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Nunalingni Kavamatkunillu Pivikhaqautikkut
Department of Community and Government Services
Ministère des Services communautaires et gouvernementaux

July 12, 2012

Honourable John Duncan
Minister, Aboriginal Affairs and Northern Development Canada
Executive Offices,
10 Wellington Street
Gatineau Quebec K1A 0H4

Dear Minister Duncan,

Attached is an Inspector's Direction under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and covering letter, recently delivered to me as the Minister responsible for Community and Government Services of the Government of Nunavut (GN). Pursuant to Section 87.3 of that Act, I am requesting that the inspector's order be altered or revoked for the reasons set out below.

The Government of Nunavut is not the proper party

Most water licences in Nunavut are issued to the respective municipalities. The GN alone cannot fix the noncompliance issues with water licences.

Progress is underway

The GN is aware of concerns with noncompliance issues regarding water licenses and is at present working with municipalities on various solutions to best mitigate these concerns. GN Community and Government Services (CGS) has also been working over the last number of years with Aboriginal Affairs Northern Development Canada (AANDC) Nunavut Water Board (NWB) and other related parties to address operational, aging infrastructure and human capacities issues to bring municipalities in compliance with all aspects of their water licenses.

Municipalities, with the help of the working group, have undertaken actions to address some noncompliance issues with municipal water licenses:

- The GN investment of over \$185 million in upgrading municipal water and waste management facilities is underway;



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- A working group (The Water Monitoring Committee) has been formed to work with the regional staff to provide support to communities in complying with their licenses.
- Annual reports were submitted by all municipalities in 2011.

During various meetings between CGS, NWB and AANDC, it was agreed that the GN, Municipalities, NWB and AANDC need to work together to develop solutions to assist municipalities in resolving the ongoing compliance issues with their water licenses.

Based on a recent study on best practices for managing municipal waste sites for all communities, the infrastructure requirement alone to bring all 25 communities into compliance will exceed \$500 million dollars. Within the GN's limited capital program and in balance with all other competing Government priorities, CGS is helping municipalities address aging water and waste management infrastructure needs over time.

We are grateful for the funding that Canada contributes through the Gas Tax program. While these funds are strictly directed towards water, wastewater and solid waste infrastructure improvements; these funds alone are not sufficient to address all needs in one fiscal period to immediately meet all compliance requirements.

CGS has also partnered with Dalhousie University to conduct long-term studies, which include risk assessment, to better understand the capability of Nunavut's wastewater facility and methods which can enhance their effectiveness.

Over the past 24 months, we have been actively working with our communities and with your officials at AANDC in Iqaluit to cooperatively and collaboratively develop options to solve these long standing issues of non compliance.

Over the past 2 summers we have also assigned department staff to accompany and assist your water inspectors during their site visits to ensure that our communities better understand their requirements in managing water and waste management programs.



While we have challenges both fiscally and with capacity, municipalities have been making improvements in addressing noncompliance issues with water licenses. The pace of progress may not be fast enough for some; it is nonetheless progress in the right direction.

Events leading up to the direction

In his covering letter, the inspector sets out some of the events leading up to the issuance of his direction. The last two events set out there are significant: the GN submitted a Compliance Plan, which was rejected. The GN expressed an intention to provide all necessary information, and asked for a template of the kind of document the inspector required. Instead of cooperating, the inspector issued the direction, knowing perfectly well that 30 days is an impractical window for compliance.

No scientific support for allegations in the direction

The inspector's assessment leads the reader to assume a much larger risk than is scientifically, or independently verifiable. For instance, to state "Currently a health risk exists to the community as during sampling Char were noted feeding in the outfall stream adjacent to the community", is principally wrong. First, no evidence that the effluent being discharged from the outfall was beyond the requirements of the license. In fact, lab tests of the effluent taken by the AANDC inspector on site have shown that the effluent quality was well within the standards specified for every parameter in the water license. The conclusion of a "health risk" stated by the inspector is not supported by the evidence. Statements such as these by the inspector are solely his unscientific and unsubstantiated views and should have no place in an inspection report. This provides an inaccurate and sensationalistic view of the present situation in the community and leads community members to have concerns when no credible risk exists.

The language used in the report to describe the open-ended observations are often misinterpreted by other readers resulting in fear mongering in communities due to the potential health and safety issues to human health and the environment from these observations. Without quantifying the risks of observations the potential harm that these observations may pose to human health and the environment in the inspection reports, the reader will continue to misinterpret the observations reported in water license reports.



Fining the GN is counterproductive

While the prospect of \$100,000 incident fines accumulating at the rate of \$3 million dollars a month catches attention, it would only add to Nunavut's fiscal and infrastructure challenges and would further restrict progress on compliance.

For the reasons set out above, I respectfully request that you revoke the attached Inspector's Direction on this matter and direct AANDC staff to return to working cooperatively with my officials to facilitate progress and improvements in this matter.

Sincerely,

Lorne Kusugak,
Minister

Cc: Eva Ariak, Premier
Leona Aglukkaq, Member of Parliament
Dionne Filiatrault, NWB
Peter Workman, GN-HSS
Robin Aitken, AANDC