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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File: 3BM-CLY0909

November 27, 2009

Mr. Bhabesh Roy, M.A.Sc., P.Eng,
Municipal Planning Engineer Baffin Region
Government of Nunavut Community & Government Services
P.O. Box 379
Pond Inlet, NU X0A 0S0

Mr. Bill Buckle
Interim SAO
Hamlet of Clyde River
Box 89
Clyde River, Nunavut X0A 0E0

By Email: broy@gov.nu.ca and saoclyde2005@qiniq.com

Subject: Renewal Application for Water Licence 3BM-CLY0909

Dear Mr. Roy and Mr. Buckle,

The Nunavut Water Board (NWB or Board) acknowledges receipt of your application for renewal of Water Licence 3BM-CLY0909 (Licence) dated October 27, 2009 (Renewal Application). The Renewal Application included the following information:

- Cover letter dated October 27, 2009 to NWB, from Government of Nunavut Community Government Services (GN-CGS). Sub: Renewal Water Licence Application of the Municipality of Clyde River;
- Cheque for water licence application fee of \$30.00;
- Water licence application form signed by the Hamlet of Clyde River's SAO;
- Scanned figure entitled Topographic Map by Trow Associates Inc. for the Government of Nunavut;
- Technical summary in English and Inuktitut;
- 2009 Annual Report; and
- Plan for Compliance, including the following:
 - Document entitled "Hamlet of Clyde River Water Licensed Facilities";
 - Appendix A – Construction Progress Report of Sewage Disposal Facility;
 - Appendix B – Draft Operations and Maintenance Manual for the Wastewater Treatment Facility, Hamlet of Clyde River;
 - Appendix C – Ottawa Lab Instruction Sheets on BOD and TSS;
 - Appendix D – NT-NU Spill Report Form;
 - Appendix E – Government of Nunavut, Community Government & Transportation, Clyde River Solid Waste Facility Siting Study- Final Report, July 8, 2002, prepared by Dillon Consulting Limited;

- Appendix F - Terms of Reference of Trow Associates Inc. on Solid waste Management of the Hamlet of Clyde River;
- Appendix G – Water Testing Log Sheet;
- Appendix H – GN-DOE Water Disinfection Guidelines; and
- Appendix I – GN-DOE Water Quality Management Guidelines.

All documents related to the Renewal Application 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-CLY0909/1%20APPLICATION/2009%20Renewal/>

The NWB notes that the Renewal Application includes the submission of a “Plan for Compliance” submitted in response to Part B, Item 12 of the Licence, which states:

The Licensee shall submit to the Board for approval, within **thirty (30) days** of issuance of this Licence, a Plan for Compliance that clearly demonstrates the measures the Licensee will undertake, including an implementation schedule, to achieve full compliance with the conditions of this Licence, including the issues raised during the public review of the application and those of the Inspector’s Reports.

The reason for this Licence condition was discussed on page 4 of the Licence within the Board’s decision:

The eight month Licence term is intended to provide the Licensee time to take immediate action towards achieving full compliance with all Licence requirements for its existing facilities and to begin and complete the first year’s construction of its Enhanced Sewage Disposal Facility, as part of this process. Upon submission of an application to renew the Licence in approximately five (5) months from the date of this Licence, the Board fully expects the Hamlet to be in compliance with the Licence. As per Part B, Item 12 of the Licence, the Licensee must submit a Plan for Compliance that clearly demonstrates how the Hamlet will achieve full compliance with the Licence conditions during this time period and subsequent licence term(s).

The Licence required the Plan for Compliance to be submitted for Board approval by April 18, 2009.

As the Plan for Compliance was only submitted recently with the Renewal Application, the Board has not had the opportunity to review or approve the Plan for Compliance. Given the importance of this Plan to the renewal process, the NWB has determined that deficiencies in the Plan for Compliance identified through the NWB’s internal preliminary review of the Renewal Application must be addressed before the Renewal Application is determined to be complete.

Specifically, the NWB’s internal preliminary review of the Plan for Compliance finds that the Plan does not satisfy the Licence condition, particularly with regards to plans for immediate action towards

achieving full compliance with all Licence requirements for existing facilities. In addition, specific plans for achieving compliance have not been provided for the following Licence conditions:

- Item B, 1 - Submission of all available data generated under NWB3CLY0308 and subsequent amendment "Monitoring Program" was due April 18, 2009;
- Item E, 4 - As-built plans and drawings of the existing Sewage Disposal Facility;
- Item F, 1 - Operation and Maintenance Manual for existing facilities including the water supply facility, sewage and solid waste facilities, hazardous waste management, sludge management, spill contingency plan, and monitoring program quality assurance/quality control plan, was due May 18, 2009. A draft O&M Manual for the Wastewater Treatment Facility was submitted as part of the renewal application. This O&M Manual does not address the Solid Waste Facility; Hazardous Waste Management; or the Water Supply Facility. The draft O&M Manual requires finalization and Board approval.
- Item F, 6 - Revised final Spill Response Plan for Aggregate Deposits was due prior to construction or procurement of construction materials from the quarry;
- Item F, 8 - Geotechnical Inspection Report was due October 31, 2009;
- Item H, 3 - Water quality monitoring results at Monitoring Program Station CLY-4 (Effluent discharge from the existing Sewage Disposal Facility) to be included in the annual report;
- Item H, 5 - Measured monthly and annual quantities of effluent discharged to be included in annual report;
- Item H, 6 - The annual quantities of sludge removed from the Sewage Disposal Facility along with the methods of treatment, storage and disposal provided to be included in annual report;
- Item H, 7 - Water quality monitoring results at Monitoring Program Station CLY-2 (runoff from the solid waste disposal facilities) and CLY-13 (runoff from the quarry site) to be included in annual report;
- Item H, 8 - Sludge analysis results to be included in annual report; and
- Item H, 13 - Quality Assurance/ Quality Control Plan approved by an analyst.

The Plan for Compliance is expected to provide clear linkages demonstrating how the proposed actions of the Plan will address specific Licence requirements and issues identified by the Inspector in inspection reports. These linkages are not provided in the current Plan, which is comprised of a number of appendices containing disconnected information and standard forms/guidelines. The Plan must also provide adequate detail and firm schedules for implementing proposed actions.

It is also noted that the Renewal Application contemplates a new Solid Waste Disposal Facility. The Licensee is advised that such a proposal requires a combined renewal/amendment to the existing Licence. To apply for a Licence amendment, the Licensee must provide written confirmation from the NPC and NIRB confirming whether or not the amendment requires an NPC conformity determination and NIRB screening decision. This is required by the NWB prior to processing an amendment application.

In addition, the electronic information provided in Appendix E of the Plan for Compliance regarding the proposed Solid Waste Disposal Facility includes a number of figures which have not reproduced legibly in the scanned document. Scanned documents are the least desirable form of submission. Converted pdf files from the original versions of these figures are required.

The Board will not proceed with processing the Renewal Application until a satisfactory response to the above issues is provided by the Licensee.

Finally, the NWB notes that the Licence expired on November 13, 2009. The NWB reminds the Licensee of its responsibility, pursuant to section 46 of the *Nunavut Waters and Nunavut Surface Rights*

Tribunal Act, that the expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence.

Should you have any questions please do not hesitate to contact me at dts@nunavutwaterboard.org or 780-443-4406

Yours truly,

Original signed by:

David Hohnstein, C.E.T.
Director Technical Services

DH/tla

Cc: R. Green, Director GN-CGS
Ian Rumbolt, INAC Water Resources Office