



**Mackenzie Valley Land and Water Board**  
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**Staff Briefing Note**

<b>Company:</b> City of Yellowknife	
<b>Location:</b> Yellowknife, NT	<b>Application:</b> MV2009L3-0007
<b>Date Prepared:</b> December 6, 2009	<b>Meeting Date:</b> December 17, 2009
<b>Subject:</b> Staff Briefing Note for City of Yellowknife Water Licence Renewal	

**1. Purpose/Report Summary**

This briefing note is to update the Board on the major events occurring with the Water Licence (WL) Renewal Application for the City of Yellowknife.

**2. Background**

- July 10, 2009 – WL application submitted;
- July 20, 2009 – WL application sent out for review;
- August 7, 2009 – comment deadline on preliminary screening exemption matter and for draft work plan;
- September 30, 2009 – WL application comment deadline;
- October 7, 2009 – site visit;
- November 5, 2009 – Board exempts WL application from preliminary screening;
- November 12, 2009 – technical session held;
- November 23, 2009 – public hearing ad appears in News/North;
- November 27, 2009 – intervention due date;
- December 15, 2009 – pre-hearing conference scheduled; and
- December 17, 2009 – update on file presented to the Board.

**3. Discussion**

During the review process, there have been several underlying concerns raised regarding this application. The following is a list of what staff understands to be the main issues moving forward; this list is not meant to be exhaustive but merely to give a sense of what the key concerns may be at the Public Hearing. This list is compiled from a review of the application

comments, interventions, and the review completed by the Board's consultant, Arktis Solutions Incorporated.

- The Abandonment and Reclamation Plan (or the Closure Plan) for the solid waste facility (SWF);
- Lack of information on leachate from the SWF;
- Lack of information on the compost facility at the SWF (e.g. run-off contents, compost quantities);
- Hazardous waste at the SWF;
- Capacity of the Fiddlers Lake Lagoon system;
- Phosphorous and ammonia levels WL limits; and
- PH levels and presence of seasonal algal blooms.

### **Technical session**

In order to minimize the technical issues presented at the Public Hearing, a technical session was held on November 12, 2009 at the Yellowknife Inn.

Note that this date had changed from the original work plan in order to obtain the space needed to hold the meeting and to avoid conflict with other type A proceedings that were occurring at the same time within the MVLWB office. Parties were notified of this change in date and of the venue in writing. The Regulatory Officer (RO) on this file also verbally reminded some of the participants over the phone in the days prior to the meeting.

The technical session itself was brief, beginning at 9 a.m. and lasting for approximately two hours. Following an overview presentation by the City of Yellowknife, topics discussed were the Fiddler's Lagoon sewage system, the solid waste facility, storm water, and management plans. Participants included Indian and Northern Affairs Canada (INAC), Environment Canada (EC), North Slave Métis Alliance (NSMA), City of Yellowknife, Yellowknives Dene First Nation (YKDFN), and the Board's consultant Arktis Solutions Inc. Absent was staff from the Government of the Northwest Territories – Environment and Natural Resources (GNWT - ENR).

Prior to the meeting, the RO and the Senior RO spoke with staff from GNWT - ENR. They were aware of the date/time/venue for this meeting and it was assumed someone from this organization would attend the meeting. On the day of the session, staff noticed the absence of folks from the GNWT - ENR and waited an additional 10 minutes (approximately) before beginning the meeting. No one from GNWT - ENR joined the meeting.

Later that day, the RO received a call from a GNWT - ENR staff member who had gone to the venue at 1 p.m. and did not find anyone there.

It was explained to him that the session had started and 9 a.m. and was completed by 11:15 a.m.; there would be no afternoon session required.

The following day the A/Executive Director received a letter from GNWT - ENR (attached) requesting that the technical session be re-scheduled. The A/Executive Director responded to this letter stating that there would not be another technical session (attached). It was also noted that there were other opportunities in the process for GNWT - ENR to make comments.

It was discovered upon the submission of interventions that staff of GNWT - ENR held a meeting with the City of Yellowknife on November 24, 2009 to discuss GNWT - ENR's comments on the WL application. This meeting appears to have been successful in addressing many of the GNWT - ENR's concerns.

### **Interventions**

A total of four Interventions were received. These were from INAC, EC, GNWT - ENR, and NSMA. The following is a brief summary of the recommendations from each intervention.

#### **INAC**

INAC made a total of 16 recommendations. Included were recommendations for:

- Further information to be collected on factors that cause seasonal generation of an algal bloom at F3;
- The provision of a revised Fiddler's Lake treatment system plan;
- Relocation of the monitoring station 32-15 to landfill side of Hwy #4;
- Sampling of compost water;
- Submission of a closure and reclamation plan for the landfill; and
- Various plan updates.

#### **EC**

EC focused their review on sewage disposal and treatment, the solid waste disposal facility, and the proposed changes to the WL. Recommendations included:

- Option evaluation for optimization of effluent quality so that ammonia and phosphorous discharges are minimized;
- Development of a sludge management plan;
- Collection of bioassay samples twice annually;
- Support for the City in characterizing leachate; and
- That the WL be issued for no longer than ten years.

## **GNWT-ENR**

As aforementioned, the GNWT - ENR and the City of Yellowknife met to discuss concerns. It appears the City has committed to addressing many of the GNWT - ENR's issues with the WL application. The recommendations that were agreed to include:

- Determination of subsurface water infiltration and outflow patterns from the solid waste facility;
- Development of a water and leachate modelling and monitoring plan;
- Development of an abandonment and closure plan;
- Update of all plans; and
- Development of a hazardous waste management plan.

## **NSMA**

The NSMA did not make recommendations. In their intervention, several concerns were brought forward including a claim that the Board failed to consult the NSMA on the preliminary screening determination, failure of the Crown to consult with the NSMA, and a request for compensation to existing water rights holders who would be adversely affected by this development.

### **4. Comments**

I would like the Board to know that, in my opinion and as an RO on this file, I feel I have done (and we as the Board have done) as much as I could to accommodate the requests of the NSMA to date. This organization has had the same access to the Public Registry, the RO for the file, and comment opportunities as all other parties. Recent offers of assistance to this group, within what I can do in terms of my role as RO for the Board, have not had a response other than to say we were not of any help.

### **5. Review comments**

Intervention recommendations and overall key issues were summarized in a previous section. For your reference, the full interventions as received by the Board on November 27, 2009 have been attached.

### **6. Upcoming events**

Note the following dates:

- December 15, 2009 – pre-hearing conference;
- Week of January 4, 2010 – hearing binders prepared and sent out;
- January 19–20, 2010 – public hearing at the Explorer Hotel (see attached);
- Week of March 22 – final WL presented to the Board; and
- May 31, 2010 – current WL expiry

## 7. Attachments

- GNWT - ENR Letter – November 13, 2009
- MVLWB response to GNWT letter – November 19, 2009
- Intervention from INAC – November 27, 2009
- Intervention from EC - November 27, 2009
- Intervention from GNWT - ENR – November 27, 2009
- Intervention from NSMA – November 27, 2009
- Public Hearing Notice

Respectfully submitted,

A handwritten signature in black ink that reads "Lynn Carter". The signature is written in a cursive, flowing style.

Lynn Carter  
Regulatory Officer