



P.O. Box 119  
GJOA HAVEN, NU X0B 1J0  
TEL: (867) 360-6338  
FAX: (867) 360-6369

ᓄᓇᓂᓪ ᐃᓚᓕᓴᓂᓪ ᑲᓴᓚᓂᓪ  
NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

File: 3BM-CLY0909

March 18, 2010

Mr. Bhabesh Roy, M.A.Sc., P.Eng.  
Municipal Planning Engineer  
Community Government Services  
Baffin Region, Government of Nunavut  
P.O. Box 379  
Pond Inlet, NU X0A 0S0  
By Email: [broy@gov.nu.ca](mailto:broy@gov.nu.ca)

Mr. Bill Buckle  
Interim Senior Administrative Officer  
Hamlet of Clyde River  
PO Box 89  
Clyde River, NU X0A 0E0  
E-mail: [saoclyde2005@qinq.com](mailto:saoclyde2005@qinq.com)

**Subject: Plan for Compliance and Application for Renewal of Water Licence 3BM-CLY0909; Hamlet of Clyde River**

Dear Mr. Roy and Mr. Buckle,

On November 27, 2009, the Nunavut Water Board (NWB or Board) acknowledged receipt of an application for renewal of the Hamlet of Clyde River's (Licensee) water Licence 3BM-CLY0909 (Licence) from the Government of Nunavut Community Government Services (GN-CGS) (Application) on behalf of the Hamlet<sup>1</sup>. The Application was submitted on October 27, 2009 and included a Plan for Compliance in accordance with Part B Item 12 of the Licence<sup>2</sup>. In acknowledging receipt of the Application, the Board determined that given the importance of the Plan for Compliance to the renewal process, deficiencies in the Plan for Compliance identified through the NWB's internal preliminary review of the Application must be addressed before the Board would proceed with processing the Application.

On December 9, 2009, GN-CGS submitted additional information<sup>3</sup>. The NWB provided notice of the Plan for Compliance to interested parties on January 21, 2010 noting that deficiencies in the Plan for Compliance must be addressed before the Application could be determined to be complete and the Board would proceed with processing the Application. The Board invited parties to review the Plan and submit comments by February 4, 2010<sup>4</sup>. Submissions were received from Indian and Northern Affairs Canada

<sup>1</sup> Letter from D. Hohnstein, NWB, to B. Roy, GN-CGS, and B. Buckle (Hamlet of Clyde River), Subject: Renewal Application for Water Licence 3BM-CLY0909, dated November 27, 2009.

<sup>2</sup> Letter from B. Roy, GN-CGS, to P. Beaulieu, NWB, Subject: Renewal Water Licence Application of the Municipality of Clyde River, dated October 27, 2009.

<sup>3</sup> Letter from B. Roy, GN-CGS, to R. Dwyer, NWB, Subject: Renewal Water Licence Application of the Municipality of Clyde River #3BM-CLY0909, dated December 7, 2009.

<sup>4</sup> Letter from R. Dwyer, NWB, to B. Roy, GN-CGS, and B. Buckle, Hamlet of Clyde River, Subject: Plan for Compliance for Water Licence 3BM-CLY0909, dated January 21, 2010.

(INAC)<sup>5</sup>, Environment Canada (EC)<sup>6</sup>, and the Government of Nunavut Department of Environment (GN-DOE)<sup>7</sup> on or before the deadline. On February 27, 2010, the NWB provided the GN-CGS with a final opportunity to respond to the comments before the Board made its final determination on the Licensee's Plan for Compliance<sup>8</sup>. No response was received. The comments 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-CLY0909/3%20TECH/1%20GENERAL%20\(B\)/12%20PLAN%20FOR%20COMPLIANCE/](ftp://nunavutwaterboard.org/1%20PRUC/3%20MUNICIPAL/3B/3BM%20-%20Municipality/3BM-CLY0909/3%20TECH/1%20GENERAL%20(B)/12%20PLAN%20FOR%20COMPLIANCE/)

The NWB has reviewed the submissions, and after taking into consideration the comments made by parties, the Board, **pursuant to Motion 2001-23-B1-04, dated March 16, 2010**, has **rejected** the current version of the Hamlet of Clyde River's Plan for Compliance and requires the submission of a revised Plan for Compliance that addresses the deficiencies identified during the review (as outlined in the section that follows), for the written approval of the Board. Further, the Licensee is advised that given the past performance of the Licensee, the revised Plan must be submitted and approved by the Board, prior to the Board accepting and processing the Licensee's water licence renewal Application received on November 27, 2009.

### 1. General Format

EC and INAC commented on the piecemeal format and incompleteness of the Plan for Compliance noting concerns regarding the requirement for a clear plan and implementation schedule for all conditions in the expired Licence as well as issues raised during the public review of the August 2008 application and those of the Inspector's Reports dated August 19, 2009, August 18, 2008 and July 13, 2007. INAC recommended that the Plan for Compliance include a concordance table that references, where applicable, Licence requirements and additional requirements imposed by the NWB.

### 2. Operations and Maintenance Manual

EC and INAC both commented on the need for an Operations and Maintenance Manual in accordance with Part F Item 1 of the Licence, **for all infrastructure currently in use**. Both parties recommended that the Manual be revised to take into consideration any changes in water and waste management practices when necessary. EC recommended that the Licensee submit timelines for submission of Operation and Maintenance plans.

### 3. Soil Remediation Site/Landfarm

INAC commented on a soil remediation site/landfarm that was apparently constructed in 2000. To date, the NWB has not received documentation that would include a minimum of, 1) as-built construction drawings, 2) an operations and maintenance plan, 3) an abandonment and restoration

---

<sup>5</sup> Letter from D. Abernethy, INAC, to R. Dwyer, NWB, Subject: Water License #3BM-CLY0909/TR/B12, Government of Nunavut – Department of Community and Government Services on behalf of the Hamlet of Clyde River, Plan for Compliance, dated February 4, 2010.

<sup>6</sup> Letter from M. Kelly, EC, to R. Dwyer, NWB, Subject: Hamlet of Clyde River – Compliance Plan Review, dated February 4, 2010.

<sup>7</sup> Letter from A. Loder, GN-DOE, to R. Dwyer, NWB, Subject: NWB FILE # 3BM-CLY0909 – Hamlet of Clyde River – Plan for Compliance, dated February 4, 2010.

<sup>8</sup> Letter from D. Hohnstein, NWB, to B. Roy, GN-CGS, and B. Buckle, Hamlet of Clyde River, Subject: Request for Final Response regarding the Plan for Compliance for Water Licence 3BM-CLY0909, dated February 27, 2010.

plan or 4) soil quality or effluent monitoring reports specific to the facility being referenced. INAC recommended that the Plan for Compliance include information concerning the status of the contaminated soil remediation/landfarm facility and that the Hazardous Waste Management Plan, required as part of the Operations and Maintenance Manual, address any operational contaminated soil remediation/landfarm facilities.

#### 4. Sludge Management

EC and INAC commented on the requirements in Part H of the Licence regarding sludge management. EC recommended that the Licensee submit a timeline and plan for the removal and disposal of sludge from the existing lagoon during the planned rehabilitation of the lagoon. INAC noted that Part H, items 6 and 8 of the Licence regarding the requirement for the quantitative and qualitative analyses of removed sludge and methods for its treatment, storage and disposal, should be addressed in a revised Plan for Compliance and in the Operations and Maintenance Plan as specified in Part F, Item(1)(d). INAC also recommended that sludge management procedures include the specific effluent quality characteristics/frequency of detection and trigger values that will be used to determine when sludge removal is necessary.

#### 5. Monitoring Program

EC commented on the Licensee's plan to comply with the monitoring program, noting that the Licence requires a specific suite of parameters to be monitoring three times annually. EC recommended that the Licensee submit a timeline and plan to comply with the requirements of the Licence.

EC also commented on the lack of monitoring data submitted in accordance with Part B Item 1 and Part H Item 3 of the Licence, noting that if data does not exist, the Licensee should state as such.

EC also commented on the requirement for landfill leachate monitoring, in accordance with Part H item 7 of the Licence, recommending when monitoring should begin and the importance of such monitoring to the development of closure and restoration plans for the current landfill site. EC recommended that the Plan for Compliance include a timeline and plan for monitoring at station CLY-2.

#### 6. Quality Assurance / Quality Control Plan

EC noted that a QA/QC plan has not been approved. EC recommended that the Licensee submit a timeline and plan to provide a QA/QC plan. The Board notes that in accordance with Part H Item 13 of the Licence, the QA/QC plan must include a covering letter from the accredited laboratory and analyst, confirming acceptance of the Plan for analyses to be performed under the Licence.

#### 7. Abandonment and Restoration Plan

GN-DOE recommended that the Licensee provide an Abandonment and Restoration Plan for the existing landfill, or provide a timeline for the submission of this Plan.

In response to this letter, the Licensee is requested to review the full submissions from the parties in order to address any other further concerns that have not been identified above. By carrying out the review of the above and addressing the issues identified, the NWB fully expects the Licensee to ensure that any future submission is complete and meets all the requirements of this and previous correspondence regarding the Plan for Compliance.

I would also like to take this opportunity to remind the Licensee that pursuant to section 46 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, although the current Licence, 3BM-CLY0909 has expired (November 13, 2009), the Licensee is not relieved from any obligations imposed by the Licence.

If you require clarification or wish to discuss any of the above information further, please do not hesitate to contact me via email or phone (780) 443-4406, or Richard Dwyer, Licensing Administrator at [licensingadmin@nuavutwaterboard.org](mailto:licensingadmin@nuavutwaterboard.org).

Yours truly,

*Original Signed By:*

David Hohnstein, C.E.T  
Director Technical Services

DH/tla

Cc: Qikiqtani Distribution List  
R. Green, [rgreen@gov.nu.ca](mailto:rgreen@gov.nu.ca)

Encl. Comments received from INAC, EC, and GN-DOE