

DECISION

LICENCE NUMBER: NWB3BAK9904

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a Licence dated June 10, 1999, made by:

Hamlet of Baker Lake

to allow for the use of water and disposal of waste for the Hamlet at Baker Lake, Nunavut.

With respect to this application, the NWB gave notice to the public that the Hamlet had filed an application for a water licence.

DECISION

After having been satisfied that the application was exempt from the requirement for screening by the Nunavut Impact Review Board in accordance with S. 12.3.2 of the NLCA, the NWB decided that the application could go through the regulatory process. After reviewing the submission of the Applicant and the written and oral comments expressed by interested parties, the NWB, having given due regard to the facts and circumstances, the merits of the submissions made to it and to the purpose, scope and intent of the Nunavut Land Claims Agreement, decided to waive the requirement to hold a public hearing and determined that:

Licence Number NWB3BAK9904 be issued subject to the terms and conditions contained therein. (Motion #:99-12-04)

SIGNED this _____ day of October 1999 at Iqaluit, Nunavut.

ORIGINAL SIGNED BY

Robert L. Hanson
Vice Chairman

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I. INTRODUCTION

Following an application filed by the Hamlet of Baker Lake on June 10, 1999 to the Nunavut Water Board, the Board conducted an initial assessment of the Hamlet's request for a municipal water licence for water use and waste disposal activities within the Hamlet. The application was referred for review and comments to local, regional, territorial and federal agencies. Based upon the results of this initial assessment and the technical review, including consideration of any potential accidents, malfunctions, or cumulative environmental effects that the overall project might have in the area, the Board concluded that this application was complete and could go through the regulatory process.

In accordance with Article 13 of the Nunavut Land Claims Agreement, public notice of the application was posted. No public concerns were expressed, and the NWB waived the requirement to hold a public hearing for the application. After considering and reviewing the comments submitted by interested parties, the NWB has issued licence NWB3BAK9904.

II. GENERAL CONSIDERATIONS

Term of the Licence

Consistent with the powers of the Nunavut Water Board under the Northern Inland Waters Act, the NWB may issue a licence for a term not exceeding twenty-five years. The Licensee has requested a term of 6 years however, the NWB believes that a term of five years is appropriate. A 5-year licence will allow enough time for the Hamlet to establish a consistent compliance record. The 5- year licence will allow the licensee to properly carry out the terms and conditions of the licence and to ensure that sufficient time is given to permit the licensee to develop, submit, and implement the plans required under the licence to the satisfaction of the NWB.

Annual Report

The requirements imposed on the licensee in this licence are for the purpose of ensuring that the NWB has an accurate annual update of municipal activities during a calendar year. This information is maintained on the public registry and is available to any interested parties upon request.

Operation and Maintenance Manual (O&M)

The purpose of an Operation and Maintenance Manual is to assist Hamlet staff in the proper operation and maintenance of the waste disposal facilities. The manual should demonstrate to the Nunavut Water Board that the Hamlet is capable of operating and maintaining all waste disposal sites adequately.

Abandonment and Restoration (A&R)

To ensure that all future abandoned facilities are reclaimed in an appropriate manner, the NWB has imposed the requirement for the submission of Abandonment and Restoration Plans. The Nunavut Water Board has requested that the Hamlet prepare a report which identifies all abandoned facilities within the municipal boundaries. This study shall also document ownership of the facilities. The study shall attempt to ascertain accountability for reclamation of existing abandoned facilities.

Surveillance Network Program

The Surveillance Network Program is a monitoring program established to collect data on water quality to assess the effectiveness of treatment for protection of public health and to assess potential impacts to the environment associated with the municipal facilities.

The Board may impose additional monitoring requirement with respect to possible contamination (i.e., PCB and/or Persistent Organic Pollutants) for abandoned solid waste sites following a review of water quality data at Airplane Lake and Garbage Creek.

III. LICENCE NWB3BAK9904

Pursuant to the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada*, the Nunavut Water Board, hereinafter referred to as the Board, hereby grants to

HAMLET OF BAKER LAKE

(Licensee)

of

BAKER LAKE, NUNAVUT, X0C 0A0

(Mailing Address)

hereinafter called the Licensee, the right to use water or dispose of waste into water for a period subject to restrictions and conditions contained within this licence:

NWB3BAK9904 (Renewal of NWT Licence N6L3-1191)

Licence Number _____

06

Water Management Area _____

BAKER LAKE, NUNAVUT

Location _____

WATER USE AND WASTE DISPOSAL

Purpose _____

MUNICIPAL UNDERTAKINGS

Description _____

100,000 CUBIC METRES ANNUALLY

Quantity of Water Not to be Exceeded _____

October 1, 1999

Date of Licence _____

October 1, 2004

Expiry Date of Licence _____

Dated this ____ of October 1999 at Iqaluit, Nunavut.

ORIGINAL SIGNED BY

Robert L. Hanson
Vice Chairman

PART A: SCOPE AND DEFINITIONS

1. Scope

- a. This Licence allows for the use of water and the disposal of waste for municipal undertakings at the Hamlet of Baker Lake, Nunavut (64°19'N, 96°02'W);
- b. This Licence is issued subject to the conditions contained herein with respect to the taking of water and the depositing of waste of any type in any waters or in any place under any conditions where such waste or any other waste that results from the deposits of such waste may enter any waters. Whenever new Regulations are amended by the Governor in Council under a future Nunavut Waters Act, or other statutes imposing more stringent conditions relating to the quantity or type of waste that may be so deposited or under which any such waste may be so deposited this Licence shall be deemed, upon promulgation of such Regulations, to be automatically amended to conform with such Regulations; and
- c. Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with the requirements of all applicable Federal, Territorial and Municipal legislation.

2. Definitions

In this Licence: **NWB3BAK9904**

"Amendment" means a change to original terms and conditions of this licence requiring correction, addition or deletion of specific terms and conditions of the licence; modification inconsistent with the terms of the set terms and conditions of the Licence;

"Average Concentration" means the concentration as determined in Part B, Item 6 of the "Surveillance Network Program" submitted to the Board in accordance with the sampling and analysis requirements specified in the "Surveillance Network Program";

"Average Concentration For Faecal Coliforms" means the running geometric mean of any four consecutive analytical results

submitted to the Board in accordance with the sampling and analysis requirements specified in the "Surveillance Network Program";

"Board" means the Nunavut Water Board established under the Nunavut Land Claims Agreement;

"Commercial Waste Water" means water and associated waste generated by the operation of a commercial enterprise, but does not include toilet wastes or greywater;

"Freeboard" means the vertical distance between water line and crest on a dam or dyke's upstream slope;

"Grab Sample" means a single water or wastewater sample taken at a time and place representative of the total discharge;

"Greywater" means all liquid wastes from showers, baths, sinks, kitchens and domestic washing facilities, but does not include toilet wastes;

"Inspector" means an Inspector designated by the Department of Indian and Northern Affairs Canada in a manner consistent with the Memorandum of Understanding between the Department of Indian and Northern Affairs and the Board;

"Licensee" means the holder of this Licence;

"Modification" means changes to the operating system that are consistent with the terms of this Licence and do not require amendment.

"Nunavut Land Claims Agreement" (NLCA) means the "Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada," including its preamble and schedules, and any amendments to that agreement made pursuant to it;

"Pumpout Sewage" means all toilet wastes and/or greywater collected by means of a vacuum truck for disposal at an approved facility;

"Sewage" means all toilet wastes and greywater;

"Sewage Disposal Facilities" comprises the area and structures designed to contain sewage, defined by an area encompassing the truck discharge point, initial holding cell, Lagoon Lake, Finger Lake, up to the inlet to Airplane Lake at SNP Station Number 1191-2;

"Solid Waste Disposal Facilities" comprises the area and associated structures designed to contain solid waste adjacent to Finger Lake;

"Toilet Wastes" means all human excreta and associated products, but does not include greywater;

"Waste" means any substance that, by itself or in combination with other substances found in water, would have the effect of altering the quality of any water to which the substance is added to an extent that is detrimental to its use by people or by any animal, fish or plant, or any water that would have that effect because of the quantity or concentration of the substance contained in it or because it has been treated or changed, by heat or other means;

"Waste Disposal Facilities" means all facilities designated for the disposal of waste, and includes the Sewage Disposal Facilities, Solid Waste Disposal Facilities; and

"Water Supply Facilities" comprises the area and associated intake infrastructure at Baker Lake at SNP Station Number 1191-1 ;

PART B: GENERAL CONDITIONS

1. The Licensee shall file an Annual Report with the Board not later than March 31st of the year following the calendar year reported which shall contain the following information:
 - a. tabular summaries of all data generated under the "Surveillance Network Program";
 - b. the monthly and annual quantities in cubic metres of fresh water obtained from all sources;
 - c. the monthly and annual quantities in cubic metres of each and all waste discharged;
 - d. a summary of modifications and/or major maintenance work carried out on the Water Supply and Waste Disposal Facilities, including all associated structures and facilities;

- e. a list of unauthorized discharges and summary of follow-up action taken;
 - f. a summary of any abandonment and restoration work completed during the year and an outline of any work anticipated for the next year;
 - g. a summary of any studies requested by the Board that relate to waste disposal, water use or reclamation, and a brief description of any future studies planned;
 - h. any other details on water use or waste disposal requested by the Board by November 1st of the year being reported; and
 - i. updates or revisions to the approved Operation and Maintenance Plans.
- 2. The Licensee shall comply with the "Surveillance Network Program" annexed to this Licence, and any amendment to the said "Surveillance Network Program" as may be made from time to time, pursuant to the conditions of this Licence.
 - 3. The "Surveillance Network Program" and compliance dates specified in the Licence may be modified at the discretion of the Chief Executive Officer.
 - 4. Meters, devices or other such methods used for measuring the volumes of water used and waste discharged shall be operated and maintained by the Licensee to the satisfaction of an Inspector.
 - 5. The Licensee shall by September 30, 2000, post the necessary signs, where possible, to identify the stations of the "Surveillance Network Program." All postings shall be located and maintained to the satisfaction of an Inspector.

6. The Licensee shall by September 30, 2000, post signs in the appropriate areas to inform the public of the location of the Water Supply and Waste Disposal Facilities. All postings shall be located and maintained to the satisfaction of an Inspector.
7. The Licensee shall immediately report to the 24-Hour Spill Report Line (867-920-8130) any spills of Waste, which are reported to or observed by the Licensee, within the municipal boundaries or in the areas of the Water Supply or Waste Disposal Facilities.
8. The Licensee shall ensure a copy of this Licence is maintained at the Municipal office at all times.

PART C: CONDITIONS APPLYING TO WATER USE

1. The Licensee shall obtain all fresh water from Baker Lake using the Water Supply Facilities or as otherwise approved by the Board.
2. The annual quantity of water used for all purposes shall not exceed 100,000 cubic metres.
3. The Licensee shall maintain the Water Supply Facilities to the satisfaction of the Inspector.
4. The water intake hose used on the water pumps shall be equipped with a screen with a mesh size sufficient to ensure no entrainment of fish.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. The Licensee shall direct all piped and pumpout Sewage to the Sewage Disposal Facilities or as otherwise approved by the Board.
2. All Sewage effluent discharged from the Sewage Disposal Facilities at "Surveillance Network Program" Station Number 1191-2 shall meet the following effluent quality standards:

Parameter	Maximum Average Concentration
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Faecal Coliforms		1×10^4 CFU/100 ml
BOD ₅	80 mg/L	
Total Suspended Solids		100 mg/L

The Waste discharged shall have a pH between 6 and 9, and no visible sheen of oil and grease.

4. The Sewage Disposal Facility's, initial holding cell shall be maintained and operated in such manner as to prevent erosion. Erosion protection should be installed.
5. The Licensee shall maintain the Sewage Disposal Facilities to the satisfaction of an Inspector.
6. The Licensee shall dispose of and contain all solid wastes at the Solid Waste Disposal Facilities or as otherwise approved by the Board.

PART E: CONDITIONS APPLYING TO MODIFICATIONS

1. 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. such modifications do not place the Licensee in contravention of the Licence;
 - 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.
2. Modifications for which all of the conditions referred to in Part E, Item 1, have not been met may be carried out only with written approval from the Board.

3. The Licensee shall provide to the Board site plans of the modifications referred to in this Licence within ninety (90) days of completion of the modifications.

PART F: CONDITIONS APPLYING TO CONSTRUCTION

1. At least 60 days prior to construction of any dams, dykes or structures intended to contain, withhold, divert or retain water or wastes, the Licensee shall submit to the Board for approval design details and design drawings stamped by a qualified engineer registered in the Nunavut.
2. Construction of designed structures shall be carried out as approved by the Board.

PART G: CONDITIONS APPLYING TO OPERATION AND MAINTENANCE

1. The Licensee shall, within four (4) months of the issuance of this Licence, submit to the Board for approval, a plan for the Operation and Maintenance of the Sewage and Solid Waste Disposal Facilities in accordance with *"Guidelines for preparing an Operation and Maintenance Manual for Sewage and solid Waste Disposal Facilities"*, October 1996.
2. The Licensee shall implement the plan specified in Part G, Item 1 as and when approved by the Board.

PART H: CONDITIONS APPLYING TO CONTINGENCY PLANNING

1. The Licensee shall, within six (6) months of the issuance of this Licence, submit to the Board for approval, a Spill Contingency Plan in accordance with *"Guidelines for Contingency Planning"*, January 1987.
2. The Licensee shall implement the plan specified in Part H, Item 1 as and when approved by the Board.
3. If, during the period of this Licence, an unauthorized discharge of waste occurs, or if such a discharge is foreseeable, the Licensee shall:
 - a. employ the appropriate contingency plan;
 - b. report the incident immediately via the 24-Hour Spill Reporting Line at (867) 920-8130; and

- c. submit to an Inspector a detailed report on each occurrence not later than thirty (30) days after initially reporting the event.

PART I: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

1. The Licensee shall submit to the Board for approval an Abandonment and Restoration Plan at least six (6) months prior to abandoning any facilities. The Plan shall include, but not be limited to (if applicable):
 - a. the water intake facilities;
 - b. the water treatment and waste disposal sites and facilities;
 - c. the petroleum and chemical storage areas;
 - d. any site affected by waste spills;
 - e. leachate prevention;
 - f. an implementation schedule;
 - g. maps delineating all disturbed areas, and site facilities;
 - h. consideration of altered drainage patterns;
 - i. type and source of cover materials;
 - i. future area use;
 - j. hazardous wastes; and
 - k. a proposal identifying measures by which restoration costs will be financed by the Licensee upon abandonment.
2. The Licensee shall implement the plan specified in Part I, Item 1 as and when approved by the Board.
3. The Licensee shall revise the Plan referred to in Part I, Item 1 if not approved. The revised Plan shall be submitted to the Board for approval within six (6) months of receiving notification of the Board's decision.
4. The Licensee shall complete the restoration work within the time schedule specified in the Plan, or as subsequently revised and approved by the Board.

5. The Licensee shall submit to the Board by January 31, 2001, a report describing all existing abandoned water supply and waste disposal facilities located within the municipal boundaries, including ownership thereof.

NUNAVUT WATER BOARD

LICENSEE: Hamlet of Baker Lake

LICENCE NUMBER: NWB3BAK9904

**EFFECTIVE DATE OF LICENCE
ISSUANCE:** October 1, 1999

SURVEILLANCE NETWORK PROGRAM

A. Location of Surveillance Stations

<u>Station Number</u>	<u>Description</u>
BAK-1 (<i>Old Number 1191-1</i>)	Raw Water Supply prior to treatment
BAK-2 (<i>Old Number 1191-2</i>)	Runoff from the Waste Disposal Facilities. Just prior to inlet to Airplane Lake, prior to the culvert
BAK-3 (<i>Old Number 1191-3</i>)	Outlet of Airplane Lake at water's edge
BAK-4	Runoff from the Solid Waste Disposal Facilities at Finger Lake (if present)

SNP Station Number Signs shall be replaced as and when necessary to reflect new Station Numbers.

B. Sampling and Analysis Requirements

1. Water at Station Number BAK-1 shall be sampled once annually during Fuel Barge delivery and analyzed for the following parameters:

pH	Conductivity
Total Suspended Solids	Ammonia Nitrogen
Nitrate-Nitrite	Oil and Grease (Visual)
Total Phenols	Sulphate
Sodium	Potassium

Magnesium	Calcium
Total Arsenic	Total Cadmium
Total Copper	Total Chromium
Total Iron	Total Lead
Total Mercury	Total Nickel
Total Zinc	Total Organic Carbon

2. Water at Station Number BAK-2 shall be sampled once monthly during periods of flow and analyzed for the following parameters:

BOD	Faecal Coliform
pH	Conductivity
Total Suspended Solids	Ammonia Nitrogen

3. Water at Station Number BAK-2, BAK-3 and BAK-4 shall be sampled once annually during periods of flow and analyzed for the following parameters:

pH	Conductivity
Total Suspended Solids	Ammonia Nitrogen
Nitrate-Nitrite	Oil and Grease (Visual)
Total Phenols	Sulphate
Sodium	Potassium
Magnesium	Calcium
Total Arsenic	Total Cadmium
Total Copper	Total Chromium
Total Iron	Total Lead
Total Mercury	Total Nickel
Total Zinc	Total Organic Carbon

4. The exact location of Surveillance Network Program stations can be developed with the assistance of the Inspector.
5. Additional sampling and analysis may be requested by an Inspector.
6. All sampling, sample preservation and analyses shall be conducted in accordance with methods prescribed in the current edition of "Standard Methods for the Examination of Water and Wastewater", or by such other methods approved by the Board.
7. All analyses shall be performed in a laboratory approved by the Board.

C. Flow and Volume Measurement Requirements

1. The monthly and annual quantities of water pumped from Surveillance Network Program Station Number BAK-1 for domestic purposes shall be measured and recorded in cubic metres.
2. The annual quantities of sewage solids removed from the sewage disposal facility shall be measured and recorded.

D. Reports

1. The Licensee shall, unless otherwise requested by an Inspector, include all of the data and information required by the Surveillance Network Program in the Licensee's Annual Report, which Report shall be submitted to the Board on or before March 31st of the year following the calendar year being reported.

E. Modifications To The Surveillance Network Program

1. Modifications to the Surveillance Network Program may be made only upon written approval of the Chief Executive Officer.

SCHEDULE II - LICENSING CONSIDERATIONS

I. APPLICATIONS FOR LICENCE AMENDMENT, RENEWAL, ASSIGNMENT OR CANCELLATION.

1. An Application for an amendment or renewal shall be in the form set out by the Board and shall contain the information identified therein and be accompanied by a deposit equal to any water use fee that would be payable under subsection II (1) in respect of the first year of the licence that is being applied for.
3. The fee payable on the submission of an application for the amendment, renewal, cancellation or assignment of this licence is thirty (30) dollars. Cheque made payable c/o The Receiver General for Canada
4. An application for authorization for the assignment of the licence shall be submitted to the Board, accompanied by the fee set out in (2), no less than 45 days before the date on which the applicant proposes to assign the licence, and shall:
 - a. Be signed by the assignor and the assignee; and
 - a. Include the name and address of the assignee.
5. An application for cancellation of a licence shall be in writing and shall set out the reason for the requested cancellation and a description of the measures taken or proposed to be taken, prior to cancellation, for abandonment of the appurtenant undertaking.

**SCHEDULE III - GENERAL CONDITIONS FOR THE ADMINISTRATION OF
LICENCES
ISSUED BY THE NUNAVUT WATER BOARD (NWB)**

1. At the time of issuance, a copy of the Licence is placed on the Water Register in the NWB Head Office in Gjoa Haven, and is available to the public.
2. To enforce the terms and conditions of the Licence, the Department of Indian Affairs and Northern Development designates Inspectors in a manner consistent with the Memorandum of Understanding between the Department of Indian and Northern Affairs and the NWB. The Inspectors coordinate their activities with the NWB staff and officials of the Water Resources Division of DIAND. The Inspector responsible for Licence No. NWB3BAK9904 is located in the Nunavut District office.
3. To keep the NWB and members of the public informed of the Licensee's conformity to Licence conditions, the Inspectors prepare inspection and compliance reports which detail observations on how the Licensee has met each condition in the Licence. These reports are forwarded to the Licensee with a covering letter requesting what action, if any, should be taken. The inspection reports and covering letters are placed on the public Water Register, as are any responses received from the Licensee pertaining to the inspection reports. It is therefore of importance that the Licensee react in all areas of concern regarding inspection reports so that these concerns may be clarified.
4. If the Licensee contemplates the renewal of Licence No. NWB3BAK9904, it is the responsibility of the licensee to apply to the NWB for renewal of the licence. The past performance of the licensee, new documentation and information, and issues raised during a public hearing, if the NWB is required to hold one, will be used to determine the terms and conditions of the Licence renewal. If the licence expires before the NWB issues a new one, then water use and waste disposal must cease, or the Licensee will be in contravention of the Nunavut Land Claims Agreement. The NWB recommends that an application for the renewal of Licence No. NWB3BAK9904 be filed **at least six months** before the Licence's expiry date.
5. If Licence No. NWB3BAK9904 requires amendment, then a public hearing may be required. The Licensee should submit applications for amendment as soon as possible to give the NWB sufficient time to go through the amendment process. The duration of the process may vary depending on the scope of the amendment requested.

6. The NWB can modify the Surveillance Network Program annexed to the licence without a public hearing. Requests for changes to the Surveillance Network Program should be forwarded to the NWB in writing, and should include the justification for the change.
7. Any communication with respect to this licence shall be made in writing to the attention of:
Philippe di Pizzo
Executive Director
Nunavut Water Board
P. O. Box 119
Gjoa Haven, NU. X0E 1J0
Telephone No: (867) 360-6338
Fax No: (867) 360-6369
8. Inspection and enforcement of the terms and conditions of this licence are performed by:
Mr. Paul Smith, Water Resources Officer
Nunavut District Office
Northern Affairs Program
Department of Indian Affairs
and Northern Development
P. O. Box 100
Iqaluit, NU. X0A 0H0
Telephone No: (867) 979-4405
Fax No: (867) 979-6445
9. The licensee shall submit all report, plans and studies to the Board in triplicate.

APPENDIX I

CORRESPONDENCE

- i. Application for water licence for the Hamlet of Baker Lake. Received June 10, 1999.
- ii. Nunavut Water Board. Notice to Applicant receipt of Application. Dated June 11, 1999.
- iii. Nunavut Water Board. Notice to Interested Parties. Dated June 14, 1999.
- iv. Nunavut Water Board. Public Notice of the Application. Dated June 14, 1999.
- v. Nunavut Water Board. Request for additional information from the Applicant-Inuktitut Summary. Dated June 14, 1999.
- vi. Kivalliq Inuit Association. Letter received July 5, 1999, comments on the application.
- vii. Nunavut Water Board. Notice to Applicant receipt of Application Fee. Dated July 15, 1999.
- viii. Fisheries and Oceans Canada. Letter received July 28, 1999, comments on the application.
- ix. Government of Nunavut-Department of Sustainable Development, Kivalliq Region. Letter received July 30, 1999, comments on the application.
- x. Environment Canada-Environmental Protection Branch. Letter received August 6, 1999, comments on the application.
- xi. Indian and Northern Affairs Canada. Letter received August 9, 1999, comments on the application.
- xii. Government of Nunavut-Department of Sustainable Development, Iqaluit. Letter received August 16, 1999, comments on the application.

FIGURE 1 - Hamlet of Baker Lake Surveillance Network Program SNP Stations

(To be provided following first inspection)