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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File No.: 3BM-RUT1520 Amendment No. 1

April 26, 2018

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

E-mail: broy@gov.nu.ca

**RE: 3BM-RUT1520 Amendment No. 1:
Decommissioning and Remediation of Char Lake Pump House and Construction
of New Pump Station at Char Lake**

Dear Mr. Roy:

Please find attached, Amendment No. 1 to Licence No. 3BM-RUT1520 issued to the Government of Nunavut Department of Community Government Services (GN-CGS) by the Nunavut Water Board (NWB) (Motion 2018-B1-003) pursuant to its authority under Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement)*. The terms and conditions of the original Licence related to water use and waste disposal remain an integral part of this approval.

The NWB notes that the Nunavut Planning Commission (NPC) provided documentation stating that the works and activities associated with the current proposal were previously reviewed (conformity determinations dated October 14, 2010 and September 19, 2014) and remain applicable¹. The project conforms to the North Baffin Regional Land Use Plan (NBRLUP). In addition, NPC stated that associated activities were previously considered by the Nunavut Impact Review Board (File Nos: EX117 and EX220) and determined to be exempt from screening because they belong to a class of works or activities set out in Schedule 12-1 of the *Nunavut Agreement*.²

The NWB strongly recommends that the Licensee consult the comments received by Indigenous and Northern Affairs Canada (INAC), Environment and Climate Change Canada (ECCC) and Fisheries Oceans Canada (DFO) on issues identified. This information is attached

¹ NPC Conformity Determination dated November 3, 2017

² NIRB Correspondence dated October 10, 2010 and September 19, 2014

for your consideration.³

Sincerely,

Lootie Toomasie
Nunavut Water Board,
Chair

LT/kt/rqd

Enclosure: Licence No. 3BM-RUT1520 **Amendment No. 1**

Comments – INAC, ECCC, DFO

Cc: Distribution List – Qikiqtani

³ Indigenous and Northern Affairs Canada (INAC), January 9, 2018; Environment and Climate Change Canada (ECCC), January 8, 2018; Fisheries and Oceans Canada (DFO), January 8, 2018

LICENCE AMENDMENT No. 1

Licensee:	Government of Nunavut Community Government Services
Licence No.:	3BM-RUT1520
Licence Issued:	March 30, 2015
Effective Date:	April 26, 2018
Licence Expiry:	March 29, 2020

Pursuant to authority under Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, with respect to an application for amendment dated November 23, 2017, made by the Government of Nunavut Community Government Services (GN-CGS), the Board hereby grants the following Licence Amendment.

The Licence issued March 30, 2015 with an expiry date of March 29, 2020 shall be amended to include the following terms and conditions, with respect to the use of water and deposit of waste during municipal activities by the Hamlet of Resolute Bay that include decommissioning and remediation of the Char Lake Pump House and construction of a new pump station at Char Lake.

Procedural History

On November 23, 2017, GN-CGS submitted to the Board an amendment application to allow GN-CGS to decommission and remediate the Char Lake Pump House and construct a new pump station at Char Lake.

The Amendment No. 1 application (Application) included the following documents as supplementary information:

- Water Licence Amendment Application
- Inuktitut Summary
- English Summary
- Resolute Bay Map
- 2017 Annual Report
- Supplemental Environmental Site Evaluation and Preliminary Action Plan, Oct 16, 2015
- Char Lake Replacement Design Brief, October 2017
- Fecal Coliform Limit Determination Memo, 2017 November 23
- Char Lake Pump House Specs
- Char Lake Pump House Drawings
- Upgraded Utilidor As-Built Service Tie-In
- Upgraded Utilidor As-Built Plan and Profile

- New Water and Sewer System Operations and Maintenance Manual Resolute Bay, NU, September 2016

On December 6, 2017, the Board distributed the Application for a thirty (30) day comment period. By January 9, 2018 submissions were received by Indigenous and Northern Affairs Canada (INAC); Environment and Climate Change Canada (ECCC); and Fisheries and Oceans Canada (DFO).

On November 3, 2017, the NPC informed the Board that the works and activities associated with the proposal conform to the North Baffin Regional Land Use Plan (NBRLUP); and that the associated activities are exempt from screening by the NIRB.

Compliance

In reviewing the Licensee's application for amendment, the Board took into consideration INAC's site inspection reports and the Licensee's overall compliance. The notable issue of non-compliance identified during the Board's review was water use in excess of the allowable limit of 126 020 000 litres per year due to the need to maintain a constant flow of water through the pipelines. In 2016, the Hamlet used 326 439 020 litres of water.

As noted in the Decision accompanying water licence 3BM-RUT1520, several recurring issues of non-compliance were identified during its review and the Board noted its expectation that the Hamlet be in compliance with the Licence upon submission of an application to renew the Licence. In addition, it is important to note that the next renewal of this Licence for more than 300 cubic meters per day water use will require a Type "A" Water Licence process.

Decommissioning and Remediation Plan

In its submission dated January 8, 2018 ECCC expressed concern regarding the potential for petroleum hydrocarbon contaminants to mobilize into the Hamlet of Resolute Bay's drinking water source, Char Lake. Acknowledging that the Remedial Action Plan is in the preliminary stage, ECCC recommended that subsequent versions of the Plan for the contaminated soil at the old pump house include mitigation measures to prevent mobilization of contaminants from disturbed soil into Char Lake.

Further to ECCC's comments, INAC expressed concerns in its submission dated January 9, 2018, regarding contaminated material storage and the absence of a Board approved Decommissioning Plan. INAC recommended the provision of details describing where the contaminated materials will be stored as well as the submission of a Decommissioning Plan for the old pump house and surrounding area in advance of commencing decommissioning activities.

The Board concurs with the comments from ECCC and INAC and is therefore requiring the Licensee to submit to the Board for approval, sixty (60) days in advance of decommissioning

and remediation activities at the Char Lake Pump House, a Decommissioning and Remediation Plan that addresses intervenor comments and includes the following:

- Decommissioning Plan for the old pump house; and
- Updated Remedial Action Plan including specific measures to prevent mobilization of contaminants into Char Lake and details regarding contaminated materials management;

Environmental Management Plan

In its submission dated January 8, 2018 ECCC expressed concern regarding the potential for the generation of total suspended solids in Char Lake during decommissioning and remediation as well as construction of the Char Lake Pump House. ECCC recommended the development of an Environmental Management Plan to ensure the employment of appropriate mitigation measures during project activities. The Board concurs with ECCC and is requiring the Licensee to submit to the Board for approval sixty (60) days in advance of construction or decommissioning activities, an Environmental Management Plan that addresses intervenor comments.

In addition, the Board reminds the Licensee of its obligation to comply with the conditions in Part C, items 6 to 8 that address sedimentation and erosion.

Updated Pump Station Construction Drawings

In its submission dated January 8, 2018, DFO informed the Board that it is reviewing the proposal's applicability with subsection 35(1) of the Fisheries Act, and that based on the information provided by the Licensee in its application, DFO is concerned that the proposal could potentially result in serious harm to fish. DFO requested that the Licensee provide updated pump station construction drawings to allow DFO to complete its review.

The Board expects the Licensee to comply with all applicable regulations including addressing DFO requirements before commencement of project activities.

Landfarm

In reviewing the Application, the Board acknowledges the following reference from the document entitled "Supplemental Environmental Site Evaluation and Preliminary Remedial Action Plan", Section 6.2, pg 12, which refers to a contaminated soil remediation facility or landfarm:

"Materials originating from within the footprint of PHC-impacted soil (see Figure 3 – Appendix A) should be segregated for disposal at the approved contaminated soil remediation facility (landfarm)..."

While use of an approved contaminated soil remediation facility, or landfarm, is recommended by the GN-CGS's consultant exp Services Inc., specific details of the facility to be used are not provided.

Therefore, the Board is including a condition in this Licence Amendment requiring that all hydrocarbon contaminated soils removed during the course of the operation be disposed at a licensed waste disposal facility.

In addition, the Board reminds the Licensee of the following condition in Part G Item 4 of the Licence:

Areas that have been contaminated by hydrocarbons shall be reclaimed to meet objectives as outlined in the Government of Nunavut's Environmental Guideline for Site Remediation, January 2002. The use of reclaimed soils for the purpose of backfill or general site grading may be carried out only upon consultation and approval by the Government of Nunavut, Department of Environment and an Inspector.

LICENCE AMENDMENT No. 1

The Licence (Page i) shall be amended to indicate the following:

DECISION

LICENCE NUMBER: 3BM-RUT1520

This is the decision of the Nunavut Water Board (NWB) with respect to an application dated August 23, 2012 for a renewal of a Water Licence made by:

GOVERNMENT OF NUNAVUT, DEPARTMENT OF COMMUNITY AND GOVERNMENT SERVICES

to allow for the use of water and deposit of waste during municipal activities that include decommissioning and remediation of the Char Lake Pump House and construction of a new pump station at Char Lake, by the Hamlet of Resolute Bay located within the Qikiqtani Region of Nunavut at geographical coordinates as follows:

Latitude: 74°43'01"N Longitude: 94°58'10"W

AMENDMENT No. 3

PART G: CONDITIONS APPLYING TO ABANDONMENT, RESTORATION AND CLOSURE

Insert

Item 7

The Licensee shall submit to the Board for approval, sixty (60) days in advance of decommissioning or remediation activities at the Char Lake Pump House, a Decommissioning and Remediation Plan that addresses intervener comments and includes the following:

- (a) Decommissioning Plan for the old pump house; and
- (b) Updated Remedial Action Plan including specific measures to prevent mobilization of contaminants into Char Lake and details regarding contaminated materials management;

Insert
Item 8

The Licensee shall submit to the Board for approval sixty (60) days in advance of construction or decommissioning activities, an Environmental Management Plan that addresses intervenor comments and includes the following:

- (a) environmental impacts that may occur due to construction and decommissioning of the new pump house and installation of a new intake pipe in Char Lake;
- (b) measures to mitigate environmental impacts including total suspended solids; and
- (c) spill contingency plan

Insert
Item 9

All hydrocarbon contaminated soils removed during the course of the operation shall be disposed at a licensed waste disposal facility.

All remaining terms and conditions of the Licence 3BM-RUT1520 Type ‘B’ dated March 30, 2015, still apply.

This Licence Amendment No. 1 is issued and recorded at Gjoa Haven, Nunavut, on April 26, 2018.

Approved by,

Lootie Toomasie
Nunavut Water Board,
Chair