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Your file - Votre référence
NWB3ARC0207
Our file - Notre référence

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Via electronic mail to:
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Re: NWB3ARC - Emergency Amendment - Sewage Lagoon

On behalf of Indian and Northern Affairs Canada (INAC) Water Resources, I am writing in response to the May 29, 2004, request of the Nunavut Water Board (NWB) for comment on the application for Emergency Amendment of Water License NWB3ARC0207, issued to the Hamlet of Arctic Bay (the Licensee), to address the proposed modification of the Arctic Bay sewage lagoon.

While in Arctic Bay last week (June 3-4, 2004), it was brought to my attention that modification of the sewage lagoon has already occurred, rendering moot any technical comment on the Emergency Amendment. Such comment is therefore not included in this submission.

According to the correspondence distributed, the application for emergency construction measures to the Arctic Bay sewage lagoon was submitted by Doug Sitland, Government of Nunavut (GN), on May 2, 2004. The preface to the Scope of Work included in this submission indicates that it was prepared in "as best detail as time would permit", and the preparation time identified as one hour. It should be noted, however, that an Inspector's Directions from the INAC Water Resources Officer (WRO) was issued with respect to Arctic Bay sewage lagoon insufficiencies on August 8, 2003. A further Inspector's Direction was issued to Arctic Bay on January 21, 2004, and included a clear comment on the instability of the New Sewage Lagoon.

1. INAC seeks a clear explanation from the Licensee regarding the marked delay in assessing the condition of the sewage lagoon and the associated development of contingencies.

Had the Licensee addressed the issues identified in the Inspector's Direction in a timely fashion, it is expected that the required approvals for sewage lagoon modification could have proceeded through normal NWB processes, as per Part E of the Current

License. INAC therefore finds the Licensee's decision to delay preventative action planning, until such time as the contingency plan was developed in an hour and an Emergency Water License Amendment is required, to be, at best, mystifying.

Additionally, INAC is unaware of any documentation originating from the Hamlet of Arctic Bay, the Licensee, with respect to the sewage lagoon. The preface to the Scope of Work indicates that GN proceeded under the instruction of the Licensee, as the start date of the construction was identified as "as soon as authorized by the Hamlet SAO". Specifically, the following documentation and/or record is requested to be submitted to the NWB Public Registry:

2. A record of the authorization, by the Licensee, GN, or other party, for the modifications made to the Arctic Bay sewage lagoon.
3. If the authorization requested above was not provided by the Licensee, a record of the Licensee's agreement to this authorization and associated modifications.
4. The identification of the contractor that completed the work on the Arctic Bay sewage lagoon.
5. The as-built drawings and/or a photographic record of the sewage lagoon modifications.

Part E of the Current License clearly indicates the NWB mediated process to be followed in the event of the modification or construction of facilities captured under the that License. INAC finds it both disappointing and unacceptable that both the Licensee and GN were ignorant of, or flagrantly violated, the conditions outlined in the Current License, and consequently the jurisdiction of the NWB to administer and protect the waters of Nunavut. INAC therefore recommends that the Licensee and GN review both the *Nunavut Waters and Surface Rights Tribunal Act* and the Current License to identify their responsibilities under these documents.

Best regards,

Original signed by:

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