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**Subject:      Renewal Application for Water Licence 3BM-ARC0810**

Dear Mr. Roy and Mr. Qamanirq,

The Nunavut Water Board (NWB or Board) acknowledges receipt of your application for renewal of water licence 3BM-ARC0810 (Licence) dated March 22, 2010 (Renewal Application). The Renewal Application includes the following information:

- Letter to Phyllis Beaulieu, NWB, from R. Green, Government of Nunavut Community Government Services (GN-CGS), Re: Renewal Water Licence Application of the Municipality of Arctic Bay, dated March 1, 2010.
- Signed water licence application form
- Executive summary in English
- Executive summary in Inuktitut
- Letter from S. Douglas and S. Burden, Trow Associates Inc. (Trow), to B. Roy (GN-GCS), Re: Construction Progress Report Arctic Bay Sewage Lagoon, dated February 3, 2010
- 2009 annual report
- QA/QC of Wastewater Quality Monitoring of the Hamlet of Arctic Bay, Baffin Region, Nunavut
- QA/QC of Water Supply to the Hamlet of Arctic Bay in Baffin Region
- Draft Spill Contingency Plan, Hamlet of Arctic Bay, 2010

All documents related to the Renewal Application can be obtained from our ftp site, using the username of “public” and the password of “registry”, without the quotes, at the following link or by contacting our office:

<ftp://nunavutwaterboard.org/1%20PRUC/3%20MUNICIPAL/3B/3BM%20-%20Municipality/3BM-ARC0810/1%20APPLICATION/2010%20Renewal/>

The NWB notes that the Renewal Application includes the submission of a Plan for Compliance to address Part B Item 10 of the Licence, which states:

The Licensee shall submit to the Board for approval in writing, within thirty (30) days of Licence issuance or upon the filing of any application in relation to the Licence within that time, a Plan for Compliance that clearly demonstrates the measures the Licensee will undertake, including an implementation schedule, to achieve full compliance with the conditions of this Licence, including the issues raised in the Inspector’s Reports.

The reason for this Licence condition was discussed on page 2 of the Licence within the Board’s decision:

The Board fully expects the Hamlet to take immediate steps to come into full compliance with the Licence requirements for its existing facilities and to operate the Sewage Disposal Facility in accordance with the Licence. When the Hamlet submits an application to renew the Licence in approximately 24 months, the Board expects the Hamlet to be in full compliance with the licence. This short duration also permits the Board to increase its level of confidence that the facility is operating as it should. As per Part B, Item 10 of the Licence the Licensee must submit a Plan for Compliance that clearly demonstrates how the Hamlet will achieve full compliance with the Licence conditions.

On April 16, 2009, in the absence of an approved Plan for Compliance, the Board issued an amendment to the Licence to allow for construction and operation of a new wastewater treatment facility (Licence Amendment No. 1) and further discussed the requirement on pg 5 of the Licence Amendment No.1 within the Board’s decision:

As noted above, the Licensee to this date, has not complied with Part B, Item 10 of the current licence 3BM-ARC0810, requiring the Licensee to submit a Plan for Compliance that clearly demonstrates the ways and means the Licensee will undertake to achieve full compliance with the conditions of the Licence, during the licence term. The NWB is therefore maintaining this requirement, but has amended the condition in Part B Item 10 to require submission of the Plan within a time frame of **thirty (30) days** following issuance of this Licence Amendment, for approval by the Board in writing. In addition, this condition has been amended to require that the Plan clearly demonstrate the measures the Licensee will undertake, including an implementation schedule, to achieve full compliance with the conditions of this Licence, including the issues raised in the Inspector’s reports.

The Licence Amendment required the Plan for Compliance to be submitted for Board approval by May 16, 2009.

As the Plan for Compliance was only submitted recently with the Renewal Application, the Board has not had the opportunity to review or approve the Plan for Compliance prior to the processing of the Application. Given the importance of this Plan to the renewal process, the NWB has determined that deficiencies in the Plan for Compliance identified through the NWB's internal preliminary review must be addressed and the Plan approved by the Board in writing, before the Renewal Application is determined to be complete.

Specifically, the NWB's internal preliminary review of the Plan for Compliance finds that the Plan does not satisfy the Licence condition with regard to the following:

- Item B,15 – Plan for the submission of all available data generated under Licence NWB3ARC0207 and subsequent renewal 3BM-ARC0810;
- Item D,10 – Plan for the submission of a report identifying each Final Discharge Point of the existing Sewage Disposal Facility. The report shall at least include:
  - (a) Plans, specifications, geographic coordinates and a general description of each Final Discharge Point; and
  - (b) A description of how each Final Discharge Point is designed and maintained;
- Item E,10 – Plan for the submission of a Spill Contingency Plan for Board approval that specifically addresses the quarry site operations and existing facilities;
- Item F, 1 – Plan for the submission of an Operation and Maintenance Manual for Board approval for all existing and new facilities including the water supply facility, sewage and solid waste facilities, hazardous waste management, sewage sludge management, spill contingency plan, monitoring program quality assurance/quality control plan and instrumentation monitoring and surveillance plan;
- Item F, 3 – Plan for the submission of a Geotechnical Engineer's Inspection Report;
- Item G, 2 – Plan for the submission of a detailed Final Abandonment and Restoration Plan for the existing Sewage Disposal Facility;
- Item H, 16 – Plan for the submission of a detailed Instrumentation and Monitoring Surveillance Plan including:
  - i. Details of the proposed instrumentation plan, the frequency of measurements and trigger values or observations for remedial action;
  - ii. A review of geothermal monitoring plans including the number of thermistors to be installed, the location of thermistor installations, the installation of thermistors within the key trench, the depth of thermistor strings in subgrade soils, justification for the final chosen depth of thermistor strings, and the final detailed design of thermistor strings, taking into consideration reviewer comments; and
  - iii. Details of settlement monitoring at the upstream and downstream toes of the berms.

The Plan for Compliance is expected to provide clear linkages demonstrating how the proposed actions of the Plan will address specific Licence requirements and issues identified by the

Inspector. These linkages are not provided in the current Plan. The Plan must also provide adequate detail and firm schedules for implementing proposed actions. The NWB has taken the initiative to prepare a “template” for submission of a Plan for Compliance it is attached for your reference.

The Board will proceed with processing the Renewal Application upon receipt of a satisfactory response to the above issues and approval of the Board is in place.

The NWB notes that the current Licence expired on March 31, 2010. The NWB reminds the Licensee of its responsibility, pursuant to section 46 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, that the expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence.

Should you have any questions regarding the above, please do not hesitate to contact Richard Dwyer, Licensing Administrator at [licensingadmin@nunavutwaterboard.org](mailto:licensingadmin@nunavutwaterboard.org) or the undersigned at [dts@nunavutwaterboard.org](mailto:dts@nunavutwaterboard.org) or (780)-443-4406.

Yours truly,

*Original Signed By:*

David Hohnstein, C.E.T.  
Director Technical Services

Cc: Hamlet of Arctic Bay  
Roy Green, GN-CGS  
Bill Westwell, GN-CGS