

## Elaine Briere - MVLWB

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**From:** Shannon Hayden - MVLWB [shayden@mvlwb.com]  
**Sent:** Wednesday, December 16, 2009 9:16 AM  
**To:** permits@mvlwb.com  
**Subject:** FW: Hay River Water Licence Renewal Response to Interventions  
**Attachments:** Intervention Response to Chair.pdf

Registry please,  
Shannon

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**From:** Anne Umpleby [mailto:anne@mvlwb.com]  
**Sent:** Tuesday, December 08, 2009 2:19 PM  
**To:** 'Shannon Hayden - MVLWB'  
**Subject:** FW: Hay River Water Licence Renewal Response to Interventions

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**From:** Terry Molenkamp [mailto:molenkamp@hayriver.com]  
**Sent:** Tuesday, December 08, 2009 2:06 PM  
**To:** anne@mvlwb.com  
**Cc:** Kelly Schofield; 'Michael Richardson'; 'Ron Kent'  
**Subject:** Hay River Water Licence Renewal Response to Interventions

Good day Anne. Mayor Schofield requests that the attached response to the interventions received with respect to Hay River's Water Licence Renewal be forwarded to the Board Chair Willard Hagen. Thank you



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## **OFFICE OF THE MAYOR**

December 7, 2009

Mr. Willard Hagen, Chair  
Mackenzie Valley Land and Water Board  
Box 2130  
7<sup>th</sup> Floor, 4910-50<sup>th</sup> Avenue  
Yellowknife, NT X1A 2P6

Dear Mr. Hagen,

Thank you for the opportunity to review the various interventions received for our licence renewal.

There are three points of contention that remain on our mind. The first is the issue raised by Environment Canada, and supported in part by Indian and Northern Affairs, surrounding bioassay sampling.

It is the Town's opinion that bioassay sampling should not be part of the renewed licence for the following reason:

Originally, Environment Canada and the Town agreed that the Town would collect bioassay samples for Environment Canada. Environment Canada would analyze these samples for their own purpose. This arrangement was included in the last licence. Environment Canada says they can no longer provide the service to analyze these samples and would like to now burden the Town with this task and its associated costs.

We understand that the Federal Government must assess the efficacy of their licences and regulations. In the same light, municipalities must ensure that they comply with their own licences and regulations. It is our position, however, that

the Town should not be responsible for ensuring that the Federal Government is doing its job. Costs associated should be borne by the Federal Government.

Finally, the new Canadian Council of Ministers of the Environment (CCME) guidelines for municipal wastewater effluents have been published. As you know, these guidelines are as much a product of Environment Canada as they are of the CCME. These guidelines specify compliance sampling programs such that a community such as Hay River would be exempt from bioassay sampling.

Environment Canada will now argue that since those guidelines are not yet in force for the North, Hay River would not be exempt. We would like to ask the following: "Would Environment Canada impose something on the North that they would not impose elsewhere in Canada?" The Town suggests that they would not, and therefore requests that bioassay sampling not be required in a renewed licence.

If Environment Canada or INAC would like the Town to assist their efforts and provide them with bioassay samples for their own analysis, we would be happy to accommodate them.

The second point is regarding the recommendations made by ENR with respect to our MSW site. In earlier correspondence, the Town questioned whether many of these recommendations were within the Board's jurisdiction, but agreed to consider the points as part of the review of landfill operations and planning. The Town further committed to these recommendations in the recent technical meeting. We agree in principle with the intent of the recommendations, and look forward to cooperatively working with ENR under their enabling GNWT legislation. However, we do not believe these commitments are, nor should be, part of the renewed water licence.

The third point is the level of detail now required by the agencies for the various plans required under the licence. When these plans first became a requirement under the NWT Water Board, the capacity within the majority of communities in the NWT was still under development. The purpose of these plans was two-fold: one, to provide a consistent mechanism for inspection enforcement by INAC Inspectors; and two, to assist in the development of community capacity with respect to workload. Since that time, communities, including Hay River, have developed and become more sophisticated. Instead of allowing the communities to catch up, the submission requirements have continued to outpace the ability of the communities. Some might say that the requirements are an invasive probe into the day-to-day operations of our community.

The Town agrees in principle that there should be assurance of good planning and good operations, and that there should be a consistent basis for inspection

enforcement. We would like to be responsible for the creation of the plans, training materials, operating manuals, and procedures to ensure consistent, efficient, and competent operation of municipal facilities outside of a licence.

What we hope for and recommend instead, are submission requirements for plans that reflect the needs of assurance and consistent enforcement.

We'd like to thank you for the opportunity to respond to these interventions and would welcome any further discussion of the water licence process.

Sincerely,



Kelly Schofield  
Mayor