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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

**NWB File No.: 3BM-PAN 0810
Notification of Modification**

May 30, 2014

Bhabesh Roy, M.A.Sc., P.Eng.
Municipal Planning Engineer
Community and Government Services
Baffin Region, Government of Nunavut
P.O. Box 379, Pond Inlet, NU X0A 0S0

Justin Hack
Water Resources Officer
Aboriginal Affairs and Northern
Development
Iqaluit, NU X0A 0H0

E-mail: broy@gov.nu.ca

E-mail: Justin.Hack@aandc.gc.ca

Re: Water Licence No. 3BM-PAN0810: Nunavut Water Board Response to Notice of Modification of Water Licence under Part E Item 3

Dear Mr. Roy:

This is in response to your correspondence dated May 1, 2014 in which you advised the Nunavut Water Board (NWB or Board) of the upcoming plans for “process optimization” of the wastewater treatment plant (WWTP) in the Hamlet of Pangnirtung proposed for June through October 2014.

The Board has placed the submission in its Public Registry, and provided access to the document through the NWB’s ftp site using the following link (Username: **public** and Password: **registry**):

<ftp://nunavutwaterboard.org/1%20PRUC/3%20MUNICIPAL/3B/3BM%20-%20Municipality/3BM-PAN0810/3%20TECH/6%20MODIFICATION/2014/>

In that correspondence, you requested that the Board consider the removal of the existing WWTP to be replaced with an upgraded process. In addition, your correspondence outlined that during the process upgrades there would be a bypass of the existing WWTP and discharge of partially treated sewage into the marine environment for an approximate time of June through to the end of September. You requested that the process upgrades and bypass be accepted by the Board to be a modification under Part E Item 3 of **expired** Water Licence No. 3BM-PAN0810 (the **expired** Water Licence), which states as follows:

The Licensee may, without written approval from the Board, carry out modifications to the Water Supply and Waste Disposal Facilities provided that such modifications are consistent with the terms of this Licence and the following requirements are met:

- a. the Licensee has notified the Board in writing of such proposed modifications at least sixty (60) days prior to beginning the modifications;
- b. these modifications do not place the Licensee in contravention of the Licence or the Act;
- c. the Board has not, during the sixty (60) days following notification of the proposed modifications, informed the Licensee that review of the proposal will require more than sixty (60) days; and
- d. the Board has not rejected the proposed modifications.

In reviewing the notification letter, the Board's Assistant Technical Advisor, Erik Skiby requested additional information regarding the point of discharge for the bypass of the sewage treatment plant as well as additional design details and an indication of the timing associated with these actions. Your response was provided in additional correspondence on May 12, 2014, and in that correspondence you indicated that the discharge point during the bypass will be onto the gravel pad of the existing wetland then following the downslope for a distance of approximately 100-300 metres, depending on tidal conditions and ultimately into the marine environment, attached a design brief and confirmed that the proposed time period for discharges bypassing the WWTP would be from June to the end of September .

At the outset, the Board must advise you that the Board has rejected your request that this recent correspondence be accepted by the Board as a "notice of modification" as set out under Part E, Item 3 of the **expired** Water Licence. Simply put, as of August 31, 2010 when the Hamlet of Pangnirtung's Water Licence expired, the discharge of sewage from the current WWTP has not been authorized by the Board under a Licence. While s. 46 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, (NWSRTA) S.C. 2002, c. 10 states that the expiry of the licence does not relieve the licensee from the **obligations** imposed by the expired licence, it does not extend to continuing to authorize the **rights** granted under the expired licence to use water or deposit waste once the licence has expired. On this basis, the Board does not have the jurisdiction to authorize this modification of an **expired** Licence, on any terms and conditions, because in the absence of an active water licence, the Hamlet's current disposal of waste is not authorized by the Board.

Therefore, until such time as the Board has received and processed an application to renew the **expired** Water Licence and chosen to issue a renewed licence, the Hamlet's waste disposal activities (including any bypass of the WWTP) is not a deposit of waste licensed under the NWSRTA as required.

For questions regarding the procedural aspects of filing the renewal application, please contact Phyllis Beaulieu, Manager of Licensing, at 867-360-6338 or by e-mail at phyllis.beaulieu@nwb-oen.ca. All questions pertaining to technical matters should be directed to David Hohnstein, Director of Technical Services, at 780-443-4406 or by e-mail to david.hohnstein@nwb-oen.ca or

Erik Skiby, Assistant Technical Advisor, at 867-360-6338 or by email to erik.skiby@nwb-oen.ca.

Sincerely,



Damien Côté
Executive Director
Nunavut Water Board

ES/dc/pb

Cc: Ralph Ruediger, Director, Community Development
Timoon Toonoo, Regional Director
Wayne Thistle, Assistant Senior Manager Projects and Asset Management Division
Bill Westwell, Senior Manager Municipal Planning, Capital Planning
Pat Fuentes, Regional Manager Projects
Karen Moller, Senior Administrative Officer, Hamlet of Pangnirtung
Dominique Marceau, Project Manager, Kudlik Construction Ltd.
Steve Burden, Project Manager, exp Services Inc.
Stephen Bliss, Project Engineer, exp Services Inc.