



Nunavut Regional Office
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Your file - Votre référence
3BM-CAP0207
Our file - Notre référence
9545-3-3CAPG / 188641

13 December 2007

Phyllis Beaulieu
Licensing Administrator
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU, X0A 1J0

**Re: Water Licence Renewal Application 3BM-CAP0207– Hamlet of Cape Dorset –
GN Community and Government Services**

Indian and Northern Affairs Canada (INAC) reviewed the Water Licence Renewal Application submitted by the Government of Nunavut for the Hamlet of Cape Dorset to the Nunavut Water Board (NWB). The following advice has been provided pursuant to INAC's mandated responsibilities for the enforcement of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NW&NSRT), the *Arctic Waters Pollution Prevention Act* (AWPPA) and the *Department of Indian Affairs and Northern Development Act* (DIAND Act). In conducting our review, INAC referred to the documents on the NWB's FTP-site under 3BM-CAP. INAC recommends that the NWB take into consideration the following comments when reviewing this Water Licence Renewal Application.

As the Regulatory Authority responsible for ensuring compliance with the above Acts and the Water Licence, INAC cannot recommend a Water Licence Renewal or Extension be granted to a community that is in non-compliance with the current Licence that expired August 31, 2007. However, INAC recommends that the current water licence may be extended if the current terms and conditions are retained and if the community and the Government of Nunavut verify that they will achieve compliance with the current terms and conditions of the licence by August 2008. INAC is fully aware of the history of the Water Licensing process and Wastewater Systems in Cape Dorset and the need to resolve these issues. Also, Section 46 of the Act states that "The expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence."

Currently Cape Dorset has three systems:

1. The three-tier lagoon site. The berms have failed in the past, causing leaking from the cells and untreated wastewater entering Telik Inlet. The Municipality was issued an Inspector's Direction under the Fisheries Act by Environment Canada in March 2002 requiring the prevention of raw wastewater entering fish-bearing water (Telik Inlet).
2. The old lagoon, also referred to as the emergency lagoon. This lagoon site has been updated and is serving as the emergency back-up for the community. The lagoon's capacity is insufficient to contain annually generated wastewater volume with sufficient



holding time needed (winter storage) to achieve compliance solely via this option.

- a. The new lagoon site. The berms for this lagoon were completed without an approval from the Nunavut Water Board, and cannot be commissioned until the Board issues a licence.

INAC believes, based upon available information and inspection reports by the INAC Water Resource Officer, the Municipality could meet the current (expired) Water Licence Terms and Conditions by utilizing both the 3-tier lagoon system as well as the old (Emergency) lagoon in an alternating fashion to allow sufficient holding times for proper treatment to occur. However, Board should request the Municipality and Department of Community and Government Services, Government of Nunavut to provide assurances and a strategy to achieve compliance.

Should you have any questions or comments, please do not hesitate to contact me at (867) 975-4548 or by email at ReinhartF@inac-ainc.gc.ca.

Sincerely,

Original Signed By

Frøydis Reinhart
Pollution Policy Specialist

Cc. Jim Rogers, Manager of Water Resources – Indian and Northern Affairs Canada,
Nunavut Regional Office