

**DRAFT Type B Water Licence MV2018L3-0001  
Sambaa K'e First Nation – Municipal**

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## Part A: Scope and Definitions

### 1. Scope:

- a) This Licence entitles the Licensee to use Water and dispose of Waste for municipal undertakings at Samba K'e, Northwest Territories.
- b) 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 deposit of such Waste may enter any Waters. Whenever new Regulations are made or existing Regulations are amended by the Commissioner in Executive Council under the 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 automatically amended to conform with such Regulations.
- c) Compliance with the terms and conditions of this Licence does not relieve the Licensee from responsibility for compliance with the requirements of all applicable Federal, Territorial, or municipal legislation.

**Commented [Staff1]:** Board staff have updated this draft Licence to align with recently issued Licences for municipal undertakings and have revised some conditions for clarity. Please provide comments and recommendations on these draft conditions, including rationale.

### 2. Definitions:

**Act** – the *Waters Act*, S.G.N.W.T. 2014, C.18.

**Analyst** – an Analyst designated by the Minister under subsection 84(2) of the Act.

**Board** – the Mackenzie Valley Land and Water Board established by subsection 99(1) of the *Mackenzie Valley Resource Management Act*.

**Construction** – any activities undertaken to construct or build any components of, or associated with, the undertaking.

**Diaper Disposal Area** – the area and structures designated for the disposal of diapers.

**Discharge** – the direct or indirect release of any Water or Waste to the Receiving Environment.

**Engineered Structure** – any structure or facility related to Water Use or the deposit of Waste that is designed by a Professional Engineer, including but not limited to the Water Supply Facilities and Waste Disposal Facilities associated with the undertaking.

**Freeboard** – the vertical distance between the Water line and the lowest elevation of the effective Water containment crest on the upstream slope of a dam or dyke.

**Greywater** – all liquid Wastes from showers, baths, sinks, kitchens and domestic washing facilities but does not include Toilet Wastes.

**Inspector** – an Inspector designated by the Minister under subsection 65(1) of the Act.

**Licensee** – the holder of this Licence.

**Maximum Average Concentration** the running average of any four (4) consecutive analytical results submitted to the Board in accordance with the sampling and analysis requirements specified in the Surveillance Network Program.

Commented [EJ2]: To be included if EQC are included in Part D

**Minister** – the Minister of the Government of the Northwest Territories – Environment and Natural Resources.

**Modification** – in respect of a structure, means a change, other than an expansion, that does not alter the purpose or function of that structure.

**Professional Engineer** – a person registered with the Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists in accordance with the territorial *Engineering and Geoscience Professions Act*, and whose principal field of specialization is appropriate to address the components of the undertaking at hand.

**Receiving Environment** – the natural environment that receives deposit or Discharge of Waste or Water, including runoff, from the undertaking.

**Reclamation** – activities which facilitate the return of areas affected by the Waste Disposal Facilities to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

**Regulations** – Regulations proclaimed pursuant to section 63 of the Act.

**Sewage** – all Toilet Wastes and Greywater.

**Sewage Disposal Facilities** – the area and structures designated to contain and treat Sewage.

**Solid Waste Disposal Facilities** – the area and structures designated to contain solid Wastes, including the Diaper Disposal Area.

**Spill Contingency Plan** – a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning*.

**Surveillance Network Program** – a monitoring program established to define environmental sampling, analysis, and reporting requirements, as detailed in Annex A of this Licence.

**Toilet Wastes** – all human excreta and associated products not including Greywater.

**Traditional Knowledge** – the cumulative, collective body of knowledge, experience, and values built up by a group of people through generations of living in close contact with nature. It builds upon the historic experiences of a people and adapts to social, economic, environmental, spiritual, and political change.

**Unauthorized Discharge** – a release or Discharge of any Water or Waste not authorized under this Licence.

**Waste** – any substance defined as Waste by section 1 of the Act.

**Waste Disposal Facilities** – the area and structures designated for the disposal of Waste, including the Sewage Disposal Facilities and the Solid Waste Disposal Facilities.

**Water** – any Water as defined by section 1 of the Act.

**Water Supply Facilities** – the area and structures designated to collect, treat, and supply Water for the undertaking.

**Water Use** – a use of Water as defined by section 1 of the Act.

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**Part B: General Conditions**

1. The Licensee shall ensure a copy of this Licence is maintained at the municipal office at all times.
2. The Licensee shall take every reasonable precaution to protect the environment.
3. In conducting its activities under this Licence, the Licensee shall make best efforts to consider and incorporate any scientific and Traditional Knowledge that is made available to the Licensee.
4. All references to policies, guidelines, codes of practice, statutes, regulations or other authorities shall be read as a reference to the most recent versions, unless otherwise denoted.
5. All information submitted to the Board for this Licence shall:
  - a) Be submitted in a form acceptable to the Board;
  - b) Be in accordance with the Board's *Document Submission Standards*;
  - c) Include a conformity table, which identifies where the pertinent requirements of the Licence are addressed; and
  - d) Include a revision history table and summary of the revisions made.
6. The Licensee shall comply with all submissions approved pursuant to the conditions of this Licence, including such revisions made as per the conditions of this Licence, and as approved by the Board.
7. The Licensee may propose revisions at any time by submitting a revised submission to the Board for approval. All revisions shall be submitted to the Board, for approval, at least 90 days, unless otherwise specified, prior to implementing any proposed updates or changes in the approved submission.
8. If any submission is not approved by the Board, the Licensee shall revise the submission according to the Board's direction and resubmit it for approval.
9. If any date for a submission falls on a weekend or holiday, the Licensee may submit the item on the following business day.
10. The Licensee shall comply with the **Schedules**, which are annexed to, and form part of this Licence, and any changes to the Schedules as may be made by the Board.
11. The Licensee shall comply with the **Surveillance Network Program**, which is annexed to and forms part of this Licence, and any changes to the Surveillance Network Program as may be made by the Board.
12. The Schedules, Surveillance Network Program, and any compliance dates specified in the Licence may be changed at the discretion of the Board.
13. Prior to establishing, activating, or relocating any Surveillance Network Program stations, the Licensee shall post signs to identify the Surveillance Network Program stations. All signs shall be located and maintained to the satisfaction of an Inspector.
14. The Licensee shall install, operate, and maintain meters, devices, or other such methods used for measuring the volumes of Water used and Waste discharged to the satisfaction of an Inspector

15. Beginning June 30, 2019 and every June 30 thereafter, the Licensee shall submit an **Annual Water Licence Report** to the Board. The Report shall be in accordance with Schedule 1.

**Commented [EJ3]:** The current Licence reporting period is defined as April 1-March 31, with an Annual Report due June 30. Board staff request input from reviewers on whether the reporting period and Annual Report due date should conform with other Licences (i.e. Annual Reports due March 31 with reporting based on the previous calendar year), or not.

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**Part C: Conditions Applying to Water Use**

1. The Licensee shall obtain all Water for municipal undertakings from Trout Lake, using the Water Supply Facilities.
2. The Licensee may withdraw up to 60,000 cubic metres of Water per year from Trout Lake.

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**Part D: Conditions Applying to Waste and Water Management**

1. The Licensee shall manage Waste and Water with the objective of minimizing the impacts of the undertaking on the quantity and quality of Water in the Receiving Environment through the use of appropriate mitigation measures, monitoring, and follow-up actions.
2. The Licensee shall immediately notify an Inspector of the exceedance of any effluent quality criterion.
3. The Licensee shall not accept Sewage, solid Waste, or contaminated soil from industrial, commercial and institutional operators working outside of the local government boundaries of Smbaa K'e First Nation, unless otherwise authorized in writing by an Inspector.
4. The Licensee shall not accept hazardous Waste from commercial and industrial operators.

**Commented [EJ4]:** Dependent on whether EQC are included in the Licence.

**Sewage**

5. A Sewage Disposal Facilities Operation and Maintenance Plan is required by this Licence for Board approval.

OR

Within six months of the effective date of this Licence, the Licensee shall submit to the Board, for approval, a revised Sewage Disposal Facilities Operation and Maintenance Plan.

**Commented [EJ5]:** One of these options will apply depending on the Board's decision at issuance.

6. The Licensee shall operate and maintain the Sewage Disposal Facilities to prevent structural failure and to the satisfaction of an Inspector.
7. The Licensee shall maintain a Freeboard limit of one metre at the Sewage Disposal Facilities, or as recommended by a Professional Engineer and as approved by the Board.
8. Within two years of issuance, the Licensee shall submit to the Board, for approval, a Design and Construction Plan for the Sewage Disposal Facilities, as per Schedule 2, condition 1.
9. All effluent from the Sewage Disposal Facilities at Surveillance Network Program Station X shall meet the following effluent quality criteria:

**Commented [EJ6]:** Board Staff are seeking input on the inclusion of EQC in the Licence as well as the parameters and criteria to be included.

Parameter	Maximum Average Concentration

10. The Licensee shall provide Water sampling results from SNP station X to an Inspector and the Board no later than 10 days prior to the discharge of effluent from the Sewage Disposal Facilities to the Receiving Environment. Discharge shall not commence until authorized in writing by an Inspector.
11. The Licensee shall submit written notification to the Board and an Inspector sixty (60) days prior to the removal of sludge from the Sewage Disposal Facilities. The notification shall include the following details: how the sludge will be removed; where the sludge will be deposited; how the sludge will be treated; and

**Commented [EJ7]:** Board staff are seeking input on the First Nation's ability to provide advance notice to the Inspector prior to discharge, and/or a realistic timeframe for the submission and approval of results prior to discharge.



final disposal/ end use. Sludge removal shall not commence until authorized in writing by an Inspector.

**Solid Waste**

12. A **Solid Waste Disposal Facilities Operation and Maintenance Plan** is required by this Licence for Board approval.

OR

Within six months of the effective date of this Licence, the Licensee shall submit to the Board, for approval, a revised **Solid Waste Disposal Facilities Operation and Maintenance Plan**.

Commented [EJ8]: One of these options will apply depending on the Board's decision at issuance.

13. The Licensee shall maintain the Solid Waste Disposal Facilities to the satisfaction of an Inspector.

14. The Licensee shall act in accordance with the best practices outlined in Environment and Climate Change Canada's *Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document*.

15. The Licensee shall create and maintain waste segregation areas at the Solid Waste Disposal Facilities, to the satisfaction of the Inspector, for:

- a) Household/municipal hazardous Waste;
- b) Municipal solid Waste;
- c) Bulky Waste and scrap metal;
- d) Construction Waste; and
- e) Waste oil.

Commented [EJ9]: Board staff are seeking input on inclusion of this condition.

16. The Licensee is prohibited from incinerating materials at the Solid Waste Disposal Facilities, unless otherwise authorized in writing by an Inspector.

17. Within 12 months following issuance of this Licence, the Licensee shall install and maintain fencing at the Solid Waste Disposal Facilities that is capable of capturing windswept Waste, deterring wildlife, and preventing unauthorized persons from entering the site.

18. The Licensee shall dispose of all diapers at the Diaper Disposal Area to the satisfaction of an Inspector.

**Water**

19. A **Water Supply Facilities Operation and Maintenance Plan** is required by this Licence for Board approval.

OR

Within six months of the effective date of this Licence, the Licensee shall submit to the Board, for approval, a revised **Water Supply Facilities Operation and Maintenance Plan**.

Commented [EJ10]: One of these options will apply depending on the Board's decision at issuance.

**Part E: Conditions Applying to Construction**

1. The Licensee shall ensure that all structures intended to contain, withhold, divert, or retain Water or Wastes are designed, constructed, and maintained to minimize the escape of Waste to the Receiving Environment.
2. The Licensee shall ensure that all Engineered Structures are constructed and maintained in accordance with the recommendations of the Professional Engineer responsible for the design, including, but not limited to, recommendations regarding field supervision and inspection requirements.
3. The Licensee shall only use material that is clean and free of contaminants and is from a source that has been approved in writing by an Inspector.
4. A minimum of 10 days prior to the commencement of Construction of any structure, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the name and contact information for the Construction superintendent. Updates shall be provided to the Board and an Inspector in writing as changes occur.
5. A minimum of 90 days prior to the commencement of Construction for the expansion of the Sewage Disposal Facilities, the Licensee shall submit to the Board, for approval, a **Design and Construction Plan**, in accordance with Schedule 2.
6. A minimum of 90 days prior to the commencement of Construction of any Engineered Structures, including the Sewage Disposal Facilities expansion, the Licensee shall submit to the Board, **design drawings** stamped and signed by a Professional Engineer.
7. The Licensee shall ensure that all Engineered Structures, including the expansion of the Sewage Disposal Facilities, are constructed in accordance with the applicable Design and Construction Plan and design drawings.
8. Within 90 days of the completion of the Construction of each Engineered Structure, including the expansion of the Sewage Disposal Facilities, the Licensee shall submit to the Board, an **As-built Report**, stamped and signed by a Professional Engineer, which shall include, but not be limited to, the following information:
  - a) Final as-built drawings of the Engineered Structures, stamped and signed by a Professional Engineer;
  - b) Documentation of field decisions that deviated from the Design and Construction Plan; and
  - c) Any data used to support these decisions.

**Part F: Conditions Applying to Modifications**

1. The Licensee may carry out a Modification to an existing or planned structure, without written approval from the Board, provided the proposed Modification is not an expansion, does not alter the purpose or function of the structure, and the following requirements are met prior to beginning the Modification:
  - a) The Licensee shall provide written notification to the Board and an Inspector a minimum of 60 days prior to beginning the Modification;
  - b) An Inspector has provided written notification to the Board authorizing the proposed Modification;
  - c) The Board has not informed the Licensee that additional information is required;
  - d) The Board has not informed the Licensee that additional time is required to review the proposed Modifications; and
  - e) The Board has not rejected the proposed Modification.
2. The Licensee may only carry out a Modification that does not meet Part F, condition 1 with written approval from the Board.
3. Within 90 days of the completion of the Modification referred to in Part F, condition 1, the Licensee shall submit to the Board an **As-built Report**, stamped and signed by a Professional Engineer, which shall include final as-built drawings and specifications of the modified structure.

**Part G: Conditions Applying to Spill Contingency Planning**

1. The Licensee shall ensure that Unauthorized Discharges associated with municipal undertakings do not enter any Waters.
2. The Licensee shall comply with the **Spill Contingency Plan**, once approved.

OR

Within six months following the effective date of this Licence, the Licensee shall submit to the Board, for approval, a revised **Spill Contingency Plan**.

Commented [EJ11]: Either one or the other will be used depending on the Board's decision at issuance.

3. If, during the period of this Licence, a spill or an Unauthorized Discharge occurs or is foreseeable, the Licensee shall:
  - a) Implement the approved Spill Contingency Plan;
  - b) Immediately report it using the NU-NT Spill Report Form using one of the following methods:
    - i. Telephone: (867) 920-8130
    - ii. Fax: (867) 873-6924
    - iii. Email: [spills@gov.nt.ca](mailto:spills@gov.nt.ca)
    - iv. Online: Spill Reporting and Tracking Database
  - c) Within 24 hours, notify the Board and an Inspector; and
  - d) Within 30 days of initially reporting the incident, submit a detailed report, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future, to the Board and an Inspector. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.
4. The Licensee shall ensure that adequate spill prevention infrastructure and spill response equipment is available.
5. The Licensee shall restore all areas affected by spills and Unauthorized Discharges to the satisfaction of an Inspector.

**Part H: Conditions Applying to Closure and Reclamation**

1. The Licensee shall carry out progressive Reclamation of disturbed areas as soon as is reasonably practical.
2. Six months prior to the closure and reclamation of any specific component of the undertaking, the Licensee shall submit to the Board, for approval, a component-specific **Closure and Reclamation Plan**. The Plan shall be in accordance with Schedule 3.

**Signed the behalf of the Mackenzie Valley Land and Water Board**

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Mavis Cli-Michaud, Chair

Witness

**Schedule 1**  
**Annual Water Licence Report**

1. The **Annual Water Licence Report** referred to in Part B, condition 15 of this Licence shall cover the previous fiscal year (April 1 through March 31), and shall include, but not be limited to, the following information:
  - a) The monthly and annual quantities in cubic metres of Water obtained from all sources;
  - b) The monthly and annual quantities in cubic metres of each and all Waste discharged to the Waste Disposal Facilities, by location and including sludge from the Water Supply Facilities;
  - c) The monthly and annual quantities in cubic metres of Waste removed from the Waste Disposal Facilities, identified by disposal location;
  - d) A summary of sludge management activities including results of depth and volume measurements, sludge removal and treatment;
  - e) The monthly and annual quantities of all Sewage and solid Waste deposited into the Waste Disposal Facilities by commercial and industrial operators working outside the local government boundaries of Samba K'e, as authorized in writing by an Inspector;
  - f) Tabular summaries of all data generated under the Surveillance Network Program referred to in Part B, condition 11 of this Licence;
  - g) A summary of activities undertaken to install and maintain fencing at the Waste Disposal Facilities referred to in Part D, condition 16 of this Licence;
  - h) A summary of Construction activities conducted in accordance with Part E of this Licence;
  - i) A summary of Modification activities conducted on the Water Supply and Waste Disposal Facilities, including all associated structures, in accordance with Part F of this Licence;
  - j) A summary of major maintenance activities conducted in accordance with this Licence;
  - k) A summary of activities conducted in accordance with the approved Spill Contingency Plan, required in Part G, condition 2 of this Licence, including:
    - a. A list and description of all Unauthorized Discharges, including the date, NWT spill number, volume, location, summary of the circumstances and follow-up actions taken, and status (i.e. open or closed), in accordance with the reporting requirements referred to in Part G, condition 3 of this Licence; and
    - b. An outline of any spill training and communications exercises carried out during the previous calendar year;
  - l) A summary of any closure and reclamation work completed during the year;
  - m) A summary of any updates or revisions to the Spill Contingency Plan, Management Plans and Operation & Maintenance Plans;
  - n) 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;
  - o) A summary of actions taken to address concerns, non-conformances, or deficiencies in any reports filed by an Inspector; and
  - p) Any other details requested by the Board on or before November 1 of the year being reported.

**Schedule 2**  
**Design and Construction Plan**

1. The **Design and Construction Plan** referred to in Part E, condition 5 of this Licence shall include, but not be limited to, the following information:
  - a) A description of the facilities to be constructed, including proposed locations;
  - b) Relevant background information, which may include the following: population projections; constraint mapping including areas of local importance; drainage patterns; climate; geotechnical investigations; hydrogeological investigations; and any other relevant information, as deemed adequate by the Professional Engineer responsible for the design;
  - c) For the Sewage Disposal Facilities, a description of the process design, which may include expected influent and effluent qualities, and decant procedures;
  - d) Design characteristics of materials required for Construction; and
  - e) Construction considerations, including timing, sequencing, and a schedule.

**Schedule 3**  
**Closure and Reclamation Plan**

1. With regard to the component of the undertaking being closed, the **Closure and Reclamation Plan** referred to in Part H shall include, but not be limited to, the applicable contents of Tables 8.1 and 8.2 of Environment and Climate Change Canada's *Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document*.



**DRAFT Annex A: Surveillance Network Program (SNP)**  
**Annexed to Water Licence MV2018L3-0001 Part B, condition 6**  
**Sambaa K'e First Nation**

**Table of Contents:**

Part A: Reporting Requirements

Part B: Sampling and Analysis Requirements

Part C: Surveillance Network Program Station Descriptions

**Part A: Reporting Requirements**

1. The effective date of this Surveillance Network Program is **DATE**.
2. The Licensee shall include all of the data and information required in Part C of this Annex in the Annual Water Licence Report, as specified in Part B, condition 4 of this Licence.
3. The Licensee shall also provide SNP data at other times, if requested by an Inspector or the Board.

Commented [Staff12]: Board staff note that this date will be filled in at issuance.

**Part B: Sampling and Analysis Requirements**

1. More frequent sample collection or provision of data may be required at the request of an Inspector.
2. The location of sampling sites is subject to the approval of an Inspector. The Licensee shall work with an Inspector to determine suitable locations for sampling sites.
3. All sampling, sample preservation, and analyses shall be conducted in accordance with methods prescribed in the current edition of American Public Health Association's (APHA) *Standard Methods for the Examination of Water and Wastewater* at the time of analysis, or by other such methods approved by an Analyst.
4. All analyses shall be performed in a laboratory accredited by the Canadian Association for Laboratory Accreditation (CALA) for the specific analyses to be performed or as approved by an Analyst.

**Part C: SNP Station Descriptions and Monitoring Requirements**

Commented [EJ13]: Board staff are seeking input on the locations, sampling frequencies and sampling parameters for SNP stations.

SNP station	Location	Sampling Frequency	Sampling Parameters	Rationale
2018-1	Raw Water intake line at the Water Supply Facilities	Monthly	Volume of Water in cubic metres	To monitor the monthly and annual quantity of Water withdrawn for municipal purposes.
2018-2	Water Treatment Plant backwash	Monthly	Aluminum	To monitor potential impacts of Water Treatment Plant backwash discharge to the Receiving Environment.
2018-3	Small stream north of Sewage Disposal Facilities	Twice yearly during the months of June and September	pH, CBOD <sub>5</sub> , Total Suspended Solids, Ammonia, Total Phosphorus, Nitrate, Nitrite, Faecal Coliforms, Oil and Grease	To monitor potential impacts of the Sewage Disposal Facilities on Trout Lake.
2018-4	Sewage effluent from the Sewage Disposal Facilities	Prior to discharge	pH, CBOD <sub>5</sub> , Total Suspended Solids, Ammonia, Total Phosphorus, Nitrate, Nitrite, Faecal Coliforms, Oil and Grease	Site of compliance. To monitor final effluent quality prior to discharge to the Receiving Environment.
2018-5	Any standing water present near the Solid Waste Disposal Facilities	Twice yearly during the months of June and September, if standing water is present	Total Suspended Solids, Total Cadmium, Total Chromium, Total Cobalt, Total Copper, Total Iron, Total Lead, Total Magnesium, Total Manganese, Total Mercury, Total Nickel, Oil and Grease, Total Petroleum Hydrocarbons, BTEX, Total Phenols, Total Phosphate, Calcium, Potassium, Sodium, Sulphate, Total Zinc, pH, conductivity	To monitor potential impacts of the Sewage Disposal Facilities and Solid Waste Disposal Facilities on surface Water.

Commented [EJ14]: Depending on whether or not EQC are included in the Licence.

Signed on behalf of the Mackenzie Valley Land and Water Board

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**Mavis Cli-Michaud, Chair**  
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**Witness**  
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**Annex B:**  
**Concordance Table of Items Requiring Submission for Water Licence**  
**MV2018L3-0001**

**Commented [EJ15]:** Table to be populated pending finalization of Licence conditions.

This table summarizes the information the Licensee is required to submit as per the Water Licence conditions. It supplements the Water Licence. If there are any discrepancies between this table and the body of the Water Licence, the Water Licence conditions prevail.

**Table 1: Concordance Table of Items Requiring Submission**

Part of Licence	Item	Timeline

**Annex C:  
Revision History Table**

**Table 1: Updates and changes that have been made to the Water Licence since issuance.**

Date	Location of change	Description of change
-	-	-