

Elaine Briere - MVLWB

From: Angela Plautz - MVLWB [aplautz@mvlwb.com]
Sent: Tuesday, December 15, 2009 2:36 PM
To: permits@mvlwb.com
Subject: FW: Ft. Liard MV2009L3-0025
Attachments: 12-02-09 - ENR Letter to Board - Hamlet of FortLiard - MV2009L3-0025 - Request for Comments.docx

Please file under MV09L3-25.

From: Patrick Clancy [mailto:Patrick_Clancy@gov.nt.ca]
Sent: Wednesday, December 02, 2009 4:30 PM
To: Angela Plautz
Subject: Ft. Liard MV2009L3-0025

Hello,

Please find attached ENR's comments on the subject application.

Thank you,

Patrick Clancy
Environmental Regulatory Analyst
Environmental Assessment and Monitoring
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December 2, 2009

Angela Plautz
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife, NT
X1A 2P6

Dear Ms. Plautz,

**Re: Hamlet of Fort Liard
Water Licence – MV2009L3-0025
Request for Comments**

The Department of Environment and Natural Resources (ENR) has reviewed the above noted project based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act* and the *Wildlife Act* and provides the following comments and recommendations for consideration by the Board.

Operations and Maintenance for New Facility

Discussion

Section 4.3 Solid Waste Disposal of the Project Description states:

“Dillon Consulting Limited was retained by the Hamlet, to produce a 40-year conceptual design for a new landfill. This design has been presented to Council, and 3 possible sites were outlined. Council selected a site adjacent to the current landfill as a preferred option and is looking into re-zoning of this land. Dillon will be completing design of the new solid waste facility. Once complete, details will be forwarded onto the MVLWB for approval.”

Recommendation

The current WL should authorize Terms and Conditions for use only at the existing facility, as the current Project Description only references this facility. Operation and Maintenance requirements specific to any new facility should only be proposed and determined at such time that a new facility location and design are approved.

Operations and Maintenance Planning

Discussion

Specific details and prescriptive elements associated with operations and maintenance requirements of the Solid Waste Facility should be developed to ensure clarity and consistency for operators and workers.

The *Guideline for the Planning, Design, Operations and Maintenance of Modified Solid Waste Sites in the Northwest Territories* (the Guideline), is endorsed by the Departments of Municipal and Community Affairs (MACA) and Environment and Natural Resources (ENR), Government of the Northwest Territories. It provides specific advice in this regard, has been developed specifically for use in the NWT, and provides definitions and uses terminology and instructs on common procedures that will provide all stakeholders certainty and clarity when discussing, planning for, and operating the Hamlet's waste facilities, and gives specific guidance on the development of a *Operations and Maintenance Plan* for these facilities.

Recommendations

In order to ensure that its purpose is to develop Operations and Maintenance requirements specific to Ft. Liard sourced Municipal Solid Waste (MSW), ENR recommends that a Municipal Solid Waste (MSW) Operations and Maintenance Plan is prepared and submitted to the Board for its approval; and

ENR recommends that the Hamlet and the Board consult the Guideline for the Planning, Design, Operations and Maintenance of Modified Solid Waste Sites in the Northwest Territories for the development of a Municipal Solid Waste (MSW) Operations and Maintenance Plan for the Solid Waste Facility.

Closure and Reclamation

ENR is concerned that the development of a Closure and Reclamation Plan for the current facility is not in place. This concern is augmented by the fact that it is reported in the Project Description that a process is in place to complete the design of the new solid waste facility.

The development of a C&R Plan is important. There are three distinct steps, performed in the proper order, through the development of a Final C&R Plan:

1. Preliminary Closure and Reclamation Plan
2. Interim Closure and Reclamation Plan
3. Final Closure and Reclamation Plan

Step 1: A Preliminary C&R Plan, is appropriately prepared in conjunction with the planning and permitting stage of the SWF. The general purpose is to propose closure objectives, alternatives analysis, and proposed closure criteria to understand the Proponent's intent. Determining appropriate closure options should also be integrated with a level of community engagement to build consensus upfront.

Step 2: The Interim C&R Plan, is to identify uncertainties surrounding certain closure options that guide corresponding areas for reclamation research during operations prior to closure. There are typically several versions that are prepared during the life of the facility to address changes in development alternatives, and to refine as the facility progresses towards closure and subsequent versions of Closure and reclamation Plan are produced. Interim Plans are prepared on a regular basis to coincide with operational changes, advances in technology, key milestones, information collected during reclamation research, and results of community engagement.

Step 3: The Final C&R Plan, should be more detailed because more information and studies are available to determine duration, frequency, and magnitude of the effects. The final version of the C&R Plan is to contain detailed reclamation activities, and should be prepared and approved prior to a scheduled permanent closure or immediately after an unplanned closure.

Recommendations:

ENR recommends the Hamlet prepare and submit a Preliminary Closure and Reclamation Plan for the Solid Waste Disposal Facility and submit it to the MVLWB for review and approval by Dec, 2010; and

The Preliminary Closure and Reclamation Plan includes an assessment of the projected lifespan of the current solid waste facility.

Hazardous Waste

Discussion

Section 4.3.2 *Hazardous Waste Management*, of the Project Description for the application makes the following statements:

“The Hamlet of Fort Liard is currently not registered as a Hazardous Waste Generator, with the Department of Environment and Natural Resources (ENR) Environmental Protection Service in the GNWT. Hazardous wastes generated by the community are mainly paint cans and waste automobile batteries.”

“The Hamlet does not haul hazardous wastes or store any Hamlet generated hazardous wastes at the solid waste site.”

“Disposal of the hazardous wastes has been discussed but there are no firm plans for removal at this time.”

“No inventory of the hazardous materials located at the solid waste facility currently exists.”

“Hazardous wastes are stored in a separate area at the solid waste site”

These are concerning and contradictory statements, and indicate inconsistent planning for hazardous waste at the facility.

ENR tracks the movement of hazardous waste in the NWT from registered generators to registered carriers and receivers within and outside the NWT. The tracking takes place on movement documents required by most provinces and territories in Canada that includes BC and Alberta. The Hamlet of Ft. Liard is not a registered generator and ENR has no record of hazardous waste moving to registered facilities in Ft. Nelson as mentioned in correspondence between the Hamlet of Ft. Liard and the MVLWB dating November 3, 2009.

ENR requires the Hamlet retain any supporting documentation about the final destination of hazardous waste leaving community operations.

Recommendation

The Hamlet should only accept municipal sourced Hazardous Waste. Hazardous Waste generated from industrial operations should not be accepted or consigned to the dump, as the community facilities are not designed, managed, or licenced to manage wastes of this nature. Hazardous Waste should only accepted that is identified as originating from Municipal Solid Waste (MSW) streams sourced from within the community and from commercial and residential sources from within the region, unless evidence is provided that the facility is designed and operated to accommodate it; and

ENR recommends that the Proponent develop a site specific Hazardous Waste Management Plan that identifies hazardous material accepted at the Solid Waste Disposal Facility and its management. Attached is a draft document, Developing a

Community Hazardous Waste Management Plan, which ENR recommends for use by the Proponent as a guidance document to aid in developing the plan. ENR is willing to work closely with the Hamlet in making decisions about hazardous waste management.

Comment [TMP1]: Please include attachment

Outsourced Industrial Waste Streams

Discussion

Section 8.2 *Solid Waste of the Project Description*, supplied waste projections (Table 8.2) are based on average growth rates of the community only, on population and volume projections, taken from other communities only, being that there is currently no published information on waste volumes in Fort Liard, data from other communities in this region is used. While it is reasonable to use these generation rates to predict community waste generation rates, projections do not include any industrial or construction and/or demolition waste sources from outside the community. It is well known that historically, a significant amount of out of town sourced industrial waste from oil and gas activities in the area has been deposited in the Ft. Liard facilities, and this was responsible for the premature filling of the facility in previous years. And, these facilities are in close proximity to present and potential future industrial undertakings outside the community. This adds additional concern given no hazardous waste manifesting or tracking as occurred at the facilities, and it is stated that there is no information available of the volumes or types of hazardous wastes at the site.

Recommendation:

ENR recommends that no outsourced industrial waste can be accepted at the facility, or otherwise, projections need to be resubmitted that include this waste stream, along with evidence that the facility is designed and operated to accommodate it.

Fencing

Discussion

Section 4.3 of the Project Description, *Solid Waste Disposal*, states:

“The solid waste facility is located adjacent to the sewage lagoons (see Figure 4). There is a gate, a chain link fence and an electric fence around the property. The electrical fence hasn't been operational in several years. A partial fence is in place at the domestic waste disposal area, in an attempt to control windblown litter; however, it has little effect on the control of this problem.”

A proper fence would not only help to minimize windblown debris but also control access to the site and minimize wildlife interaction.

Recommendations

ENR recommends that a full fence is installed around the “domestic waste disposal area”. Requirements and instructions on this topic are found in, [Guideline for the Planning, Design, Operations and Maintenance of Modified Solid Waste Sites](#); and

ENR recommends the Town develop and submit a Plan to the MVLWB that proposes the timely installation and operations of a fence that will prevent carnivores from having access to the Solid Waste Facility (domestic waste disposal area). The Plan must include a specific timeline for its completion and plans to ensure the electric fence around the property is operating. The Plan should be developed in consultation with ENR.

Comments and recommendations were provided by ENR technical experts in the Environment Division, Forest Management Division, Wildlife Division and the South Slave Region, and were coordinated and collated by the Environmental Assessment and Monitoring Section (EAM).

Should you have any questions or concerns please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst, at (867) 920-6591 or patrick.clancy@gov.nt.ca.

Sincerely,



Patrick Clancy
Environmental Assessment Analyst
Environmental Assessment and Monitoring
Environment and Natural Resources