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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File: 3BM-RES1520 / Amendment No. 1

August 2, 2016

Angela Idlout
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RE: 3BM-RES1520, Type “B” – Amendment No. 1

Dear Ms. Idlout and Mr. Roy:

Please find attached, **Amendment No. 1** to Type “B” Water **Licence No. 3BM-RES1520**, issued to the Hamlet of Resolute Bay by the Nunavut Water Board (NWB) under **Motion 2016-B1-008** 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* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*. The terms and conditions of the original Licence as they related to Waste disposal, remain an integral part of this approval.

The NWB strongly recommends that the Licensee consult the comments and/or recommendations received from Indigenous and Northern Affairs Canada (INAC). This information is attached for your consideration.¹

Sincerely,

Thomas Kabloona

Nunavut Water Board, Chair
TK/sj/vk

Enclosure: **Licence No. 3BM-RES1520 – Amendment No. 1**
Comments – INAC

Cc: Qikiqtani Distribution List

¹ Indigenous and Northern Affairs Canada (INAC), June 27, 2016.

Background

On June 17, 2015, the NWB issued a renewed water licence, Licence No. 3BM-RES1520, to the Hamlet of Resolute Bay (Hamlet) to allow for the deposit of specific waste types generated by the Hamlet, at two non-engineered waste disposal facilities, a domestic waste site, and a bulky metal waste site. The scope of the Licence excluded potable water withdrawal and use and the use of an existing, Unused Dump Site (UDS) constructed in 2001.

Due to construction activities currently occurring within the Hamlet and the capacity issues at the two non-engineered waste disposal sites currently used, the Licensee anticipates that it will require use of the Unused Dump Site, in the coming months, for the storage/disposal of construction waste until a new solid waste disposal facility is designed, licenced, and constructed. To include the Unused Dump Site as part of the scope of Licence No. 3BM-RES1520, the Government of Nunavut – Community and Government Services (GN-CGS), on behalf of the Hamlet of Resolute Bay, submitted an application to the NWB to amend the Licence. The application included the following documents:

March 18, 2016 Submission

- Draft Dump Site Investigation Document;
- CGS Letter;
- Signed Page for Amendment Application;
- Solid Waste Metals Operation & Maintenance Plan;
- Technical Specification Metal Dump Site English and Inuktitut; and
- Water Licence Amendment Application.

May 17, 2016 Submission

- Water Licence Amendment Application;
- Amendment No. I Correspondence;
- April 20, 2016 Correspondence Regarding Amendment Application;
- Dump Site Investigation Document;
- QA / QC Plan; and
- Waste Site QA QC Plan May 1, 2016.

July 12, 2016 Submission

- Spill Contingency Plan, Resolute Bay Metal Waste (2001) Site, revised July 2016;
- GN-CGS's Response to AANDC's Comments; and
- Hamlet of Resolute Bay Metal Waste Site (Next to Resolute Bay Airport Sewage Lagoon) Quality Assurance/Quality Control Plan, revised July 2016.

Following receipt and a preliminary internal review of the application and the submission of additional information by the Licensee, the NWB distributed the application on May 27, 2016 for a thirty (30)-day comment period with the deadline for submission set for June 27, 2016. On or before the comment deadline elapsed, a submission was received from Indigenous and Northern Affairs Canada (INAC). INAC made several comments and/or recommendations in its submission including the following topics:

- monitoring of runoff associated with the 2001 site and setting of criteria for parameters monitored;

- verification of inconsistencies between the monitoring requirements of the amended licence and that contained in the QA/QC plan;
- monitoring station that should be proposed for inclusion under Part H of the amended licence, inclusion of final geographic coordinates for the monitoring stations in the QA/QC plan, and notifications regarding the locations of the monitoring stations within thirty (30) days of the first sampling event;
- consultation with the inspector to ensure that the locations of the monitoring stations are effective;
- updates to the A&R plan to include the existing bulky waste metal facility covered under the current licence and the Metal Dump Site under the amendment;
- ensuring that leachate does not migrate out of the Metal Dump Site proposed for use given that the facility is unlined; and
- submission of a stand-alone Spill Contingency Plan (SCP) to ensure ease of use in the event of a spill;

In response to INAC comments, the GN-CGS provided on July 12, 2016, a stand-alone Spill Contingency Plan (SCP), a revised Quality Assurance / Quality Control (QA/QC) Plan, and additional responses to INAC's comments and recommendations. The NWB took into consideration the submissions provided by both INAC and the GN-CGS in amending the relevant terms and conditions of the Licence.

With respect to pre-licensing issues, the Nunavut Planning Commission (NPC) issued on March 16, 2016 its determination, which states that the project proposal conforms to the North Baffin Regional Land Use Plan (NBRLUP). Further, the NPC confirmed that the proposal did not require screening by the Nunavut Impact Review Board (NIRB) because it belongs to the class of works and activities set out in Schedule 12-1 of the NLCA. The NPC also confirmed that it does not have any concerns regarding cumulative impacts of the project proposal.

Decision

While the Board authorizes, with issuance of this Amendment, Amendment No.1 to Licence No 3BM-RES1520, the use of the Unused Dump Site for the disposal or storage of non-hazardous waste, the Licensee should note that the Board has significant concerns regarding the fact that the facility was constructed without initial authorization from the NWB. Therefore, the Board's approval use of this facility should in no way be interpreted as approval of the constructed facility subsequent to construction. The Licensee is advised that approval of any facility pertaining to the Board's mandate must be obtained prior to commencement of construction activities.

LICENCE AMENDMENT No. 1

Licensee:	Hamlet of Resolute Bay
Licence No:	3BM-RES1520, Type “B”
Licence Issued:	June 17, 2015
Amendment Effective Date:	August 2, 2016
Expiry Date:	March 29, 2020

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* and the *Nunavut Waters and the Nunavut Surface Rights Tribunal Act*, with respect to an application, dated March 24, 2016, for Amendment No.1 to Licence No. 3BM-RES1520, made by the Government of Nunavut – Community and Government Services (GN-CGS) on behalf of the Hamlet of Resolute Bay, the Nunavut Water Board (“NWB” or “Board”) hereby grants the following Licence amendment.

The Licence issued on June 17, 2015 with an expiry date of March 29, 2020, shall be further amended to include the following terms and conditions, with respect to the deposit of Waste for a Municipal undertaking within the boundaries of the Hamlet of Resolute Bay, in the Qikiqtani Region, Nunavut.

The Licence shall be amended as follows:

PART A: SCOPE, DEFINITIONS AND ENFORCEMENT

Item 2

Inserted:

“Unused Dump Site (UDS)” – Refers to the dump site constructed in 2001 without authorization from the NWB, which will be used in the to store non-hazardous waste including construction, demolition, and metal waste until a new licensed facility is constructed and commissioned.

Amended to read:

“Solid Waste Facilities” comprises the area and associated structures for the containment of solid Waste as described in the Application for Water Licence renewal and associated documents filed by the Applicant on March 25, 2014, as well as the Unused Dump Site included under the subsequent amendment application (Amendment No.1) filed with the Board on March 17, 2016;

PART C: CONDITIONS APPLYING TO WATER USE

Item 1 Amended to read:

No use of Water is authorized under the Licence and associated amendment except for sampling purposes.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

Inserted Item 5:

The Licensee is authorized to deposit non-hazardous waste generated from construction activities at the Unused Dump Site constructed in 2001 or as otherwise approved by the Board in Writing.

Inserted Item 6:

The Licensee is not allowed to store and/or dispose of, at the facility included under this Amendment, contaminated soil generated by any works, activities or undertaking related or unrelated to the Licence and Amendment.

PART F: CONDITIONS APPLYING TO OPERATION AND MAINTENANCE

Inserted Item 9:

The Board has approved, with the issuance of Amendment No.1 to Licence No. 3BM-RES1520, the Plan entitled *Solid Waste (Metals) Operation and Maintenance Plan*, dated March 2016.

Inserted Item 10:

The Board has approved with the issuance of Amendment No.1 to Licence No. 3BM-RES1520 the Plan entitled *Spill Contingency Plan Resolute Bay Metal Waste (2001) Site*, revised July 2016.

Inserted Item 11:

The Licensee shall, within thirty (30) days of issuance of this Amendment, update the plan approved in Part F, Item 10 to address or include the following:

- Copy of the NT-NU Spill Report Form.
- Undated contact information for INAC

PART G: CONDITIONS APPLYING TO ABANDONMENT, RESTORATION OR TEMPORARY CLOSING

Inserted Item 8:

The Licensee shall, within ninety (90) days of issuance of Amendment No.1 to Licence No. 3BM-RES1520, submit to the Board for acceptance, an updated version of the Plan approved under Part G, Item 1 that addresses closure and reclamation requirements for all facilities, including the Unused Dump Site, authorized under this Amendment.

PART H: CONDITIONS APPLYING TO MONITORING PROGRAM

Item 1 Amended to read:

The Licensee shall maintain Monitoring Program Stations at the following location:

Monitoring Station ID	Description	Frequency	Status
1571-5	Runoff from the Solid Waste Facilities	Monthly, during periods of flow	Active (Quality)
RES-1	Up gradient of UDS		
RES-2	Down-gradient of UDS		
RES-3	Down-gradient of the UDS		

Item 4 Amended to read:

The Licensee shall sample, monthly, Monitoring Stations RES-1, RES-2, RES-3 and any runoff or discharges associated with Monitoring Station 1571-5. Samples obtained from the afore-mentioned Monitoring stations shall be analyzed for the following parameters:

Biological Oxygen Demand (BOD5)	Fecal Coliforms
Polycyclic Aromatic Hydrocarbons (PAHs)	pH
Benzene, Toluene, Ethyl benzene and Xylene (BTEX)	Total Phenols
Carbonaceous Biochemical Oxygen Demand (cBOD)	Conductivity
Total Organic Carbon (TOC)	Total Zinc
Total Suspended Solids	Oil and Grease (visual)
Nitrate-Nitrite	Ammonia Nitrogen
Chloride	Sulphate
Sodium	Potassium
Magnesium	Calcium
Total Hardness	Total Alkalinity
Total Arsenic	Total Aluminum
Total Cadmium	Total Chromium
Total Cobalt	Total Iron
Total Copper	Total Manganese
Total Lead	Total Nickel

Total Mercury

Item 5 Amended to read:

The Licensee shall submit to the Board for review, within ninety (90) days of issuance of this Amendment, an updated Quality Assurance/Quality Control Plan based on the *Guidelines for Use by Class “B” Licensees in Collecting Representative Water Samples in the Field and for Submission of a QAQC Plan* (INAC, 1996). The Plan shall address QA/QC requirements for all facilities under the Licence and shall include a cover letter from an accredited laboratory confirming acceptance of the Plan for the monitoring and analyses to be performed in accordance with the Licence.”

All remaining terms and conditions of the Licence No. 3BM-RES1520, Type ‘B’, dated June 17, 2015, still apply.

This Amendment, Amendment No. 1 to Licence No. 3BM-RES1520, was issued and recorded at Gjoa Haven, NU on **August 2, 2016**.

Approved by,

Thomas Kabloona
Nunavut Water Board, Chair