



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 the 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,

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Lootie Toomasie  
Nunavut Water Board,  
Chair

LT/aj/rh

Enclosure: Water Licence No: **8BM-DYE2545**  
Comments - CIRNAC

Cc: Distribution List – Qikiqtani

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## DECISION

### LICENCE NUMBER: 8BM-DYE2545

This is the decision of the Nunavut Water Board (NWB or Board) with respect to an application submitted on March 28, 2025, for an amendment/renewal of a type B Licence made by:

#### DEPARTMENT OF NATIONAL DEFENCE

to allow for the use of Water and the deposit of Waste during camp operations and activities related to the DYE-M Cape Dyer Landfill Monitoring Program Project, located within the Qikiqtani Region, Nunavut, generally located at the geographical coordinates as follows:

Latitude: 66° 40' 07" N

Longitude: 61° 20' 52" W

### DECISION

The Application is for a proposal that falls outside of an area of an applicable regional land use plan as determined by the Nunavut Planning Commission (NPC)<sup>1</sup>. Additionally, the project is exempt from screening by the Nunavut Impact Review Board (NIRB) because it was previously screened by NIRB<sup>2</sup>, and NPC is of the understanding that it does not change the general scope of the previously amended project activities, and the exceptions noted in Section 12.4.3 (a) and (b) of the *Nunavut Agreement* do not apply. After being satisfied that the above requirements are met, 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 or Act)* and Article 13 of the *Nunavut Agreement*, 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, 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 *Nunavut Agreement* and of the *Act*, waived the requirement to hold a public hearing, and determined that:

**Water Licence No: 1BR-DYE1623 be replaced by 8BM-DYE2545 subject to the terms and conditions contained therein. (Motion #: 2025-B1-010)**

Signed this 11<sup>th</sup> day of June, 2025 at Gjoa Haven, NU.

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Lootie Toomasie  
Nunavut Water Board, Chair  
LT/aj/rh

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<sup>1</sup> Nunavut Planning Commission, May 2, 2024.

<sup>2</sup> NIRB File No: 04DN001.

## **I. BACKGROUND**

The Cape Dyer, DYE-M site is a former Distant Early Warning (DEW) Line site located on Cumberland Peninsula on the easternmost point of Baffin Island in the Qikiqtani Region, Nunavut. The site is approximately 150 kilometres southeast of Qikiqtarjuaq and 150 kilometres northeast of Pangnirtung. The site was upgraded in 1993 to an unmanned, Long-Range Radar (LRR) site to become part of the DND's North Warning System (NWS), resulting in redundant infrastructure. Initial clean-up of site including the removal of unwanted structures occurred during the period 2004 – 2009, while continuation of clean-up activities and Phase II remediation activities occurred over the period 2011 – 2013. Full remediation of the site was completed in 2014, and no other construction and infrastructure work were undertaken subsequent to that period.

Following completion of site remediation activities, Defence Construction Canada (DCC) initiated a site monitoring program for the thirteen (13) landfills established during the site clean-up and remediation activities. However, as the water licence issued in support of the remediation work expired in May 2014, the Licensee submitted an application to not only renew but also to amend the licence to allow for the continuation of its post-remediation, landfill monitoring program. The amended licence was issued on October 27, 2016 that expired on October 26, 2023.

The landfills subject to long-term monitoring are listed below:

- Lower Site NWS Landfill
- Lower Site Tier II Disposal Facility
- Lower Site Crossroads Landfill
- Lower Site Foundation Landfill
- Lower Site Powerhouse Landfill
- Lower Site Non-Hazardous Waste Landfill
- Upper Site Tier II Disposal Facility
- Upper Site West Landfill – West, Centre and East Lobes
- Upper Site Pallet Line Landfill
- Upper Site Non-Hazardous Waste Landfill
- Upper Site NWS Landfill
- Upper Site South Landfill – West
- Upper Site Helipad Debris Area

## **II. FILE HISTORY**

The NWB has issued the following licences to this Project:

- NWB5DYE0409
- 1BR-DYE0914
- 1BR-DYE1623

The expired 1BR-DYE1623 licence was originally issued to Defence Construction Canada

(DCC). The Licence along with eleven (11) other licences was assigned to the Department of National Defence (DND) by the Board on May 25, 2020.

Additionally, the expired licence was classified as an Industrial Undertaking (Remediation) or "1BR". According to Schedule 1 of the *Nunavut Waters Regulations*, the classification of the undertaking was changed from "Industrial" to "Other" as the remediation work has been completed and the current scope of the Application is associated with monitoring. As a result, the NWB has reclassified the Licence under Other Undertaking (Monitoring) or "8BM".

### **III. PROCEDURAL HISTORY**

On March 28, 2025, the Board received from the Department of National Defence (DND) a renewal and amendment water licence application, including the following documents (Application):

- DND DEW Line Long\_Term Landfill Monitoring Executive Summary\_English
- DND DEW Line Long\_Term Landfill Monitoring Executive Summary\_Inuktitut
- DYE\_M Landfill Monitoring Plan
- DYE\_M Preliminary Phase II Summary
- DYE\_M Spill Contingency Plan
- 191212 DND DEW Line Monitoring Modifications\_OSKE
- NPC File No. 150285 DYE\_M Cape Dyer Landfill Monitoring Program
- NTS\_016LandK\_DYE\_M
- DYE\_M 2004 NIRB SDR\_040225\_04DN001
- DYE\_M 2013 NIRB Exemption\_130409\_04DN001
- DYE\_M\_2025\_Application\_for\_Water\_Licence\_Renewal

The Applicant requested:

- Total Water use of one (1) cubic metre per day;
- Deposit of Waste associated with camp activities and monitoring; and
- Term of twenty (20) years.

With respect to pre-licensing requirements, the NWB received the Nunavut Planning Commission's (NPC) correspondence<sup>3</sup>, indicating that the project proposal falls outside an area with an applicable regional land use plan. The NPC also stated that a screening by the Nunavut Impact Review Board (NIRB) is not required.

Following receipt and an internal preliminary review, the NWB distributed the Application on April 29, 2025, for a twenty-one (21) day public review and comment period, with the deadline for submission set for May 20, 2025. The NWB received submission from Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) on May 20, 2025, indicating that they have no concerns with the Application.

The NWB has placed on its Public Registry, the Application and all relevant submissions that

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<sup>3</sup> Nunavut Planning Commission (NPC) Determination, May 2, 2024.

can be accessed using the following link:

<https://public.nwb-oen.ca/registry/8%20MISCELLANEOUS/8B/8BM%20-%20Monitoring/8BM-DYE2545%20DYE-M/>

#### **IV. GENERAL CONSIDERATIONS**

The following sections provide general overview of the rationale for some of the main terms and conditions included under this Water Licence.

##### **Term of the Licence**

In accordance with s. 45 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA or *Act*), the NWB may issue a licence for a term not exceeding twenty-five (25) years. The NWB has taken into consideration the Landfill Monitoring Program and the request for a twenty (20) year licence term. The monitoring program is currently in Phase II which represents the twenty years of long-term monitoring. During this phase, the landfills are monitored at a reduced frequency (Years 7, 10, 15 and 25) after remediation. Year 7 monitoring event was originally scheduled to start in 2020 but due to COVID-19, the schedule was adjusted for 2025.

The next monitoring events at DYE-M are scheduled to take place in 2025 (year 12), 2028 (year 15), and 2038 (year 25) that marks the end of Phase II monitoring. The Applicant, however, requested a twenty (20) year term in their Application to include some contingencies in the event that an unforeseen requirement arises in the future that may warrant additional monitoring after 2038. There was no objection by the Intervener regarding the requested term of licence, and the Board agrees with the requested term, including a contingency for potential further monitoring requirements. The Board has therefore granted a twenty-year term as requested by the Applicant. In doing so, the Board believes and expects that the twenty years will provide the Applicant with significant opportunities to consistently abide by the terms and conditions of the Licence.

##### **Annual Reports**

Under Part B, Item 1 of the Licence, the Licensee is required to submit Annual Reports for the purpose of ensuring that the NWB has an accurate annual update of activities related to Water use and Waste disposal during each 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 Public Registry link at:

<https://public.nwb-oen.ca/other%20documents/Standardized%20Forms/>

##### **Water Use**

The quantity of water requested by the Applicant is one (1) cubic metre per day for monitoring requirements, and if required, for potential future monitoring well repair/replacement/decommissioning activities. The water will be obtained from the Water Supply Lake or one of the small unnamed surface water bodies near landfills as outlined in the Application. No concerns were expressed by the Intervener with respect to the requested freshwater amount, or the manner

in which it is obtained or used. The Board has authorized the Licensee to use a maximum of one (1) cubic metre of water per day under Part C, Item 1 of the Water Licence.

### **Deposit of Waste**

The NWB understands that the DYE-M site has been remediated and also the Applicant is not proposing establishing a camp. The Licensee, however, is allowed to dispose of any sewage and greywater generated during the monitoring program through the use of a sump or pit latrine. Latrine pits and sumps must be at least thirty-one (31) metres from the nearest ordinary High Water Mark. Any other wastes generated through the monitoring activities are to be backhauled for proper disposal at a licensed facility.

### **Monitoring**

The DYE-M site is currently in Phase II Monitoring, and the next monitoring events at DYE-M are scheduled to take place in 2025 (year 12), 2028 (year 15), and 2038 (year 25). This phase of monitoring is designed to verify equilibrium conditions established in Phase I, and at the end of Phase II monitoring, an evaluation will be conducted to determine if the landfill performance is satisfactory from a geotechnical and thermal perspective.

The monitoring to be carried out under this Licence shall be conducted in accordance with the previously approved Plan entitled *Water Use Licence Amendment DYE-M, Cape Dyer Landfill Monitoring*, dated February 2015, and the Landfill Monitoring Plan submitted with the current Application. All monitoring results are to be provided to the NWB with an analysis/interpretation of results as part of the Annual Reports.

In 2017, a modification to the chemical parameters being monitored at the landfill sites was agreed upon by the DND and NTI DEW Line Steering Committee. Consequently, mercury was no longer required to be analysed in soil and groundwater, and PCBs were no longer required to be analysed in groundwater. All other aspects of the landfill monitoring program remained the same. This change was previously communicated to the NWB in a letter dated February 9, 2017<sup>4</sup>. The Board, in its letter dated December 12, 2019, determined that the proposed changes constitute modifications that are consistent with the existing terms and conditions of the Licence, and therefore, the Licensee is no longer required to conduct mercury analysis for soil and groundwater, and PCB analysis for groundwater.

Part J of the Licence details the environmental monitoring requirements.

### **Management Plans and Related Information**

The Applicant has submitted a *Spill Contingency Plan – DYE-M* dated March 01, 2024 that is being approved with the approval of this Licence. The Applicant has also submitted a document entitled Landfill Monitoring Plan, which is being approved with the approval of this Licence.

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<sup>4</sup> Letter from NWB to L. D’Costa and A. Street, RE: Nunavut Water Board Response to Request for Modification of the Post-Construction Monitoring Programs for Water Licences for DND DEW Line Sites; dated December 12, 2019.





## NUNAVUT WATER BOARD WATER LICENCE

**Licence No: 8BM-DYE2545**

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

### DEPARTMENT OF NATIONAL DEFENCE

(Licensee)

**60 MOODIE 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: **8BM-DYE2545/ TYPE B**

Water Management Area: **NORTHWESTERN DAVIS STRAIT WATERSHED (50)**

Location: **DYE-M (CAPE DYER) LANDFILL MONITORING PROGRAM, QIKIQTANI REGION, NUNAVUT**

Classification: **OTHER UNDERTAKING**

Purpose: **DIRECT USE OF WATER AND DEPOSIT OF WASTE**

Quantity of Water use not to Exceed: **ONE (1) CUBIC METRE PER DAY**

Date of Licence Issuance: **JUNE 11, 2025**

Expiry of Licence: **JUNE 10, 2045**

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

**Lootie Toomasie**  
**Nunavut Water Board, Chair**

## **PART A: SCOPE, DEFINITIONS AND ENFORCEMENT**

### **1. Scope**

This Licence allows for the use of Water and the deposit of Waste for an Other undertaking classified as per Schedule 1 of the *Regulations* at the DYE-M (Cape DYER), former DEW Line site, located approximately 150 kilometres southeast of Qikiqtarjuaq, 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 deposit 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”** or **“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;

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

**“Effluent”** means treated or untreated liquid Waste material that is discharged into the environment from a structure such as a settling pond, landfarm or a treatment plant;

**“Engineer”** means a professional engineer registered to practice in Nunavut in accordance with the *Consolidation of Engineers and Geoscientists Act S. Nu 2008, c.2* and the *Engineering and Geoscience Professions Act S.N.W.T. 2006, c.16 Amended by S.N.W.T. 2009, c.12*;

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

**“Hazardous Waste”** means Waste classified as “hazardous” by Nunavut Territorial or Federal legislation, or as “dangerous goods” under the Transportation of Dangerous Goods Act;

**“High Water Mark”** means the usual or average level to which a water body rises at its highest point and remains for sufficient time so as to change the characteristics of the land (ref. Department of Fisheries and Oceans Canada, Operational Statement: Mineral Exploration Activities);

**“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;

**“Monitoring Program”** means a program established to collect data on surface water and groundwater quality to assess impacts to the environment of an appurtenant undertaking;

**“Non-Hazardous Waste Landfill”** comprises the engineered landfill designed to contain double bagged asbestos, all non-hazardous wastes including demolition materials, excavated materials from previous landfills, Tier I soils and Type A soils as described in the engineering diagrams H-C81/1-9101-115 and H-C81/1-9101-116 submitted with the application on December 4, 2008;

**“Nunavut Agreement”** or **“Nunavut Agreement”** 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;

**“NTI Agreement”** means the “*Agreement Between Nunavut Tunngavik Incorporated and Her Majesty the Queen in the Right of Canada, as Represented by the Minister of National Defense for the Clean-up and Restoration of Distant Early Warning Sites within the*

*Nunavut Settlement Area-Environmental Provisions*” including its preamble and schedules, and any amendments to that agreement made pursuant to it;

“**Regulations**” or “**Regulations**” means the *Nunavut Waters Regulations* SOR/2013-69 18<sup>th</sup> April, 2013;

“**Secondary Containment**” means an impermeable structure, external to and separate from primary containment, which prevents unplanned spills of hazardous materials and provides a minimum capacity of 110% of the original vessel. Where multiple vessels are stored within the containment, it must provide a minimum capacity equal to the sum of the largest vessel and 10% of the aggregate volume of all other vessels located in the containment. This structure shall also provide containment and control of hoses and nozzles;

“**Sewage**” means all toilet Wastes and greywater;

“**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;

“**Sump**” or “**Sumps**” means a structure or depression that collects, controls, and filters liquid Waste before it is released to the environment. This structure should be designed to prevent erosion while allowing percolation of liquid Waste;

“**Tier I Soil**” means soil containing contaminant concentrations within the types and ranges defined as DCC Tier I in Appendix E of the NTI Agreement, including its preamble and schedules, and any amendments to that agreement made pursuant to it (see Table 1);

“**Tier II Soil**” means soil containing contaminant concentrations within the types and ranges defined as DCC Tier II in Appendix E of the NTI Agreement including its preamble and schedules, and any amendments to that agreement made pursuant to it (see Table 1);

“**Tier II Soil Disposal Facility**” comprises the engineered facility designed to separate Tier II contaminated soils from the environment as described in the engineering diagrams H-C81/1-9101-117 and H-C81/1-9101-118 submitted with the application on December 4, 2008);

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

“**Type A Soil**” means soil contaminated with hydrocarbons in which the primary petroleum product present in the soil as determined by laboratory analysis consists of lubricating oil and grease in the F3 and F4 fraction;

**“Type B Soil”** means soil contaminated with hydrocarbons in which the primary petroleum product present in the soil as determined by laboratory analysis consists of fuel oil and/or diesel fuel and /or gasoline in the F1 and F2 fraction;

**“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;

**“Waste Disposal Facilities”** means all facilities designated for the disposal of wastes including the Tier II Disposal Facilities, the Non-Hazardous Waste Landfill (NHWL) Facilities and Existing Landfill Facilities and Landfarm Facility;

**“Water” or “Waters”** means waters as defined in section 4 of the *Act*.

### 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 31<sup>st</sup> of the year following the calendar year being reported, containing the following information:
  - a. A summary report of water use and waste disposal activities;
  - b. Quantity of water (in cubic metres/day) obtained for all purposes from sources on, in or flowing through Crown Lands during the reporting period;
  - c. A list of unauthorized discharges and summary of follow-up actions taken;
  - d. A summary of all waste backhauled to approved facility for disposal;
  - e. A summary of any construction work, modification and major maintenance work (Including as-built drawings), carried out on the Waste Disposal Facilities, including all associated structures;

- f. Tabular summaries and analyses of all data and information generated under the Monitoring Program and a brief description of any future studies planned by the Licensee;
  - g. The results of any review conducted and any recommendations regarding any changes to the Monitoring Program and/or remediation requirements;
  - h. A summary of any studies requested by the Board that relate to waste disposal, water use or reclamation, and a brief description of any future studies planned;
  - i. Any revisions to the Plans, as required by Part B, Item 7, submitted in the form of Addendums;
  - j. A description of all progressive and or final reclamation work undertaken, including photographic records of site conditions before, during and after completion of operations;
  - k. If applicable, a description of any trenches and sumps excavated, including the following: GPS coordinates, dimensions, depth below active layer, and secondary containment features;
  - l. A public consultation/participation report describing consultation with local organizations and the residents of the nearby communities;
  - m. A brief summary of work done to address concerns or deficiencies listed in the inspection reports and/or compliance reports prepared by an Inspector;
  - n. An executive summary in English and Inuktitut of all plans, reports, or studies conducted under this Licence; and
  - o. Any other details on water use or waste disposal requested by the Board by November 1<sup>st</sup> 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, where applicable, install flow meters or other such devices, or implement suitable methods required for measuring the volumes of water associated with the project as required under Part J, Item 3.
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. The Licensee shall review the Plans referred to in this Licence, as required by changes in operation and/or technology, and modify the Plans accordingly. Revisions to the Plans shall be submitted in the form of an Addendum to be included with the Annual Report.
7. 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.

8. 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@nwb-oen.ca](mailto:licensing@nwb-oen.ca)

**(b) Inspector Contact:**

Inspector Contact:  
Manager of Field Operations, CIRNAC  
Nunavut District, Nunavut Region  
918 Nunavut Drive  
Iqaluit, NU X0A 3H0  
Telephone: (867) 975-4284

9. The Licensee shall submit an 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 Inuktitut (and/or Inuinnaqtun).
10. The Licensee shall ensure that all documents or correspondence submitted by the Licensee to the NWB are received and acknowledged by the Manager of Licensing.
11. This Licence is assignable as provided for in Section 44 of the *Act*.
12. The expiry or cancellation of this Licence does not relieve the Licensee from any obligation imposed by the Licence, or any other regulatory requirement.

**PART C: CONDITIONS APPLYING TO WATER USE**

1. The Licensee shall obtain all Water for sampling and related purposes from Water Supply Lake or from one of the unnamed surface water bodies near the airstrip and/or landfills as described in the Application. The volume of Water for all purposes shall not exceed one (1) cubic metre per day.
2. The use of Water from streams or any water bodies not identified in Part C, Item 1, is

prohibited unless authorized and approved by the Board in writing.

3. The withdrawal of Water from any stream shall not exceed ten (10) per cent of the low flow of that stream unless approved by the Board in writing.
4. The Licensee shall submit to the Board for approval in writing, the following information at least thirty (30) days prior to the use of Water of a sufficient volume that the source water body may be drawn down: volume required, hydrological overview of the water body, details of impacts, and proposed mitigation measures.
5. The Licensee shall equip all Water intake hoses with a screen of an appropriate mesh size to ensure that fish are not entrained and shall withdraw Water at a rate such that fish do not become impinged on the screen.
6. The Licensee shall not conduct any work below the ordinary High Water Mark of any water body unless approved by the Board in writing.
7. The Licensee shall not cause erosion to the banks of any water body and shall provide necessary controls to prevent such erosion.
8. Sediment and erosion control measures shall be implemented prior to and maintained during the undertaking to prevent entry of sediment into Water.

#### **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 utilize the Waste Disposal Facilities authorized under the Licence for the continued treatment of acceptable waste generated by the Project until appropriate treatment objectives are met.
3. The Licensee shall not practice on-site landfilling of domestic Waste, unless otherwise approved by the Board in writing.
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 residual, 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 in Nunavut receiving Wastes prior to any backhauling and disposal of Wastes to those



communities.

6. The Licensee shall backhaul and dispose of all hazardous Wastes, Waste oil and non-combustible Waste generated through the course of the operation at a licensed waste disposal site.
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 provide notice to an Inspector at least ten (10) days prior to initiating any decant or discharge from the Waste Disposal Facilities.
9. All discharges and/or contact water from the Waste Disposal Facilities shall not exceed the following discharge limits prior to being released into the receiving environment:

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

10. If the Effluent referred to in Part D, Item 9 does not meet discharge limits, it shall be considered hazardous Waste and require disposal off-site at an approved facility or as otherwise approved by the Board in writing.
11. The discharge point for all treated effluents described in Part D, Item 9, shall be located at a minimum of thirty-one (31) metres from the ordinary High Water Mark of any water body and where direct flow into a water body is not possible and no additional impacts are created.
12. The Licensee shall not mix or blend soils that exceed the maximum levels of Tier II criteria for the purpose of attaining the specific limits of Table 1.

13. The Licensee shall contain all greywater in a Sump 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.
14. The Licensee shall contain all Toilet Wastes in latrine pits or use incineration, chemical, portable or composting toilets. Latrine pits shall be located at a distance of at least thirty-one (31) metres above the ordinary High Water Mark of any water body, treated with lime and covered with native material to achieve the pre-existing natural contours of the land prior to abandonment.

**PART E: CONDITIONS FOR CAMPS, ACCESS INFRASTRUCTURES AND OPERATIONS**

1. Camp use is not authorized under this Licence.
2. The Licensee shall not store material on the surface of frozen streams or lakes including the immediate banks except what is for immediate use.
3. The Licensee shall conduct all activities in such a way as to minimize impacts on surface drainage and the Licensee shall immediately undertake corrective measures in the event of any impacts on surface drainage.
4. The Licensee shall construct all winter lake and stream crossings, including ice bridges, entirely of Water, ice or snow. The Licensee shall 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.
5. Stream crossing shall be a minimum of five hundred (500) metres from spawning areas.
6. 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.
7. The Licensee shall not mobilize heavy equipment or vehicles for trenching or other activities unless the ground surface is capable of fully supporting the equipment or vehicles without rutting or gouging. Overland travel of equipment or vehicles shall be suspended if rutting occurs.

## **PART F: CONDITIONS APPLYING TO DRILLING OPERATIONS**

1. The Licensee is authorized to drill only for the purpose of installing monitoring instrument including monitoring wells and thermistors.
2. The Licensee shall not conduct any land-based drilling within thirty-one (31) metres of the ordinary high-water mark of any water body, unless otherwise approved by the Board in writing.
3. The Licensee shall ensure that all drill waste, including water, chips, muds and salts (CaCl<sub>2</sub>) in any quantity or concentration, from land-based drilling, shall be disposed of in a properly constructed sump or an appropriate natural depression located at a distance of at least thirty-one (31) metres from the ordinary High Water Mark of any adjacent water body, where direct flow into a water body is not possible and no additional impacts are created.

## **PART G: CONDITIONS APPLYING TO MODIFICATIONS**

1. The Licensee may, without written consent from the Board, carry out Modifications to the Water Supply Facilities and Waste Disposal Facilities 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 do not constitute “significant modifications” that require conformity assessment by the Nunavut Planning Commission and/or impact assessment by the Nunavut Impact Review Board before consideration by the NWB;
  - d. within sixty (60) days following notification of the proposed Modifications, the Licensee, Nunavut Planning Commission, Nunavut Impact Review Board, designated Inuit organization or responsible regulatory authority has not indicated that any conformity determination, impact assessment, compensation negotiations or other consideration of the Modification that must be completed before the NWB can consider the Modification will take longer than 45 days; and
  - e. the Board has not, within sixty (60) days following notification of the proposed Modifications, informed the Licensee that the NWB’s consideration of the proposed Modification will require more than sixty (60) days.
2. Modifications for which all of the conditions referred to in Part G, 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 H: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING**

1. The Board has approved the Plan entitled *Spill Contingency Plan – DYE-M* effective March 1, 2024, that was submitted as additional information with the Application.
2. The Licensee shall prevent any chemicals, petroleum products or Wastes associated with the Project from entering 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.
3. The Licensee shall conduct any equipment maintenance and servicing 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.
4. The Licensee shall maintain secondary containment for hazardous Waste and fuel storage area.
5. 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 approved Spill and Fuel Management Plan;
  - b. Report the spill immediately to the NWT/NU 24-Hour Spill Line at (867) 920-8130 and to the Inspector at (867) 975-4284; 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.
6. The Licensee shall, in addition to Part H, Item 5, regardless of the quantity of releases of harmful substances, report to the NWT/NU 24-Hour Spill Line if the release is near or into a water body.

#### **PART I: CONDITIONS APPLYING TO CLOSURE AND RECLAMATION**

1. The Licensee shall complete all restoration work prior to the expiry of this Licence or completion of the monitoring program.
2. The Licensee shall carry out progressive reclamation of any components of the Project no longer required for the Licensee's operations.

3. The Licensee shall backfill and restore all sumps, sewage/wash water pits to the pre-existing natural contours of the land.
4. The Licensee shall remove from the site, all infrastructure and site materials, including all fuel caches, drums, barrels, buildings and contents, docks, water intakes, pumps and lines, material and equipment prior to the expiry of this Licence.
5. All roads and airstrips, if any, shall be re-graded to reduce erosion and sedimentation to Water.
6. The Licensee shall remove any culverts and restore the drainage to match the natural channel. Measures shall be implemented to minimize erosion and sedimentation.
7. All disturbed areas shall be stabilized and re-vegetated as required, upon completion of work, and restored as practically as possible to a pre-disturbed state.
8. 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, 2010. The use of reclaimed soils for the purpose of back fill or general site grading may be carried out only upon consultation and approval by the Government of Nunavut, Department of Environment and an Inspector.

#### **PART J: CONDITIONS APPLYING TO THE MONITORING PROGRAM**

1. The Licensee shall implement the previously approved plan entitled *Water Use Licence Amendment DYE-M, Cape Dyer Landfill Monitoring*, dated February 2015, along with the plan entitled *Landfill Monitoring Plan* submitted with the Application on March 28, 2025.
2. In addition to the monitoring stations that may be established to address the monitoring requirements under Part J, Item 1, the Licensee shall maintain, as needed, Monitoring Program Stations at the following locations:

Monitoring Station Number	Description	Status
DYE-3a	Final Point of Discharge from the Non- Hazardous Waste Landfill (upper)	Active (Water Quality)
DYE-3b	Final Point of Discharge from the Non- Hazardous Waste Landfill (lower)	Active (Water Quality)

DYE-4	Final Discharge Point from the Landfarm Facility	Active (Water Quality)
DYE-5c	Final Discharge Point from the Tier II Disposal Facility	Active (Water Quality)

3. The Licensee shall measure and record, in cubic metres, the daily quantities of any water withdrawn for monitoring and related purposes.
4. The Licensee shall measure and record in cubic metres, the daily quantities of effluent discharged from the Waste Disposal Facilities associated with this Licence.
5. The Licensee shall provide the GPS coordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where sources of Water are utilized for all purposes.
6. The Licensee shall determine the GPS coordinates (in degrees, minutes and seconds of latitude and longitude) and datum of all locations where Wastes associated with all operations are deposited.
7. The Licensee shall monitor compliance with respect to Part D, Item 11, by collecting a representative composite sample from a minimum of 5% of the total volume to be released from the Final Discharge Point of each of the Waste Disposal Facilities.
8. 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.
9. All analyses shall be performed in a laboratory accredited according to ISO/IEC Standard 17025. The accreditation shall be current and in good standing.
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.
11. An Inspector may impose additional monitoring requirements.
12. Modifications to the Monitoring Program may be made only upon written request and subsequent approval of the Board in writing.

**Table 1: DEW Line Clean-up Criteria**

(From INAC Abandoned Military Site Remediation Protocol)

**DEW Line Clean-up Criteria (DCC)<sup>a</sup>**

<b>Substance</b>	<b>Units</b>	<b>DCC Tier I<sup>b,c</sup></b>	<b>DCC Tier II<sup>b,d</sup></b>
Arsenic	ppm	-	30
Cadmium	ppm	-	5.0
Chromium	ppm	-	250
Cobalt	ppm	-	50
Copper	ppm	100	
Lead	ppm	200	500
Nickel	ppm	-	100
Zinc	ppm	-	500
PCB's	ppm	1.0	5.0

- a. These criteria were adopted specifically for the cleanup of Arctic DEW Line Sites from the 1991 versions of the Quebec Soil Contamination Indicators and the Canadian Council of Ministers of the Environment Interim Canadian Environmental Criteria for Contaminated Sites.
- b. Soil criteria are given in parts per million, ppm.
- c. Soils containing lead and/or PCBs at concentrations in excess of DCC I, but less than DCC II, may be landfilled,
- d. Soils containing one or more substrates in excess of DCC II must be containerized - i.e. removed in a manner which precludes contact with the Arctic ecosystem.