requesting that the Licensee address deficiencies identified during the NWB's internal review of the Application.

May 10, 2017

NWB received additional information from GN-CGS to address the issues identified in the NWB's May 4, 2017 correspondence.

May 17, 2017

NWB provided Notice of the Application and distributed the Application for an initial thirty (30) day preliminary technical assessment and completeness check with a deadline set for submissions of June 6, 2017.

June 6, 2017

NWB extended the deadline by one (1) day, following a request from INAC, for interveners' submissions related to the initial preliminary technical assessment and completeness of the Application.

June 7, 2017

NWB received submissions providing interveners' preliminary technical assessments and completeness checks of the Application from INAC and ECCC.

June 9, 2017

NWB distributed the Application for a thirty (30) day full technical review of the Application with the deadline for submission set for July 12, 2017.

June 20 - 22, 2017

NWB received additional information in support of the Application from GN-CGS on behalf of the Applicant.

July 6, 2017

NWB extended the comment deadline for the Application to July 21, 2017 due to a request from INAC.

July 21, 2017

NWB extended the previously extended comment deadline a second time to July 28, 2017 following a request from INAC.

July 28, 2017

NWB received technical review comments in respect of the Application from INAC, ECCC, and DFO.

August 4, 2017

NWB distributed the technical review comments received from INAC, DFO, and ECCC and requested that the Applicant provide relevant responses.



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

<u>August 22, 2017</u>	NWB received and distributed GN-CGS's Response, on behalf of the Applicant, to Intervener's Comments.
<u>October 10, 2017</u>	NWB distributed correspondence regarding the status of the Hamlet's Application.
<u>October 30, 2017</u>	NWB distributed correspondence identifying that the file was proceeding to a Technical Meeting and Pre-Hearing Conference to be held by teleconference on December 5 and 6, including distributing the draft agendas for the TM/PHC to parties for comment.
<u>November 21-28, 2017</u>	NWB received confirmation of participation in the TM/PHC from the Applicant's Representatives, ECCC, INAC, and DFO.
<u>November 28 – 30, 2017</u>	NWB received copies from the Applicant's Representative of the Applicant's TM presentation materials.
<u>December 4, 2017</u>	NWB Distributed the final Agenda and presentations received for the Technical Meeting and Pre-hearing Conference to all parties confirming participation in the meetings.
<u>December 5 and 6, 2017</u>	The Technical Meeting and Pre-Hearing Conference were held for the file via teleconference.
<u>December 6, 2017</u>	The Hamlet supplied the Sign In Sheets for the Technical Meeting and Pre-Hearing Conference held on December 5 and 6, 2017.
<u>December 7, 2017</u>	The Hamlet files correspondence with the NWB requesting that the Application be amended to seek a 15 year term for the new Water Licence.

Complete information related to the procedural history of the Application and the information received in support of the file can be accessed from the NWB's FTP site and Public Registry using the following link:

<http://www.nwb-oen.ca/public/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-PAN----/>



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

3.0 Technical Review Comments Received by the Board

Prior to the Technical Meeting and Pre-hearing Conference two opportunities for comment on the Application were provided to interveners and members of the public. The Board's first request for comments requested parties to consider whether the Application was complete and to identify any outstanding issues that should prevent the Board from continuing to process the Application, including any additional information requests. This comment period closed on June 7, 2017. The second comment period requested parties to file substantive technical review comments on or before July 28, 2017 (this deadline reflects Intervener's requests for extensions granted by the NWB). The sections that follow outline the comments provided during these review periods, and also reflect comments provided to the Board staff during the Technical Meeting/Pre-hearing Conference.

GN-CGS on behalf of the Hamlet of Pangnirtung

In addition to the original application and supplemental information submitted by the GN-CGS, on behalf of the Hamlet of Pangnirtung, on May 10, 2017 the GN-CGS provided a response to the NWB's letter of May 4, 2017, requesting additional information on the Application.

This submission included additional information on the Duval River, and the requirement for: hydrological studies; requirement of modified or revised management plans; development of closure and remediation plans for the sewage lagoon; and the old truckfill station.

By June 20, 2017, additional information was received following a formal NWB request for public review of the completeness of the Application and information request (IRs). This information included revisions to management plans, responses to the IRs.

By August 21, 2017, the GN-CGS submitted further information responding to technical comments following the technical review of the application by various intervening parties, including Indigenous and Northern Affairs Canada (INAC), Environment and Climate Change Canada (ECCC) and Department of Fisheries and Oceans Canada (DFO). The submission by the GN-CGS included responses to all questions/issues raised by the intervening parties, revised operational plans including Solid Waste O&M Plan, WWTP Bypass Contingency Plan, Spill Contingency Plan and a community plan.



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

The GN-CGS, in their closing statement at the Technical Meeting (TM), reaffirmed the commitment to provide the NWB with the specified information summarized in Appendix D. GN-CGS also confirmed that with the agreement of INAC, the Applicant was requesting an increase to the term of the licence from 10 years to 15 years for the new Type “A” licence, based on the information presented and the planning proposed for the Hamlet municipal services, including a new solid waste facility by the years 2023-24.

Indigenous and Northern Affairs Canada (INAC)

INAC administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut, including enforcing the provisions of water licences issued by the NWB and specifically of the Hamlet’s previous Licence No. 3BM-1417 (now expired). Reflecting INAC’s responsibilities and jurisdiction, the following key issues were highlighted in INAC’s initial comment submissions on the completeness of the Application, in their technical review comment submissions and in their submissions at the Technical Meeting (TM).

INAC reviewed and commented on the following management plans and recommended plans to be submitted:

- Spill Contingency Plan;
- Decommissioning plan for the Old Truck Fill station;
- Operation and Maintenance Manual for the new Truck Fill Station, operation of the water reservoir maintenance and extraction from the Duval River;
- Wastewater Treatment Plant Bypass Contingency Plan;
- Old Sewage Lagoon requirement for decommissioning/closure plan; and
- Operations and Maintenance Manual for Solid Waste sites – Pangnirtung, NU, including:
 - General wording used, more affirmative (rather than passive/non-committal)
 - Fish Process Plant Waste Management Plan inclusion in overall waste management O&M
 - Surface water management at the metal dump area
 - Runoff/Leachate from landfill and metal waste sites inclusion in overall waste management O&M



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

- Waste Management Plan for Solid Waste Facilities – Hazardous waste storage area – Lining.

In addition to commenting on various plans, INAC provided the Board with comments and recommendations on the following issues:

- Recommendations regarding the operation and maintenance of municipal facilities, including the water supply facilities (intake, treatment and truckfill station), wastewater treatment by-pass, solid waste facilities and hazardous waste collection and storage;
- Recommendations related to water management and monitoring
 - Management of non-contact water around the waste disposal sites
 - Collection and analyzing of runoff/leachate at the landfill and metal dump
 - Monitoring of extraction volumes from the Duval River, as well as community water use rates from the reservoir, better record keeping and reporting
 - Reporting of water quality results from all monitoring stations and reported in a more structured manner
 - Identification and mapping of final discharge points and the receiving environment; requirement of the expired licence; and
- Licence Term: Agreed with the originally proposed licence term of ten (10) years and subsequently at the TM agreed with the Applicant's extension of the term to fifteen (15) years.

Environment and Climate Change Canada (ECCC)

The focus of ECCC's involvement in respect of the Application is based on their jurisdiction under the *Canadian Environmental Protection Act, 1999*, the *Species at Risk Act* and ECCC's jurisdiction under the pollution prevention provisions of the *Fisheries Act*. The following key issues were highlighted in ECCC's initial comment submissions on the completeness of the Application, in their technical review comment submissions and in their submissions at the Technical Meeting (TM).

ECCC reviewed and commented on the following management plans:



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

- Solid Waste Operation and Maintenance Plan;
- Wastewater Treatment Facility Upgrade Process Operation Manual;
- Quality Assurance / Quality Control Plan (QA/QC Plan) for sampling/monitoring; and
- Spill Contingency Plan.

ECCC also provided the Board with comments and recommendations on the following issues:

- Contact information requirements of prepared plans, removal of an ECCC 24-hour telephone number;
- Open burning practices at the solid waste facility including non-segregation of “domestic waste” with respect to burnable and non-burnable materials in accordance with the Nunavut Guideline for the Burning and Incineration of Solid Waste (paper products, paperboard packaging, untreated wood, natural fibre textiles);
- Pangnirtung WWTP Bypass Contingency Plan, required procedures for notification requirements;
- Analytical results reporting in 2015-2016 effluent summaries;
- Quality Assurance/Quality Control (QA/QC) issues in reporting, negative results reporting, holding time exceedances, zero value reporting. Lack of an approved QA/QC Plan to address the issues identified;
- Acute Toxicity Testing (bioassay requirements of previous licence);
- Location, extent and monitoring requirements for the Treatment Wetlands, treatment of leachate from solid waste disposal facility; and
- Effluent quality of the WWTP discharge to the marine environment and the runoff/leachate from the solid waste disposal facility/metals dump, treatment and discharge from the wetland area to the marine environment.



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

Department of 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*. DFO provided initial review comments with respect to the Application regarding the following:

- Lack of hydrological information regarding the Duval River and the proposed timing and extraction rate for replenishing or filling of the Hamlet's reservoir;
- Impact assessments were based on mean flow as opposed to the instantaneous flow rate;
- Confirmation of fish habitat and use/non-use of the waters by fish; and
- Water intake screen design/sizing.

4.0 Technical Meeting (TM)

The TM for the Application was held via teleconference from 10:00 a.m. to 5:00 pm EST on December 5 and from 10:00 a.m. to 12:00 pm EST on December 6, 2017. As is the Board's practice, the TM was an informal meeting and was chaired by David Hohnstein, the Board's Director of Technical Services. The meeting was attended by the Board staff and legal counsel, the Applicant, which included a representative of the GN-CGS, the Hamlet's Consultant, exp. Services Inc., and the interveners, INAC, ECCC and DFO. In addition, the Hamlet made arrangements for any community members wishing to participate in the teleconference meetings to attend with the Hamlet, and made Inuktitut interpretation services available to the community during the teleconference.

In keeping with the Board's normal practice, the Panel Members of the Board (Panel, P18), the decision-makers for the Application, were not present at the TM or the subsequent Pre-hearing Conference (PHC), having delegated the conduct of these meetings to the Board's staff. The TM included the following:

- Discussion of the technical issues identified by interveners and the NWB staff during their technical review of the Application;
- Examination of technical data, comment submissions and other materials submitted as part of the Application;
- Discussion, and where possible resolution of technical matters or issues raised by interveners, community members and the Applicant, particularly those matters that could



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

affect the Board's determination on any Pre-Hearing Conference (PHC) issues, prior to holding the PHC;

- Providing an opportunity for the Hamlet and participants to identify and confirm for the Board the issues and concerns that have been resolved and to discuss any unresolved or ongoing issues related to the Application;
- Identification of opportunities for streamlining the issues and process so as to eliminate existing or potential duplication or delay in the NWB's processing of the Application going forward; and
- Documenting any commitments made by the various parties during the Technical Meeting, with the aim of carrying over the commitments to the PHC and Public Hearing stages of the NWB's consideration of the Application.

The TM participants were advised that, upon completion of the TM, the Board expected any outstanding issues in respect of the Application to be resolved, or if not resolved, that some form of agreement, including commitments by the parties, would be provided by the parties to enable the Application to proceed to the next step of the licensing process, the Public Hearing, notwithstanding any unresolved issues.

At the TM, the following general topics were discussed:

- The Scope of a new Licence;
- The term of the new Licence;
- The status of decommissioned, existing and proposed facilities;
- Outstanding requests for additional information by the NWB and the parties; and
- The status of various updates and additions to management and monitoring plans.

Following these discussions, on the evening of December 5, 2017, the NWB circulated to all teleconference participants, an electronic copy of the draft list of issues in respect of the Application that the NWB expects to be discussed at the Public Hearing for the file, as well as a draft of the list of commitments discussed during the TM.

On December 6, 2017 the focus of the TM was to review and refine both the list of issues and the list of commitments to reflect the clarifications and subsequent agreement of the parties. The Commitment List provided in Appendix D and attached to this Report reflects these discussions at the TM. For the convenience of the parties, where commitments made by the Applicant will result in the submission of additional or updated documentation, the Board has included a description of the timelines for submission of this information and the form of submission expected by the parties.



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

Similarly, the list of issues (discussed in more detail under Section 6.0 of this Report below) was also reviewed and revised at the close of the TM to reflect the discussions of participants during the TM.

6.0 Pre-Hearing Conference (PHC)

As the parties confirmed at the conclusion of the Technical Meeting that there were no outstanding issues that would prevent the Application from proceeding to the next step in the licensing process, a Public Hearing, the PHC portion of the Agenda proceeded in the afternoon of December 6, 2017.

The PHC was chaired by the Board's Executive Director, Stephanie Autut, with the same parties in attendance as those who participated in the TM. The purpose of the PHC was to discuss the various matters as set out in Rule 14 of the Nunavut Water Board's Rules in preparation for a Public Hearing.

Timetable for Pre-Hearing Exchange of Information

It was noted at the beginning of this discussion that, as required by s. 55(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA), the NWB must give the public and parties a minimum of sixty (60) days' notice in advance of a Public Hearing.

The Applicant and Interveners in attendance were polled regarding any outstanding information requirements that must be supplied in advance of a Public Hearing and indicated that, as set out in the List of Commitments provided in Appendix D, the preparation and submission of additional information is not expected to delay a potential Public Hearing in respect of the Hamlet's Application.

On this basis, the Board has established a proposed timetable for the pre-hearing exchange of information as set below. The Applicant and all participants should remember, however that the Board reserves the right to revisit the timing proposed below if the Hamlet is unable to meet the deadlines established in the commitments, or that may be required in response to the requests of the parties, the community, or as may subsequently be considered necessary by the Board. In establishing the following schedule, the Board was mindful that the parties and the Board indicated that the most feasible timing for a Public Hearing is likely March (as early as possible). Unless modified as outlined above, the Board requires the participants to observe the following timetable:

- On or before **Friday, January 12, 2018**, the NWB will issue Notice of the Public Hearing;
- All further and final written submissions in respect of the Application to be provided by Interveners must be filed with the Board on or before **Monday, February 12, 2018**;



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

- All further and final responses of the Applicant to the information filed in advance of the Public Hearing must be filed with the Board on or before **Monday, February 26, 2018**;
- Any presentations (e.g. PowerPoint Presentations, etc.) upon which anyone intends to rely at the Public Hearing must be filed with the Board on or before **Friday, March 9, 2018**;
- If the Interveners and/or the Applicant file additional written submissions, final responses and presentation materials as outlined above, they are also required to provide **an Executive Summary of their written submissions in both English and Inuktitut and fully translated copies of their presentation materials or final responses in English and Inuktitut at the same time** as they file the full submission; and
- The Board requires any party requesting French translation of the Executive Summary materials, presentation materials and/or requesting the Board to provide simultaneous French translation at the Public Hearing to make such requests to the Board in writing **on or before Monday, February 26, 2018**.

All submissions will be posted on the NWB's ftp-site (<ftp://ftp.nwb-oen.ca/>) and in the public registry upon receipt. A copy of the public registry as it relates to the Application will be available for review at the Public Hearing.

Identification of Interested Parties

During the PHC, the following parties confirmed their participation and attendance at the Public Hearing:

- Hamlet of Pangnirtung
- GN-CGS
- Indigenous and Northern Affairs Canada (INAC) representatives:
- Environment and Climate Change Canada (ECCC)

Fisheries and Ocean Canada (DFO) indicated that if the Applicant adequately addresses the issues with respect to the withdrawal from the Duval River prior to the Public Hearing, it might not be necessary for a representative of DFO to participate in the Public Hearing.

When asked at the PHC, parties indicated that with the exception of interested community members, there are no additional interested parties that would need to attend the Public Hearing.

Provision of Final Written Submissions from Interested Parties

Any additional information that the Applicant, interveners or interested parties may wish the Board to consider during their review of the Application must be filed with the Board in advance of the



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

Public Hearing and in accordance with the timelines outlined above under the heading “Timetable for Pre-hearing Exchange of Information”.

List of Issues

The intervening parties in attendance at the TM/PHC confirmed that none of the issues for discussion associated with the Application and the related information requirements should prevent the Board from proceeding with the Public Hearing.

At the end of the TM, the parties reviewed the following list of issues that are expected to be discussed at the upcoming Public Hearing and agreed that, subject to adding issues following the review of information that may be exchanged in advance of the Public Hearing, the following issues will be addressed at the Public Hearing:

- Scope of the Licence
 - Amendments to original scope of 3BM-PAN1417 to reflect decommissioning of various facilities and commissioning of new facilities, etc. in future
- Term of Licence (15 year term sought by the Applicant)
- Compliance
 - Status of outstanding compliance obligations under 3BM-PAN1417
 - Effluent quality criteria (WWTP and Leachate from waste facilities)
- Water Supply
 - Quantity of water requested
 - Water intake and pumping capacity
 - Duval River as water source
 - Demonstrate that pumping will not exceed 10% of instantaneous flow (~ 30% of average mean flow)
 - Reservoir management (berms, collector drains, surface water management)
- Wastewater Treatment
 - New Wastewater Treatment Plant (WWTP)
 - Decommissioning of existing sewage lagoon
- Waste Management
 - Fish Plant process waste (solids) management
 - Runoff/leachate management from landfill
 - Runoff/leachate management from metal dump
 - Open burning
 - Planning options for future Solid Waste Management Facility and O&M
- Management Plans and Reports



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

- QA/QC Plan
- Updates to Solid Waste Operation and Maintenance Plan (June 2017) to include Drainage Management Plan and Culvert Maintenance (submission December 2017); WWTP Bypass Contingency Plan, WWTP Operation and Maintenance Plan, Spill Contingency Plan, Fish Process Plant Waste Management Plan, Operation and Maintenance Plan for New Water System (pumphouse /truckfill Supply
- Timing of approval of plans
- Monitoring Program
 - Compliance with sampling requirements
 - Modifications and required updates to sampling methods, sampling points (revised WWTP locations, etc.)
 - Effluent Bioassay (toxicity) testing
 - Amendments
 - New Requirements
- Closure and Reclamation Planning
 - Decommissioning and reclamation of sewage lagoon
 - Reclamation of old truck fill station (timed for approx. 1yr following new station operations)
 - Plans for closure of solid waste site

Changes to the Application for the Purposes of Clarification

During the TM, the Applicant indicated that they wished to increase the term of the new Licence from 10 years requested in the Application to 15 years as discussed during the TM. Subsequently, the NWB confirmed that the Applicant would provide the NWB with confirmation in writing of this modification to the Application. The NWB requested the Applicant to provide this confirmation as soon as possible so that interested parties can include their comments about the 15-year term in their final written submissions in advance of the Public Hearing. The Applicant provided the Board with this confirmation on December 7, 2017.

Procedures for the Public Hearing

Parties were asked for their views with respect to the form of the Public Hearing (written, teleconference or in-person). The Applicant and INAC favored a Public Hearing conducted by teleconference, ECCC favored a Public Hearing conducted in writing and DFO deferred to INAC and ECCC to determine the most appropriate form of Public Hearing. In noting the preference for a teleconference Public Hearing, the Hamlet indicated that the Hamlet would ensure that



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

opportunities would be provided to community representatives to participate in the teleconference, as was the case with the TM/PHC.

Although the NWB understands the views of the parties that a Public Hearing held by teleconference or in writing may be more convenient or perceived to be more expedient for the interveners, GN-CGS and the Applicant's consultants, the NWB must also give due weight and consideration to the requirements of the *Nunavut Agreement*, including respect for the importance of the oral tradition. Given the likely public interest in Pangnirtung with respect to the Hamlet's plans, in both the short and long term, in respect of the municipal water supply and waste treatment systems, and the Applicant's desire to increase the term of the Licence to 15 years, the NWB Panel, P18, has determined that it is most appropriate for the Board to hold an in-person Public Hearing for the Application.

With respect to the location of the Public Hearing, the Hamlet of Pangnirtung is obviously the most directly affected community. On this basis, the Panel has decided, by Motion #2017-14-P18-04, that an in person Public Hearing should be held in the Hamlet of Pangnirtung.

At present, based on the time commitments outlined in the discussion of the exchange of documents set out above and the discussions with the parties at the PHC, the Public Hearing is tentatively scheduled for the week **of March 19-23, 2018**. These dates are subject to final confirmation by way of the Public Notice to be issued on January 12, 2018, and the Board reserves the right to adjust this schedule if Hearing logistics dictate, if the documentation required to be supplied in advance of the Hearing has not been provided, or otherwise.

The parties have confirmed that they do not anticipate that they will require the Board to deviate from the Board's *Rules of Practice and Procedure* (May 2005) (Rules) during the conduct of the Public Hearing. As such, the Board directs all parties that the Public Hearing will be conducted in accordance with Parts III and IV of the Board's Rules.

Measures to Simplify the Disposition of the Application

No measures to simplify the disposition of the Application were identified at the PHC.

Steps following the Public Hearing

When the Panel has reached a decision, which is typically within thirty (30) to forty five (45) days of the close of the Public Hearing Record, the Board will issue its Record of Proceedings and Decision to the Minister of Crown-Indigenous Relations and Northern Affairs (formerly the Minister of Indigenous and Northern Affairs Canada). If the Panel recommends that the new Type



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417
PHC Decision

“A” Licence as requested in the Application be granted, a draft Licence would also be provided for the Minister’s consideration with the decision.

If you require additional information regarding this Application, the Board’s specific direction or the Board’s processes in general, please do not hesitate to contact myself, or the NWB’s Director of Technical Services, David Hohnstein, david.hohnstein@nwb-oen.ca. For any administrative matters related to the Public Hearing, please contact the NWB’s Acting Manager of Licensing, Karén Kharatyan, at licensing@nwb-oen.ca.

Regards,

Stephanie Autut
Executive Director
Nunavut Water Board

SA\SS

Attachments:

- Appendix A: Technical Meeting and Pre-Hearing Conference Agenda
- Appendix B: Summary Listing of Attendees Attending in the Hamlet Office During the Technical Meeting and Pre-Hearing Conference
- Appendix C: List of Application Submissions
- Appendix D: List of Commitments Generated during the Technical Meeting/Pre-Hearing Conference held December 5 and 6, 2017 for Application 3AM-PAN----



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417
PHC Decision

APPENDIX A: AGENDAS

FINAL AGENDA

TECHNICAL MEETING AND PRE-HEARING CONFERENCE HAMLET OF PANGNIRTUNG

WATER LICENCE RENEWAL/AMENDMENT (TYPE “A” LICENCE 3AM-PAN----

DECEMBER 5-6, 2017

Technical Meeting

Date: December 5, 2017

Time: 10:00 AM – 5:00 PM (ET) / 8:00 AM – 3:00 PM (MT)

Location: Venue: Teleconference (Toll Free #: 1-888-289-4573; Access Code: 7214943)

1. Introduction/Registration
2. Opening remarks/Application to the Board (15 Minutes)
 - a. Overview of scope and procedural history of the application
3. Purpose of the Technical Meeting and Pre-hearing Conference
4. Technical Review of the Application
 - a. Introduction of Participants
 - b. Presentation by Applicant (Hamlet/GNCGS) (45 minutes, excluding time for questions and answers)
 - i. Questions from Parties, other conference call participants and the NWB regarding the GN-CGS's Presentation
 - c. Identification of interested parties
 - d. Presentations by interested parties (20 minutes/party, excluding time for questions and answers following each presentation/summary)
 - i. Presentation by Indigenous and Northern Affairs Canada (INAC);
 - ii. Oral Summary of Environment and Climate Change Canada (ECCC) concerns;
 - iii. Oral Summary of the Department of Fisheries and Oceans Canada (DFO) concerns;
 - iv. Presentation(s) by other Interested Parties / Persons identified wanting to make representations;
 - e. Formulation of outstanding issues



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417
PHC Decision

- f. Identification of the parties' commitments to resolve relevant technical issues, service of documents to parties (deadlines, public registry, form)
5. Closing of Technical Meeting (*May continue to the next day if required*)



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417
PHC Decision

FINAL AGENDA (Cont.)

TECHNICAL MEETING AND PRE-HEARING CONFERENCE HAMLET OF PANGNIRTUNG

WATER LICENCE RENEWAL/AMENDMENT (TYPE “A” LICENCE 3AM-PAN----

DECEMBER 5-6, 2017

Date: December 5-6, 2017

Time: 10:00 AM – 5:00 PM (ET) / 8:00 AM –3:00 PM (MT)

Location: Via Teleconference Venue: Teleconference (Toll Free #: 1-888-289-4573; Access Code: 7214943)

6. Continuation of Technical Meeting (if required)

Pre-Hearing Conference

7. Pre-Hearing Conference
 - a. Identify issues that may prevent the Application from proceeding to a Public Hearing
 - b. Discuss form, timing, and location of a potential Public Hearing for the Application
 - c. Establish timetable for the pre-hearing exchange of information including:
 - i. preparation and filing of additional documents by the parties (deadlines, form, public registry)
 - ii. document-translation requirements
 - iii. documentation to be included in the Public Hearing Record
 - d. Finalize list of issues to be addressed at the Public Hearing
 - e. Identify interested parties / parties that should be invited to participate in the Public Hearing
 - f. Identify any changes required to the Application for the purposes of clarification
 - g. Final procedures to be followed at the Public Hearing including:
 - i. requested modifications to the applicable NWB Rules of Practice and Procedure for Public Hearing (May 2005)
 - ii. language requirements at the Public Hearing
 - h. Consideration of any other matters that may aid in the simplification and disposition of the Application at the Public Hearing
8. Other issues
9. Closing of the TM and PHC.



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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

APPENDIX B: Summary Listing of Participants in Technical Meeting and Pre-Hearing Conference

Via Teleconference, December 5, 2017

Dec. 05, 2017

TECHNICAL MEETING & PRE-HEARING CONFERENCE Pangnirtung Water Licence Pangnirtung, Nunavut December 5-6, 2017 Registration Form

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
1.	Ron	LAON	HAMLET PANG	867 473		pang-590@giniq.com
2.	Dill	Gungas	STP	473-8951		pang-STP@giniq.com
3.	Michael	DeVos				
4.	Jimmy	Foreman	Foreman	473-8660		pang-foreman@giniq.com
5.	Daniel	Li. Ho	WTP	473-4036		pang-wtp@giniq.com
6.	Madelina	Pamuklug	Interpreter	473-4618		
7.	Lena	Qappik	Council Clerk	473-8953		pang-clerk@giniq.com
8.	Bhagbesh	Roy	Hamlet Engineer	899-7314	899-7328	b.roy@gov.nu.ca
9.	Stephen	Bliss	Exp Services Inc	86-452-7300		stephen.bliss@exp.com
11.						
12.						
13.						
14.						
15.						



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417
PHC Decision

Via Teleconference, December 6, 2017

Dec. 06, 2017

TECHNICAL MEETING & PRE-HEARING CONFERENCE Pangnirtung Water Licence
Pangnirtung, Nunavut December 5-6, 2017

Registration Form

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
1.	Bhabesh	Roy	GN-CCS	867-899-7214	867-899-7308	brooy@gov.nu.ca.
2.	LADD	Roy	HAMLET	867-477-8953		
3.	Jimmy	Keenainak	Pangnirtung	473-8660		pang-saw@qiniq.com
4.	Daniel	Mike	Pangnirtung	473-4036		pang-foreman@qiniq.com
5.	Stephen	Bliss	exo Services	806-456-7300		pang-wtp@qiniq.com
6.	Billy	Qagasia	Hamlet of Pangnirtung	473-8751		stephen.bliss@exo.com
7.	MICHAEL	VEEUGE	Pangnirtung			pang-stp@qiniq.com
8.	Len	Qappik	Hamlet	8953		pang-clerk@qiniq.com
9.						
10.						
11.						
12.						
13.						
14.						
15.						



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417
PHC Decision

APPENDIX C: List of Application Submissions

April 4, 2017 Submission

- 1) Authorization Letter from the Hamlet of Pangnirtung, March 16, 2017;
- 2) NIRB Screening Decision Report, March 17, 2017;
- 3) NIRB Screening Decision Cover Letter, March 17, 2017;
- 4) NIRB Notice of Assessment, March 17, 2017;
- 5) Nunavut Planning Commission, Land Use Conformity Determination, November 22, 2016;
- 6) Application Cover Letter, March 20, 2017;
- 7) Project Summary (English);
- 8) Project Summary (Inuktitut);
- 9) Completed Type "A" Water Licence Application Form;
- 10) Mechanical & Electrical Operation & Maintenance Manual, Pangnirtung Truck Fill Station, Pangnirtung, Nunavut, September 2016;
- 11) Spill Contingency Plan, Hamlet of Pangnirtung, Pangnirtung, Nunavut, October 31, 2016;
- 12) WWTP Bypass Contingency Plan; Hamlet of Pangnirtung, Pangnirtung, Nunavut, October 31, 2016;
- 13) Application Cover Letter, March 20, 2017 and Accompanying Water Licence Application Form, March 20, 2017;
- 14) Fish Process Plant Waste Management Plan, Hamlet of Pangnirtung, Pangnirtung, Nunavut, April 2017; and
- 15) Solid Waste Operation and Maintenance Plan, June 2014;
- 16) Water Treatment Plant Operation and Maintenance Manuals:
 - i) Pangnirtung Waste Water Treatment Plant Documentation O&M;
 - ii) Electrical Instruction Manual;
 - iii) GE MBR O& M Manual, October 2014;
 - iv) Pangnirtung WWTP Process Operation Manual, February 2015; and

May 10, 2017 Submission

- 1) Operation and Maintenance Plan for Solid Water Facilities, May 2017;
- 2) Pangnirtung Fish Waste Lagoon Decommissioning Plan; and
- 3) GN-CGS Response to NWB's letter.

June 20, 2017 Submission

- 1) WWTF Overall Plan Effluent Route to Pang Fjord
- 2) 2014- 2016 Caduecon Lab in Ottawa-Wastewater test results of the Hamlet of Pangnirtung
- 3) WWTF Effluent Summary 2015 - 2016-ILAE.pdf
- 4) Applicant Response to NWB-Revised on May 11
- 5) WWTP Lab Test Results
- 6) Applicant Response to ECCC Comments



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417 PHC Decision

- 7) Applicant Response to INAC Comments
- 8) Applicant Response to Questions
- 9) Pangnirtung Environmental facilities under water licence sketches for relative locations
- 10) Revised Solid Waste OM Plan
- 11) Revised Solid Waste OM Plan

June 22, 2017 Submission

- 1) Applicant Response to Questions
- 2) Sustainability of Nunavut Water Sources

August 21, 2017 Submission

- 1) Cover letter responses to questions from parties, August 21, 2017;
- 2) Response to INAC's letter dated July 28, 2017 (in green)
- 3) Response to ECCC's letter dated July 19, 2017 (in green)
- 4) Response to DFO's letter dated July 21, 2017 (in green)
- 5) Revised Solid Waste Management O&M Manual, August 2017
- 6) Drainage plan for the Waste Facilities: WWTP, Landfill and Metal dump sites
- 7) Plan and cross section of the landfill site
- 8) Plan and cross section of the metal dump site
- 9) Plan and cross section of the water supply facilities
- 10) Flow path of the Wastewater effluent from the WWTP to the sea
- 11) Revised Spill Contingency Plan, August 2017
- 12) Revised WWTP By-Pass Contingency Plan, August 2017
- 13) Wastewater Test results: Caduceon lab testing results from 2015-2017 Excel sheet
- 14) Leachate test results from Caduceon Lab from 2012-2017 Excel Sheet
- 15) Final Report on Nunavut Wide Hydrology Study (Desktop risk assessment on the Sustainability of Nunavut's Primary Drinking Water Sources, July 14, 2017)?
- 16) Latest Zonal Plan for the Hamlet of Pangnirtung
- 17) Weekly log sheet: Shown the method of recording water extraction volume in 3rd row

November 28, 2017

- 1) Pangnirtung Environmental facilities under Water Licence- sketches for relative locations
- 2) Renewal Acceptance Letter
- 3) Renewal Acceptance Letter Inuktitut
- 4) SOLID WASTES - INAC_ECCC_DFO Questions and responses
- 5) SOLID WASTES - INAC_ECCC_DFO Questions and responses Inuktitut
- 6) WASTEWATER - INAC_ECCC_DFO Questions and responses
- 7) WASTEWATER - INAC_ECCC_DFO Questions and responses Inuktitut
- 8) WATER - INAC_ECCC_DFO Questions and responses
- 9) WATER - INAC_ECCC_DFO Questions and responses Inuktitut



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417
PHC Decision

- 10) Water Licence Public Meeting Rev 1
- 11) Water Licence Public Meeting Rev 1 Inuktitut
- 12) English TM and PHC Summary
- 13) French TM and PHC Summary
- 14) Inuktitut TM and PHC Summary

November 30, 2017

- 1) Pangirtung Map

December 1, 2017

- 1) INAC Presentation French Summary
- 2) INAC Water Licence Presentation
- 3) INAC Presentation English Summary

December 4, 2017

- 1) INAC Presentation Inuktitut Summary

December 6, 2017

- 1) Technical Meeting and Pre-Hearing Conference Registration Form for December 5 and 6, 2017.

December 7, 2017

- 1) Hamlet letter requesting 15 year term water licence



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417
PHC Decision

APPENDIX D: List of Commitments

List of Commitments Resulting from Technical Meeting for Water Licence No. 3AM-PAN---- Application					
No.	Party Responsible for Commitment	Party(s) who raised (Item#)	Issue - TM Commitment	Timeline for Submission	Form of Submission
1.	GN-CGS	DFO INAC	To provide updated assessment of pumping that demonstrates that the 10% of instantaneous flow is not exceeded (compared to the 10% of average mean flow that was previously provided)	January 31, 2018	Updated assessment document
2.	GN-CGS	ECCC INAC	Update to Operations & Maintenance Manual for Solid Waste Facilities	December 31, 2017	Updated O&M Manual to include various updates, including the addition of a new Chapter to include a Drainage Management Plan (including Culvert Maintenance)
3.	GN-CGS	ECCC INAC	Update to Operations & Maintenance Manual for Water Supply Facilities to include Water Extraction Procedures and Reservoir Maintenance	December 31, 2017	Updated O&M Manual



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417
PHC Decision

List of Commitments Resulting from Technical Meeting for Water Licence No. 3AM-PAN---- Application					
No.	Party Responsible for Commitment	Party(s) who raised (Item#)	Issue - TM Commitment	Timeline for Submission	Form of Submission
4.	GN-CGS	INAC NWB	GN-CGS to retain consultant to conduct study: discharge volume; velocity; erosion and sedimentation; Hydraulics; hydrology, water quality and thermal erosion of the Duval River.	December 2021	Consultant's Report on Hydrology for the Duval River
5.	GN-CGS	INAC NWB	To provide pictures, as-built engineering drawings and/or plans associated with the reservoir berm rehabilitation work that took place in 2017	December 31, 2017	To be provided with O&M Manual for Water Supply Facilities
6.	GN-CGS	NWB	The request was for topographical information regarding all facilities. Topographical maps should be included with all plans, reasonable scale to include site facilities, water bodies, direction of flow (gradient, ie 1m contour lines), etc.	December 31, 2017	Update of management plans to include appropriate mapping, Spill Contingency Plan, O&M manuals where appropriate
7.	GN-CGS	INAC	GN-CGS commitment was to add direction of water flows and co-ordinates of sampling points to current pictures of facilities	December 31, 2017	Update pictures/drawings with this additional information in appropriate O&M



3AM-PAN---- Application for a Water Licence to Replace 3BM-PAN1417
PHC Decision

List of Commitments Resulting from Technical Meeting for Water Licence No. 3AM-PAN---- Application					
No.	Party Responsible for Commitment	Party(s) who raised (Item#)	Issue - TM Commitment	Timeline for Submission	Form of Submission
8.	GN-CGS	ECCC NWB	QA/QC Plan for water sampling under the Licence	January 31, 2018	QA/QC Plan for water sampling filed with the NWB
9.	GN-CGS	DFO	To confirm the design/criteria used for the water intake/screen and compare to DFO guideline documents	December 31, 2017	Correspondence from GN-CGS to DFO (filed with the NWB) providing additional information; included with water supply facilities O&M