

**Inuvialuit Water Board
Reasons for Decision**

Issued pursuant to section 48 (1) of the
Waters Act, S.N.W.T. 2014, c.18

Water Licence Number: N3L8-1838 (Renewal)

This is the decision of the Inuvialuit Water Board (IWB), made on November 29, 2019 regarding the renewal of Water Licence N3L8-1838 to:

**Northwest Territories Power Corporation
4 Capital Drive
Hay River, NT X0E 1G2**

Pursuant to Section 36 (1) (a) (ii) of the *Waters Act*, the IWB considered, on its own initiative, the renewal of Water Licence N3L8-1838 for the disposal of waste for a miscellaneous undertaking.

Background:

The IWB issued Type B Water Licence N3L8-1838 to the Northwest Territories Power Corporation (NTPC) effective August 15, 2016 with an expiry of December 31, 2019. The Licensee is entitled to dispose of waste associated with the miscellaneous undertaking for the remediation and reclamation of the former power plant site located in Aklavik. The IWB considered the renewal of Water Licence N3L8-1838 pursuant to Section 36 (1) (a) (ii) of the *Waters Act* as the required remediation standards could not be met within the term of the existing water licence.

A notice of the renewal was distributed to the Environmental Impact Screening Committee (EISC), the Government of the Northwest Territories (GNWT) Department of Lands (DoL), Environment and Natural Resources (ENR), Municipal and Community Affairs (MACA), Health and Social Services (H&SS), Department of Infrastructure (INF), as well as the Federal Department of Fisheries and Oceans Canada (DFO), the Canadian Northern Economic Development Agency (CanNor), Crown Indigenous Relations and Northern Affairs Canada (CIRNAC), Environment and Climate Change Canada (ECCC), the Inuvialuit Land Administration (ILA), Inuvialuit Regional Corporation (IRC), Inuvialuit Game Council (IGC), Wildlife Management Advisory Council (WMAC-NWT), Fisheries Joint Management Committee (FJMC), Aklavik Community Corporation (ACC), Aklavik Hunters and Trappers Committee (AHTC), Ehdiiat Gwich'in Council (EGC), and Ehdiiat Renewal Resource Council (ERRC) for a thirty-six (36) day comment period (October 11, 2019 – November 15, 2019). One response was received from the GNWT - ENR - no comments or recommendations were provided for IWB consideration.

On October 17, 2019 the IWB gave notice, in accordance with section 44 (1) of the *Waters Act*, that it was considering the renewal of the Type B Water Licence N3L8-1838 on its own initiative. There was no public hearing held in connection with this renewal.

Scope of the water licence renewal:

The IWB has determined that the scope of the undertaking covered by the water licence renewal includes the deposit of waste associated with a miscellaneous undertaking for remediation, reclamation, closure, and monitoring activities associated with the Remediation and Reclamation

of the former Aklavik Power Plant Site, located in the Inuvialuit Settlement Region (ISR) of the Northwest Territories with coordinates 68° 13' 6.24" North and 135° 0' 21.24" West.

Requirements of the *Waters Act*:

The IWB has considered the renewal on its own initiative pursuant to section 36(1)(a)(ii) of the *Waters Act*.

The IWB, as required by the *Waters Act* section 4, has notified the Licencee of its obligation to comply with any and all other legislation pertinent to the activities authorized under this licence.

The IWB is in accordance with the *Waters Act* subsection 26(5)(a) by ensuring that the renewal of the water licence to NTPC will not adversely affect, in a significant way, any existing Licensee, providing the conditions of the water licence renewal are met. There are no other applicants with precedence.

The IWB does not believe that any users or persons listed in subsection 26(5)(b) of the *Waters Act* will be adversely affected by the deposit of waste proposed by the Licensee provided that the Licensee operates in accordance with the terms and conditions of the water licence renewal.

In accordance with subsection 26 (5)(c)(i) of the *Waters Act*, the IWB is of the view that compliance with the water licence renewal terms and conditions will ensure that the waste produced by the undertaking will be treated and deposited in a manner that will maintain water quality in the area and will be consistent with applicable water quality standards.

The IWB is satisfied that the effluent standards set out in the water licence renewal terms and conditions are consistent with subsection 26 (5)(c)(ii) of the *Waters Act* and will protect the receiving waters and environment.

Decision to Issue:

The disposal of waste proposed by the Licencee is of a nature contemplated by the *Waters Act*.

In accordance with 37 (b)(i) of the *Waters Act* the IWB has the authority to issue this water licence renewal.

Pursuant to Section 36 (1) (a) (ii) of the *Waters Act*, the IWB has considered the renewal of Water Licence N3L8-1838 as the required remediation standards would not be met within the term of the existing licence. The renewal will accommodate the continuation of the biotreatment program to meet the required discharge standards of the water licence. Upon consideration of the facts and circumstances, the merits of the submissions made to it and the purpose, scope and intent of the *Waters Act* and the Waters Regulations, the IWB has determined that it can renew Water Licence N3L8-1838 to the Northwest Territories Power Corporation subject to the terms and conditions of the original water licence, apart from the original term, remaining unchanged.

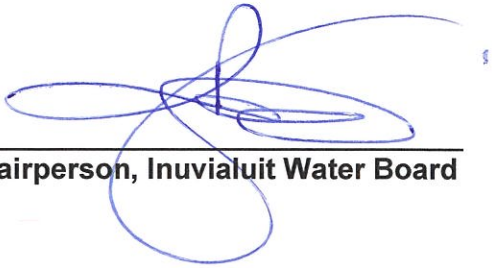
The original Water Licence Number N3L8-1838 contains terms and conditions the IWB considers necessary to ensure compliance with the *Waters Act* and the Waters Regulations and provides appropriate safeguards for NTPC's deposit of waste associated with the miscellaneous undertaking.

For all the above reasons the IWB has renewed Water Licence N3L8-1838 to NTPC for a three-year term in accordance with section 27 of the *Waters Act* for the deposit of waste.

Term of the Water Licence

The IWB has determined that the term of the Water Licence will be from January 1, 2020 to December 31, 2022.

SIGNED this 29th day of November 2019 on behalf of the Inuvialuit Water Board.

A handwritten signature in blue ink, consisting of several overlapping loops and lines, positioned above a horizontal line.

Chairperson, Inuvialuit Water Board