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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File No.: **3BC-FOH0919**

September 23, 2009

Major A. Cameron
North Warning System Office
c/o National Defence Headquarters
101 Colonel By Drive
Ottawa, ON K1A 0K2
Email: Cameron.AD@forces.gc.ca

RE: NWB Licence No. 3BC-FOH0919

Dear Major Cameron,

Please find attached Licence No. **3BC-FOH0919** issued to the Government of Canada, Department of National Defence by the Nunavut Water Board (NWB) 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* (NLCA) and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA). 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 (3) 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 sixty (60) 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.

The NWB notes that both the Government of Canada and the Government of the Nunavut are signatories to the Canada-Wide Standards for Dioxins and Furans and Mercury Emissions. The Licensee should be aware that Environment Canada (EC) is developing a Technical Document for Batch Waste Incinerators. The technical aspects of the document focus on appropriate incineration equipment and best management practices required to achieve the Canada-Wide Standards for dioxins, furans and mercury. The Licensee should also be aware from EC's comment that any substances listed on schedule 1 of Canadian Environmental Protection Act (List of Toxic Substances) are required to have an Environmental Emergency Plan (EEP). If the Licensee has identified that any of these substances will be a part of the project, then it is suggested that an EEP be submitted for review. The NWB strongly recommends that the Licensee consult the comments received by interested persons on issues identified. This information is attached for your consideration.¹.

Sincerely,



Thomas Kabloona
Nunavut Water Board
Chair

TK/dc/tla

Enclosure:

Licence No. **3BC-FOH0919**
Comments

cc: Distribution – Qikiqtani

¹ Environment Canada (EC), August 28, 2009; Government of Nunavut – Department of Culture, Language, Elders and Youth (GN-CLEY), August 28, 2009; and Indian and Northern Affairs Canada, February 25, 2009 and May 29, 2009.

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DECISION

LICENCE NUMBER: 3BC-FOH0919

This is the decision of the Nunavut Water Board (NWB) with respect to an application dated July 30, 2009 for a renewal of a Water Licence made by:

GOVERNMENT OF CANADA, DEPARTMENT OF NATIONAL DEFENCE

to allow for the disposal of waste during operation and maintenance of the FOX-M Long Range Radar Station and Logistics Support Site located on Melville Peninsula within the Qikiqtani Region, Nunavut generally located at the geographical coordinates as follows:

Latitude: 68° 45' 35"N Longitude: 81° 11' 41"W

DECISION

After having been satisfied that the application was for a location within an area in which there is no valid Land Use Plan and subject to an October 16, 2003 12.4.4(a) Screening Decision by the Nunavut Impact Review Board in accordance with Article 12 of the *Nunavut Land Claims 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 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*, waived the requirement to hold a public hearing, and determined that:

Licence Number 3BC-FOH0919 be issued subject to the terms and conditions contained therein. (Motion #: 2009-10-07)

SIGNED this 10th day of September 2009 at Gjoa Haven, NU.



Thomas Kabloona
Nunavut Water Board
Chair

TK/dc/tla

LICENCE NUMBER: 3BC-FOH0919

I. INTRODUCTION

The FOX-M Long Range Radar and Logistics Support Site (FOX-M) is located 3 km south of the community of Hall Beach. It is the operational and administrative centre for other auxiliary stations.

FOX-M is at an elevation of 5 m above sea level. It is surrounded by the ocean to the east and numerous lakes to the west, the largest of which is Hall Lake approximately 32 km to the west.

Water is pumped from a man-made reservoir located 540 metres to the west into water tanks on-site. The reservoir is owned and operated by the Hamlet of Hall Beach.

Sewage and Greywater are treated on-site using a Cycle-let® tertiary wastewater treatment system.

Non-hazardous solid waste is disposed of at the Hall Beach landfill. Hazardous waste is backhauled outside of Nunavut.

The site is currently planned to operate until at least 2030. There is no abandonment or restoration plan at this time.

II. PROCEDURAL HISTORY

On August 20, 2003, Nasittuq Corporation submitted a new application on behalf of the North Warning System Office, Department of National Defence (Licensee or DND) for a water licence for water use and waste disposal activities during operations at FOX-M. In accordance with the NWNSRTA S. 55.1 and Article 13 of the NLCA, public notice of the application was posted. No public concerns were expressed, and after reviewing the submission of the Applicant and written comments expressed by interested parties, the NWB on June 24, 2004 issued Licence No. NWB6FOH0409 (3BC-FOH0409).

On April 13, 2006, the Licensee submitted an application for amendment to allow the release of Effluent from lead paint removal activities. Amendment No. 1 to 3BC-FOH0409 was issued by the NWB on July 13, 2006 for the release of treated wastewater.

On May 13, 2009 the NWB received an application to extend the expiry of the Licence until September 1, 2009. This amendment was approved on June 12, 2009.

A renewal application and supplemental information was received on July 30, 2009. Following a 30 day public review period, and reviewing all submissions, the renewed Licence 3BC-FOH0919 has been issued.

III. GENERAL CONSIDERATIONS

The following section outlines the issues identified by the NWB and raised by interested parties. It provides the background on the terms and conditions imposed within the body of the licence.

A. Term of Licence

In accordance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* s. 45, the NWB may issue a licence for a term not exceeding twenty-five years. In determining an appropriate term of a water licence, the Board considers a number of factors including, but not limited to; the results of INAC site inspections and the corresponding compliance record of the Applicant, as well as intervener comments provided during the application review process. In review of the comments received, the NWB has noted that there were no concerns expressed with respect to the requested licence term of ten (10) years as proposed by the Applicant. In review of the information available during the renewal process, the NWB concurs with the Applicant that a Licence term of approximately ten (10) years is appropriate.

The licence duration will allow the Licensee to properly carry out the terms and conditions of the licence and will ensure that sufficient time is given to submit and implement the plans required under the licence.

B. Annual Reporting

The NWB has imposed on the Licensee, the requirement to produce an Annual Report. These Reports are for the purpose of ensuring that the NWB has an accurate annual update of the Licensee's activities related to water use and waste disposal during a calendar year. This information is maintained on the Public Registry and is available to interested parties upon request. A "*Standardized Form for Annual Reporting*" is to be used by the Licensee and is available from the NWB file transfer protocol (FTP) site under the Public Registry link at the NWB Website.

Website Public Registry:

(<ftp://nunavutwaterboard.org/ADMINISTRATION/Standardized%20Forms/>).

This form provides the basis for annual reporting and format, however individual licences with project specific reporting requirements will need to provide information in addition to that of the standard form. The NWB notes that the format of the 2008 Annual Report submitted by the Licensee is acceptable.

C. Water Use

The Licensee draws water from a man-made water reservoir that is owned and operated by the Hamlet of Hall Beach. As no water is drawn directly from a natural source by the Licensee, the NWB has removed the maximum water use limit of ten (10) m³ per day and other conditions regulating water use. However, the NWB still requires, for record keeping purposes, that the

Licensee monitor its water intake from the reservoir in accordance with the Monitoring Program.

D. Waste Disposal

Sewage Waste

Previous Annual Reports confirm that the Sewage Treatment Facility is performing satisfactorily and the Licensee is encouraged to maintain current recycling and treatment levels. Effluent quality limits for Monitoring Station FOH-2 are detailed under Part D, Item 9. Specific Effluent quality limits have been included in the renewal for consistency with other similar Licenses approved by the NWB.

Solid waste

The proponent indicated in the renewal application that non-hazardous, noncombustible waste is disposed of in the Hall Beach landfill. The proponent is reminded of the condition under Part D, item 5 which requires that the Licensee provide to the Board documented authorization from all communities receiving wastes from the project prior to any backhauling of wastes to those communities.

E. Spill Contingency Plan

The Board requires within sixty (60) days of Licence issuance, a revision of the site specific Plan entitled “Spill Contingency Plan for FOX-M (Hall Beach, Nunavut)” dated November 25, 2008. The revision shall address issues raised under Part G, Item 1.

In its comments, EC also reminded DND of the new regulations for Storage Tank System for Petroleum and Allied Petroleum Products which came into force on June 12, 2008. These regulations apply to all outside aboveground, underground and partially buried storage tank systems containing petroleum and allied petroleum products, except above-ground storage tank systems that have a capacity of 2,500 L or less and that are connected to a heating appliance or emergency generator.

Given the large amount of fuel to be stored on site, EC recommended the use of secondary containment with an impervious liner, such as self-supporting insta-berms, for storage of all barreled fuel rather than relying on natural depressions to contain spills. The NWB agrees and has included EC’s recommendation as a condition under Part G, item 4. With the possibility of water accumulating within the bermed area, the NWB has included Effluent discharge limits for release of water from the fuel storage area.

F. Abandonment and Restoration Plan

To ensure that all existing end-of-life facilities are reclaimed in an appropriate manner, the NWB requires Licensees to submit an *Abandonment and Restoration Plan* (A&R Plan). This Plan is to be submitted at least six (6) months prior to the closure of the Appurtenant Undertaking, any licensed facility or upon submission of the final design drawings for the

construction of new facilities to replace existing ones. The requirement for this submission is detailed under Part H, Item 1.

G. Monitoring

To ensure consistency with other similar projects licensed in Nunavut, the Board requires that the Licensee establish, implement and report on the Monitoring Program outlined in Part I of the licence. Similarly, the Board is requiring, within ninety (90) days of issuance of the Licence, the submission of a Quality Assurance/Quality Control Plan that provides documentation of proper methods for field sampling, preservation and shipping/sample control and is accompanied by an approval letter from an accredited laboratory responsible for the analytical requirements of the Licence. This requirement is detailed under Part I, Item 8 and Item 9.



NUNAVUT WATER BOARD
WATER LICENCE

Pursuant to the Nunavut Waters and Nunavut Surface Rights Tribunal Act and the Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada, the Nunavut Water Board, hereinafter referred to as the Board, hereby grants to

GOVERNMENT OF CANADA, DEPARTMENT OF NATIONAL DEFENCE
(Licensee)

NORTH WARNING SYSTEM OFFICE, C/O NATIONAL DEFENCE HEADQUARTERS
101 COLONEL BY DRIVE OTTAWA, ON, K1A 0K2
(Mailing Address)

hereinafter called the Licensee, the right to alter, divert or otherwise use water or dispose of waste for a period subject to restrictions and conditions contained within this Licence:

Licence Number/Type: 3BC-FOH0919 TYPE "B"

Water Management Area: NUNAVUT 06

Location: HALL BEACH, MELVILLE PENINSULA
QIKIQTANI REGION, NUNAVUT

Classification: MUNICIPAL UNDERTAKING

Purpose: DEPOSIT OF WASTE

Quantity of Water use not to Exceed: N/A

Date of Licence Issuance: SEPTEMBER 10, 2009

Expiry of Licence: AUGUST 31, 2019

This Licence, issued and recorded at Gjoa Haven, Nunavut, includes and is subject to the annexed conditions.

Thomas Kabloona,
Nunavut Water Board
Chair

PART A: SCOPE, DEFINITIONS AND ENFORCEMENT

1. Scope

This Licence allows for the disposal of waste for a Municipal Undertaking classified as per Schedule II of the *Regulations* at the FOX-M Long Range Radar Station and Logistics Support Site, located on Melville Peninsula approximately 3 km from the Hamlet of Hall Beach within the Qikiqtani Region, Nunavut.

- a. This Licence is issued subject to the conditions contained herein with respect to the taking of water and the depositing of waste of any type in any waters or in any place under any conditions where such waste or any other waste that results from the deposits of such waste may enter any waters. Whenever new Regulations are made or existing *Regulations* are amended by the Governor in Council under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, or other statutes imposing more stringent conditions relating to the quantity or type of waste that may be so deposited or under which any such waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be subject to such requirements; and
- b. Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with the requirements of all applicable Federal, Territorial and Municipal legislation.

2. Definitions

“Act” means the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*;

“Addendum” means the supplemental text that is added to a full plan or report usually included at the end of the document and is not intended to require a full resubmission of the revised report.

“Amendment” means a change to original terms and conditions of this Licence requiring correction, addition or deletion of specific terms and conditions of the Licence; modifications inconsistent with the terms of the set terms and conditions of the Licence;

“Appurtenant Undertaking” means an undertaking in relation to which a use of water or a deposit of waste is permitted by a licence issued by the Board;

“Application” means the application form and additional information submitted by the Applicant on July 30, 2009 and posted on the NWB file transfer protocol (FTP) site;

“Board” means the Nunavut Water Board established under the *Nunavut Land Claims Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*;

“Bermed Fuel Storage Facilities” means all fuel storage facilities on site that are contained within a berm for secondary containment;

“Discharge” means the release of any water or waste to the receiving environment;

“Effluent” means the liquid Discharge from all site water management facilities;

“Engineer” means a professional engineer registered to practice in Nunavut in accordance with the Engineering, Geological and Geophysical Act (Nunavut) S.N.W.T. 1998, c.38, s.5;

“Greywater” means all liquid wastes from showers, baths, sinks, kitchens and domestic washing facilities, but does not include toilet wastes;

“Inspector” means an Inspector designated by the Minister under Section 85 (1) of the *Act*;

“Licensee” means the holder of this Licence;

“Modification” means an alteration to a physical work that introduces a new structure or eliminates an existing structure and does not alter the purpose or function of the work, but does not include an expansion;

“Nunavut Land Claims Agreement” (NLCA) means the *“Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada”*, including its preamble and schedules, and any amendments to that agreement made pursuant to it;

“Regulations” means the *Northwest Territories Water Regulations* sor/93-303 8th June, 1993, omitting Section 5, Water Use or Waste Deposit Without a Licence;

“Sewage” means all Toilet Wastes and Greywater;

“Sewage Treatment Facility” means the Cycle-let® treatment system designed for tertiary treatment of sewage with a portion of the treated water to be reused for urinals/toilets as described in the application for renewal dated July 30, 2009;

“Spill Contingency Plan” means a Plan developed to deal with unforeseen petroleum and hazardous materials events that may occur during the operations conducted under the Licence;

“Toilet Wastes” means all human excreta and associated products, but does not include Greywater;

“Waste” means, as defined in S.4 of the *Act*, any substance that, by itself or in combination with other substances found in water, would have the effect of altering the

quality of any water to which the substance is added to an extent that is detrimental to its use by people or by any animal, fish or plant, or any water that would have that effect because of the quantity or concentration of the substances contained in it or because it has been treated or changed, by heat or other means;

3. Enforcement

- a. Failure to comply with this Licence will be a violation of the *Act*, subjecting the Licensee to the enforcement measures and the penalties provided for in the *Act*;
- b. All inspection and enforcement services regarding this Licence will be provided by Inspectors appointed under the *Act*; and
- c. For the purpose of enforcing this Licence and with respect to the use of water and deposit or discharge of waste by the Licensee, Inspectors appointed under the *Act*, hold all powers, privileges and protections that are conferred upon them by the *Act* or by other applicable law.

PART B: GENERAL CONDITIONS

1. The Licensee shall file an Annual Report on the appurtenant undertaking with the Board no later than March 31st of the year following the calendar year being reported, containing the following information:
 - a. A summary report of waste disposal activities;
 - b. A list of unauthorized discharges and a summary of follow-up actions taken;
 - c. Any revisions to the Spill Contingency Plan, including contact information, as required by Part G, Item 2, submitted in the form of an Addendum;
 - d. A description of all progressive and or final reclamation work undertaken, including photographic records of site conditions before, during and after completion of operations;
 - e. A summary of all information requested and results of the Monitoring Program; and
 - f. Any other details on water use or waste disposal requested by the Board by November 1 of the year being reported.
2. The Licensee shall notify the NWB of any changes in operating plans or conditions associated with this project at least thirty (30) days prior to any such change.
3. The Licensee shall install flow meters or other such devices, or implement suitable methods required for the measuring of water volumes as required under Part I, Item 2.
4. The Licensee shall, for all Plans submitted under this Licence, include a proposed timetable for implementation. Plans submitted, cannot be undertaken without subsequent written Board approval and direction. The Board may alter or modify a Plan if necessary to achieve the legislative objectives and will notify the Licensee in writing

of acceptance, rejection or alteration of the Plan.

5. The Licensee shall, for all Plans submitted under this Licence, implement the Plan as approved by the Board in writing.
6. Every Plan to be carried out pursuant to the terms and conditions of this Licence shall become a part of this Licence, and any additional terms and conditions imposed upon approval of a Plan by the Board become part of this Licence. All terms and conditions of the Licence should be contemplated in the development of a Plan where appropriate.
7. The Licensee shall ensure a copy of this Licence is maintained at the site of operations at all times. Any communication with respect to this Licence shall be made in writing to the attention of:
 - (a) **Manager of Licensing:**
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0
Telephone: (867) 360-6338
Fax: (867) 360-6369
Email: licensing@nunavutwaterboard.org
 - (b) **Inspector Contact:**
Water Resources Officer, INAC
Nunavut District, Nunavut Region
P.O. Box 100
Iqaluit, NU X0A 0H0
Telephone: (867) 975-4295
Fax: (867) 979-6445
8. The Licensee shall submit one paper copy and one electronic copy of all reports, studies, and plans to the Board. Reports or studies submitted to the Board by the Licensee shall include a detailed executive summary in English and Inuktitut.
9. The Licensee shall ensure that any document(s) or correspondence submitted by the Licensee to the Board is received and acknowledged by the Manager of Licensing.
10. This Licence is assignable as provided for in Section 44 of the *Act*.

PART C: CONDITIONS APPLYING TO WATER USE

1. Obtaining water from a natural water source for Use is not authorized under this Licence.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. The Licensee shall locate areas designated for waste disposal at a minimum distance of thirty one (31) metres from the ordinary high water mark of any water body such that the quality, quantity or flow of water is not impaired, unless otherwise approved by the Board in writing.
2. The Licensee shall not practice on-site land filling of domestic waste, unless otherwise approved by the Board in writing.
3. The Licensee is authorized to dispose of all acceptable food waste, paper waste and untreated wood products in an incinerator.
4. The Licensee shall not open burn plastics, wood treated with preservatives, electric wire, Styrofoam, asbestos or painted wood to prevent the deposition of waste materials of incomplete combustion and/or leachate from contaminated ash residue, from impacting any surrounding waters, unless otherwise approved by the Board in writing.
5. The Licensee shall provide to the Board, documented authorization from all communities receiving wastes from the project prior to any backhauling of wastes to those communities.
6. The Licensee shall backhaul and dispose of all hazardous wastes generated through the course of the operation in an approved waste disposal site in accordance with the Government of Nunavut, Department of Environment's *Environmental Guideline for General Management of Hazardous Waste*.
7. The Licensee shall maintain records of all waste backhauled and records of confirmation of proper disposal of backhauled waste. These records shall be made available to an Inspector upon request.
8. The Licensee shall direct all Sewage to the Sewage Treatment Facility.
9. Discharge at monitoring station FOH-2 shall be located at a distance of at least thirty one (31) metres above the ordinary high water mark of any water body, at a site where direct flow into a water body is not possible and no additional impacts are created, unless otherwise approved by the Board in writing. Discharge from FOH-2 shall not exceed the following Effluent quality limits:

Parameter	Maximum Concentration of any Grab Sample
pH	6.0 to 9.0 (pH units)
Oil and Grease	No visible sheen
Biological Oxygen Demand	120 mg/l
Total Suspended Solids	180 mg/l
Faecal Coliforms	10,000 CFU/100mL

10. Discharge at monitoring station FOH-3 shall not exceed the following Effluent quality limits:

Parameter	Maximum Concentration of any Grab Sample (µg/L)
pH	6 to 9 (units)
Oil and Grease	5000
Arsenic (total)	100
Cadmium (dissolved)	10
Chromium (dissolved)	100
Cobalt (dissolved)	50
Copper (dissolved)	200
Lead (dissolved)	50
Mercury (total)	0.6
Nickel (dissolved)	200
PCB (total)	1000
Phenols	20
Zinc (total)	500
Benzene	370
Toluene	2
Ethylbenzene	90

11. If Effluent does not meet the Effluent quality limits of Part D, Item 9, it shall be considered hazardous waste and disposed off-site to an approved, licensed facility.

12. The Licensee shall provide at least ten (10) days notice to the Inspector prior to any planned Discharges from any facilities. The notice shall include an estimated volume proposed for Discharge and the receiving location.

PART E: CONDITIONS FOR CAMPS, ACCESS INFRASTRUCTURES AND OPERATIONS

1. The Licensee shall not store material on the surface of frozen streams or lakes except what is for immediate use.
2. All activities shall be conducted in such a way as to minimize impacts on surface drainage and the Licensee shall immediately undertake any corrective measures in the event of any impacts on surface drainage.
3. Winter lake and stream crossings, including ice bridges, shall be constructed entirely of water, ice or snow. The Licensee should minimize disturbance by locating ice bridges in an area that requires the minimum approach grading and the shortest crossing route. Stream crossings shall be removed or the ice notched prior to spring break-up.

4. With respect to access road, pad construction or other earthworks, the deposition of debris or sediment into or onto any water body is prohibited. These materials shall be disposed a distance of at least thirty one (31) metres from the ordinary high water mark in such a fashion that they do not enter the water.

PART F: CONDITIONS APPLYING TO MODIFICATIONS AND CONSTRUCTION

1. The Licensee may, without written consent from the Board, carry out Modifications to the Sewage Treatment Facility provided that such Modifications are consistent with the terms of this Licence and the following requirements are met:
 - a. the Licensee has notified the Board in writing of such proposed Modifications at least sixty (60) days prior to beginning the Modifications;
 - b. such Modifications do not place the Licensee in contravention of the Licence or the *Act*;
 - c. such Modifications are consistent with the NIRB Screening Decision
 - d. the Board has not, during the sixty (60) days following notification of the proposed Modifications, informed the Licensee that review of the proposal will require more than sixty (60) days; and
 - e. the Board has not rejected the proposed Modifications.
2. Modifications for which all of the conditions referred to in Part F, Item 1 have not been met can be carried out only with written approval from the Board.
3. The Licensee shall provide as-built plans and drawings of the Modifications referred to in this Licence within ninety (90) days of completion of the Modification. These plans and drawings shall be stamped by an Engineer.

PART G: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING

1. The Licensee shall submit to the Board for approval in writing, within sixty (60) days of Licence issuance, revisions to the Plan entitled “Spill Contingency Plan for FOX-M (Hall Beach, Nunavut)” dated November 25, 2008 that was submitted as additional information with the Application to address the following issues:
 - a. Requirement for an executive summary in English and Inuktitut;
 - b. The Plan shall be in the name of the Licensee;
 - c. Figure 1 appears to have missing text;
 - d. Include within the Plan, a topographic site map that identifies hazardous material storage areas, Spill kits and site infrastructure in relation to local waterbodies;
 - e. The spill Plan should refer to where MSDS information is located on site;
 - f. Include a copy of the NT/NU Spill Report form and guide, to be completed and submitted in the event of a spill; and
 - g. INAC has requested to be contacted in the event of a spill. The point of contact is the Manager of Field Operations, 867-975-4295.

2. The Licensee shall review the Plan referred to in this Part as required by changes in operation and/or technology and modify the Plan accordingly. Revisions to the Plan are to be submitted in the form of an Addendum to be included with the Annual Report.
3. The Licensee shall prevent any chemicals, petroleum products or wastes associated with the project do not enter water. All sumps and fuel caches shall be located at a distance of at least thirty one (31) metres from the ordinary high water mark of any adjacent water body and inspected on a regular basis.
4. The Licensee shall provide secondary containment for hazardous waste and fuel storage areas.
5. The Licensee shall ensure that any equipment maintenance and servicing be conducted only in designated areas and shall implement special procedures (such as the use of drip pans) to manage motor fluids and other waste and contain potential spills.
6. If during the term of this Licence, an unauthorized discharge of waste occurs, or if such a discharge is foreseeable, the Licensee shall:
 - a. Employ the Spill Contingency Plan;
 - b. Report the spill immediately to the 24-Hour Spill Line at (867) 920-8130 and to the Inspector at (867) 975-4295; and
 - c. For each spill occurrence, submit to the Inspector, no later than thirty (30) days after initially reporting the event, a detailed report that will include the amount and type of spilled product, the GPS location of the spill, and the measures taken to contain and clean up the spill site.

PART H: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION OR TEMPORARY CLOSING

1. The Licensee shall submit to the Board for approval, six (6) months prior to the abandonment of the FOX-M, an Abandonment and Restoration Plan shall include the following where appropriate:
 - a. Water intake facilities;
 - b. Water treatment and waste disposal sites and facilities;
 - c. Petroleum and chemical storage areas;
 - d. Any site affected by waste spills;
 - e. Leachate prevention;
 - f. An implementation schedule;
 - g. Maps delineating all disturbed areas, and site facilities;
 - h. Consideration of altered drainage patterns;
 - i. Type and source of cover materials;
 - j. Future area use;
 - k. Hazardous wastes; and
 - l. A proposal identifying measures by which restoration costs will be financed by

the Licensee upon abandonment.

2. The Licensee shall revise the Plan referred to in Part H, Item 1 if not approved. The revised Plan shall be submitted to the Board for approval within thirty (30) days of receiving notification of the Board's decision.
3. The Licensee shall complete the restoration work within the time schedule specified in the Plan, or as subsequently revised and approved by the Board.
4. Areas that have been contaminated by hydrocarbons shall be reclaimed to meet objectives as outlined in the Government of Nunavut's Environmental Guideline for Site Remediation, January 2002.

PART I: CONDITIONS APPLYING TO THE MONITORING PROGRAM

1. The Licensee shall maintain Monitoring Stations at the following locations:

Monitoring Program Station Number	Description	Status
FOH-1	Freshwater intake from the reservoir.	Active (Volume cubic metres)
FOH-2	Final Discharge Point of the Sewage Disposal Facilities.	Active (Quality)
FOH-3	Final Discharge Point of the Bermed Fuel Storage Facility.	Active (Quality)

2. The Licensee shall measure and record, in cubic metres, the daily quantities of water pumped from Monitoring Station FOH-1 for all purposes.
3. The Licensee shall determine the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where wastes associated with operations and maintenance operations are deposited.
4. Licensee shall sample at Monitoring Program Station FOH-2, monthly during Sewage treatment, Effluent discharge and during periods of flow. Samples shall be analyzed for the following parameters:

Biochemical Oxygen Demand – BOD ₅ Total Suspended Solids Oil and Grease (and visual)	Faecal Coliforms pH
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5. The Licensee shall, prior to the release of Effluent from the Bermed Fuel Storage Facilities at FOH-3, for the purpose of demonstrating compliance, sample for the parameters listed under Part D, Item 10.

6. All sampling, sample preservation and analyses shall be conducted in accordance with methods prescribed in the current edition of *Standard Methods for the Examination of Water and Wastewater*, or by such other methods approved by the Board in writing.
7. All analyses shall be performed in a laboratory accredited according to ISO/IEC Standard 17025. The accreditation shall be current and in good standing.
8. The Licensee shall within ninety (90) days following issuance of the Licence, submit to the Board a Quality Assurance/Quality Control (QA/QC) Plan. The Plan shall be include up to date field sampling methods to all applicable standards, acceptable to an accredited laboratory as required by Part I, Item 6 and Part I, Item 7. The Plan shall include a covering letter from the accredited laboratory confirming acceptance of the Plan for analyses to be performed under this Licence.
9. The Licensee shall annually review the QA/QC plan submitted under Part I, Item 8 and modify it as necessary. Revised plans shall be submitted to the NWB with an approval letter from an accredited lab that meets standards set in Part I, Item 6 and Part I, Item 7.
10. The Licensee shall include in the Annual Report required under Part B, Item 1 all data, monitoring results and information required by this Part.