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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

NWB File No: 3BM- CAP0810

May 26, 2014

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**Re: 3BM-CAP0810: Renewal Application from the Government of Nunavut – Community and Government Services (GN-CGS) for the Hamlet of Cape Dorset’s Type “B” Water Licence - Suspension of Water Licensing Process**

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Dear Mr. Roy and Mr. Hayward:

The Nunavut Water Board (NWB or Board) is in receipt of comments regarding the application for renewal of the type ‘B’ water licence 3BM-CAP0810 submitted by the Government of Nunavut Community Government Services (GN-CGS) on behalf of the Hamlet of Cape Dorset (Application). This letter outlines the NWB’s decision regarding the next steps of the water licensing process.

The Hamlet of Cape Dorset’s water licence 3BM-CAP0810, issued March 7, 2008 expired on March 1, 2010. The renewal Application was received under three (3) submissions, the first dated July 22, 2011. In response to the NWB’s request for additional information dated September 14, 2011, the second submission was received on August 22, 2013 and the third submission was received on November 6, 2013.

Following internal preliminary technical and administrative reviews, the NWB deemed that the Application met the requirements of section 48(1) of the Nunavut Waters and Nunavut Surface Rights Tribunal Act (Act) and distributed the Application to interested parties on November 19, 2013 inviting parties to make representations directly to the NWB within thirty (30) days from the date of the letter. In its correspondence to the parties, the NWB noted that the applicant’s Plan for Compliance is a key component of the overall water licence renewal and requested an update from Aboriginal Affairs and Northern Development Canada (AANDC) Enforcement regarding the status of the Hamlet’s compliance with the 2012 AANDC Inspector’s Direction. The Board’s November 19, 2013 letter was reissued on

December 11, 2013 clarifying that the deadline for receipt of comments on the application was January 11, 2014. On January 10, 2014 the Board received comments from AANDC Water Resources; however the Board has yet to receive comments from AANDC Enforcement. The comments can be obtained from the NWB's 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-CAP0810/>

The NWB has reviewed the information provided to date on the application, the applicant's past compliance performance, as well as the comments provided by AANDC, and have identified several outstanding issues including the following:

1. Windblown debris from the landfill site;
2. Potential contamination from the metal waste disposal site;
3. Hazardous waste storage and disposal;
4. Abandonment and Restoration Plans for the existing wastewater and solid waste disposal sites;
5. Overall compliance; and
6. Potential amendments to the conditions of the water licence.

The Board also agrees with the concluding remark made by AANDC Water Resources in its January 10, 2014 submission as follows:

*"AANDC cannot recommend renewal of water licence 3BM-CAP0810 until such time that the NWB and the Field Operations Division at AANDC are satisfied that: (a) the GN-CGS has fulfilled outstanding requirements contained with the water licence, inspection reports, and the Inspector's Direction and (b) the GN-CGS have fulfilled their commitments in the submitted Plan for Compliance."*

In response to AANDC's remark, at this time the NWB is not satisfied that GN-CGS has fulfilled the requirements of the water licence and further agrees that AANDC's Field Operations Division (Enforcement) must also be satisfied with the Applicant's status of compliance.

With the above in mind, the Board has decided to suspend the water licensing process for a period no longer than six (6) months to provide GN-CGS, the Hamlet and AANDC an opportunity to address the six (6) issues listed above. Specifically the Board requires the following items from GN-CGS and the Hamlet before it considers resuming the water licensing process:

1. Updated personnel contact information (Blocks 1 and 2 of the Water Licence Application Form);
2. Proposed measures to address windblown debris from the landfill;
3. Long term solid waste management plan to address potential contamination issues related to the metal waste disposal site;
4. Site Water Management Plan for disposal sites to mitigate and manage site run-off so as not to impact the surrounding wetland or waterbodies;
5. Clarification regarding how the process of directing leachate and run-off to the sewage lagoon will change with the commissioning of the 2007 Sewage Lagoon and decommissioning of the existing lagoon;
6. Abandonment and Restoration Plans for the existing water and waste disposal facilities in accordance with Part G Items 1 and 2 of the water licence;
7. Revised *Environmental Monitoring Program – Sample Collection Training Program* report taking into consideration AANDC's recommendations provided in its January 10, 2014 submission;
8. Response to the outstanding issues of non-compliance identified in the Municipal Water Use Inspection Report Form dated August 8, 2013; and
9. Proposed amendments to the water licence taking into consideration AANDC's recommendations provided in its January 10, 2014 submission.

On April 2, 2014, the AANDC Water Resources Officer, issued an email regarding the 'Cape Dorset Compliance Review' requesting clarification on the identified issues and a response by April 14, 2014. **In addition to the above and prior to continuing on with the licensing process**, the Board requests the GN-CGS provide written confirmation to the NWB with supporting documentation, that (a) the requirements of inspection reports and the Inspector's Direction issued to the Hamlet have been fulfilled; and (b) the commitments made in the Hamlet's Plan for Compliance have been fulfilled.

Once the Board is satisfied that the requirements listed above have been met in a timely manner, the NWB staff will resume the water licensing process, including: the distribution of additional information to interested parties for review and comment; final review of the application and any comments received by NWB staff followed by the issuance of Board decision on the application. If the Board does not receive the required responses in a timely manner, it will be forced to base its decision upon issues of non-compliance.

Should you have any inquiries on technical matters related to the above, please contact David Hohnstein, Director of Technical Services, at (780) 443-4406 or by email to [David.Hohnstein@nwb-oen.ca](mailto:David.Hohnstein@nwb-oen.ca) or Sonia Aredes, Technical Advisor, at [Sonia.Aredes@nwb-oen.ca](mailto:Sonia.Aredes@nwb-oen.ca). For any procedural inquiries and/or request for information, please contact Phyllis Beaulieu, Manager of Licensing, at 867-360-6338 or by email to [Phyllis.Beaulieu@nwb-oen.ca](mailto:Phyllis.Beaulieu@nwb-oen.ca).

Sincerely,

***Original Signed By:***

David Hohnstein, C.E.T.  
Director of Technical Services  
Nunavut Water Board

DH/kt/pb

cc. Ralph Ruediger, Director, Community Development;  
Timoon Toonoo, Regional Director;  
Paul Diamond, Senior Manager Project and Asset Management Division;  
Bill Westwell, Senior Manager Municipal Planning, Capital Planning. And  
Erik Allain, Manager Field Operations, AANDC