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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File No.: **3BM-PON0409**

September 27, 2007

Mr. David Qamaniq, Mayor
Municipality of Pond Inlet
P.O. Box 120
Pond Inlet, NU X0A 0S0

RE: AMENDMENT No. 1 TO NWB LICENCE No. 3BM-PON0409

Dear Mr. Qamaniq:

Please find attached Amendment #1 to Licence No. **3BM-PON0409**, issued to the Hamlet of Pond Inlet by the Nunavut Water Board (**Motion #: 2007-11-9**) pursuant to its authority under Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*. The terms and conditions of the attached Licence related to water use and waste disposal are an integral part of this approval.

If the Licensee contemplates the renewal of this Licence, it is the responsibility of the Licensee to apply to the NWB for its renewal. 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. Note that 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. However, the expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence. The NWB recommends that an application for the renewal of this Licence be filed at least three months prior to the Licence expiry date.

If the Licensee contemplates or requires an amendment to this licence, the NWB may decide, in the public interest, to hold a public hearing. The Licensee should submit applications for amendment as soon as possible to give the NWB sufficient time to go through the amendment

process. The process and timing may vary depending on the scope of the Amendment. However, a minimum of 30 days is required from time of acceptance by the NWB. It is the responsibility of the Licensee to ensure that all application materials have been received and acknowledged by the Manager of Licensing.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Kabloona', with a horizontal line extending to the right.

Thomas Kabloona
A/Chief Executive Officer

TK/ajw/pb

Enclosure: Amendment 1 to Licence No. **3BM-PON0409**

Cc: Jim Rogers, INAC
Peter Kusugak, INAC
Andrew Keim, INAC
Colette Spagnuolo, INAC
Erin Calder, NWMB
Carson Gillis, NTI
Salamonie Shoo, QIA
Paul Savoie, DFO
Cindy Parker, EC
Earle Baddaloo, GN-DOE
John Dawe, GN
Leslie Payette, NIRB
Bhabesh Roy, GN

DECISION LICENCE AMENDMENT No. 1

Licensee:	Hamlet of Pond Inlet
Licence Number	3BM-PON0409
Date of Licence:	May 9, 2007
Effective Date of Amendment No.1:	September 27, 2007

LICENCE NUMBER: 3BM-PON0409

This is the decision of the Nunavut Water Board (NWB) with respect to an application for amendment dated June 12th, 2007 made by the:

HAMLET OF POND INLET


to allow for upgrades to the Solid Waste Disposal Facilities currently utilized by the Hamlet of Pond Inlet, by the construction of a Landfarm Facility designed to biologically treat petroleum hydrocarbon-impacted soils, in a manner described by the Applicant in the Application for Licence Amendment filed with the NWB.

After having been satisfied that the application was exempt from the requirement for screening by the Nunavut Impact Review Board in accordance with Schedule 12.1, Paragraph 5 of the *Nunavut Land Claim Agreement* (NLCA), the NWB decided that the application could proceed through the regulatory process. In accordance with S.55.1 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA) and Article 13 of the *NLCA*, public notice of the application was given and interested persons were invited to make representations to the NWB.

After reviewing the submission of the Applicant and written representations made by interested persons, 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 *NLCA* and of the *NWNSRTA*, decided to waive the requirement to hold a public hearing and determined that:

Amendment 1 to Licence Number 3BM-PON0409 be issued subject to the terms and conditions contained therein. (Motion #: 2007-11-9). All remaining terms and conditions of the Licence remain in force.

SIGNED this 27th day of September, 2007 at Gjoa Haven, NU.



Thomas Kabloona
A/Chief Executive Officer

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I. PROCEDURAL HISTORY

On June 12th, 2007, an application to amend the Hamlet of Pond Inlet's current water licence was filed with the NWB, for the purpose of construction and operation of a Landfarm facility. This facility is to be utilized by the Hamlet of Pond Inlet and is designed to biologically treat petroleum hydrocarbon-impacted soils in an area adjacent to the Solid Waste Disposal Facilities currently utilized by the Hamlet.

The Licence issued on January 14th, 2004 is amended to include the following terms and conditions to allow the Hamlet of Pond Inlet to undertake construction of a Landfarm Facility as described in the application documents.

II INTERVENOR COMMENTS

Recommendations relevant to wastewater treatment and solid waste disposal operations in the Hamlet were provided by the Department of Environment (GN) and Environment Canada. Both the Department of Environment (GN) and Environment Canada provided specific guidance regarding the construction, operation and maintenance of the Landfarm Facility, and provided the NWB with specific recommendations regarding facility monitoring and effluent discharge criteria. Environment Canada noted the Hamlet must ensure that any effluent discharge be in compliance with Section 36(3) of the *Fisheries Act*, which states that the deposition of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water, is prohibited.

The Board concurs with these recommendations, which are reflected in the terms and conditions of the Water Licence.

AMENDMENT NO.1 TO LICENCE 3BM-PON0409

Effective Date September 25, 2007

PART A: SCOPE, DEFINITIONS AND ENFORCEMENT

Amend **"Solid Waste Disposal Facility"** comprises the area and associated structures designed to contain solid waste as described in the Application for Water Licence filed by the Applicant on January 20, 2003 and illustrated in Drawing No. 2002-1000-055, and including a Landfarm

Facility as described in the Application for Amendment to a Water Licence filed by the Applicant on June 12th, 2007 and illustrated in "Pond Inlet Landfarm Detail: DWG 102 (GN Project #07-7400-1000/May 2007).

Insert **"Landfarm Facility"** means an area designed to biologically treat petroleum hydrocarbon-impacted soil, as described in the Application for Amendment to a Water Licence filed by the Applicant on June 12th, 2007 and illustrated in the Drawings entitled "Pond Inlet Landfarm Detail: DWG 102 (GN Project #07-7400-1000/May 2007).

Insert **"Petroleum Hydrocarbon-Impacted Soil"** means soil in which the primary petroleum product present, as determined by laboratory analysis consistent with that described in the *Canada-Wide Standards for Petroleum Hydrocarbons in Soil*, consists of fuel oil and/or diesel fuel and/or gasoline and/or jet fuel.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

Amend Item 4 The Licensee shall provide notice to an Inspector at least ten (10) days prior to initiating any decant of the sewage lagoon or the discharge of treated effluent from the Landfarm Facility.

Insert Item 8 All effluent discharged from the Landfarm Facility at Monitoring Station PON-8 shall meet the following wastewater discharge criteria prior to being released:

Parameter	Maximum Allowable Concentration (µg/L)
pH	6 to 9
Oil and Grease	5000
Arsenic (total)	100
Cadmium (dissolved)	10
Chromium (dissolved)	100
Cobalt (dissolved)	50
Copper (dissolved)	200
Lead (dissolved)	1
Mercury (total)	0.6
Nickel (dissolved)	200
PCB (total)	1000
Phenols	20

Parameter	Maximum Allowable Concentration (µg/L)
Zinc (total)	500
Benzene	370
Toluene	2
Xylene	90

Insert Item 9 The Licensee shall ensure that any effluent released from Monitoring Station PON-8 be demonstrated to be Not Acutely Toxic, in accordance with Part H, Item 12.

Insert Item 10 The Licensee shall, prior to the removal of any treated soil from the Landfarm Facility, confirm with the Government of Nunavut Environmental Protection Service that the soils have been treated so as to meet all legislatively-required Soil Quality Remediation Objectives (SQROs).

PART F: CONDITIONS APPLYING TO OPERATIONS AND MAINTENANCE

Insert Item 5 The Licensee shall submit to the Board for approval within ninety (90) days of issuance of the Licence Amendment, an "Operations and Maintenance (O&M) Plan for the Hamlet of Pond Inlet Landfarm Facility", taking into consideration at a minimum, the comments received during the application review process and any necessary changes to be consistent with this Licence.

Insert Item 6 If the Plan referred to in Part F, Item 5 is not approved, the Licensee shall make the necessary revisions and resubmit the Plan within thirty (30) days following notification from the Board.

Insert Item 7 The Licensee shall implement the Plan specified in Part F, Item 5 as and when approved by the Board.

Insert Item 8 The Licensee shall direct appropriately-characterized hydrocarbon-impacted soil to the Landfarm Facility, which shall be constructed and operated in such a manner as described in the Application for Amendment to a Water Licence filed by the Applicant on June 12th, 2007.

Insert Item 9 The Licensee shall ensure that all effluent discharged from the Landfarm Facility is carried out in such a manner as to minimize surface erosion, and is to the satisfaction of an Inspector.

PART H: CONDITIONS APPLYING TO THE MONITORING PROGRAM

Amend Item 1: The Monitoring Stations in this Part shall be amended to include the following:

Monitoring Program Station	Description
PON-6	Monitoring well located up gradient of the Landfarm Facility
PON-7	Monitoring well located down gradient of the Landfarm Facility
PON-8	Discharge from the Landfarm Facility at the controlled point of release

Insert Item 12 The Licensee shall conduct toxicity testing on the water contained in the Landfarm Facility collection sump prior to any discharge from Monitoring Station PON-8, in accordance with the following test procedures:

- i. Acute lethality to Rainbow Trout, *Oncorhynchus mykiss* (as per Environment Canada's Environmental Protection Series Biological Test Method EPS/1/RM/13); and
- ii. Acute lethality to the crustacean, *Daphnia magna* (as per Environment Canada's Environmental Protection Series Biological Test Method EPS/1/RM/14).

Insert Item 13 The Licensee shall install groundwater monitoring wells at the Solid Waste Disposal Facilities and the Landfarm Facility. These wells shall be located with at least one located upstream of the facilities for background data collection and at least one downstream of the landfill and one downstream of the metals dump.

Insert Item 14

The Licensee shall sample at Monitoring Program Stations PON-6 and PON-7 once annually in the summer, giving consideration to adequate ground thaw and obtaining a representative groundwater sample. Samples shall be analyzed for the following parameters:

BOD	Faecal Coliforms
pH	Conductivity
Total	Suspended Solids
Nitrate-Nitrite	Ammonia Nitrogen
Total Phenols	Oil and Grease
Total Hardness	Total Alkalinity
Magnesium	Calcium
Sodium	Potassium
Total Arsenic	Sulphate
Total Copper	Total Cadmium
Total Iron	Total Chromium
Total Mercury	Total Lead
TPH (Total Petroleum Hydrocarbons)	Total Nickel
PAH (Polycyclic Aromatic Hydrocarbons)	
BTEX (Benzene, Toluene, Ethylbenzene, Xylene)	

Insert Item 15

The Licensee shall sample at Monitoring Station PON-8 prior to any discharge of treated effluent from the Landfarm Facility. Samples shall be analyzed for all parameters outlined in Part H, Item 14.