

January 15, 2010

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
Review of Draft Terms and Conditions
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 regarding Draft Terms and Conditions of the Water Licence for consideration by the Board.

Part D. Conditions Applying to Waste Disposal

ENR recommends that the following condition is included in this section that states:

“The Licensee shall not accept outsourced industrial waste, generated outside the boundaries of the Hamlet of Ft. Liard, at the Waste Disposal Facilities unless it can be proven that a Waste Disposal Facility has been designed and is operated to accommodate such wastes.”

The definition in Schedule II, item 3, Municipal Undertakings, in the Northwest Territories Water Regulations makes it very clear that municipal water licences deal with industrial wastes deposits generated from within a municipality or settlement. It

is also very clear that the words “Municipal Undertaking” does not to extend to “Industrial Undertakings” outside of the boundaries of a settlement or municipality.

Part G: Conditions Applying to Abandonment and Restoration

1. ENR recommends, in the interest of consistency with generally accepted terminology that this section to be called “**Conditions Applying to Closure and Reclamation**”
2. Although a requirement of a Closure and Reclamation Plan is important prior to abandoning any Waste Disposal Facilities, ENR is concerned that there is not already a Preliminary or Interim Closure and Reclamation Plan in place for the existing facility. The purpose of Preliminary and Interim Plans is to ensure that the Proponent integrates the planning and reclamation of the facility during the design, permitting, and operational aspects of the facility. Waiting until the Hamlet is ready to close the existing facility does not provide enough planning for the closure of such facility.

Therefore, ENR strongly recommends the Hamlet prepare and submit a Preliminary and Interim Closure and Reclamation Plan for the Solid Waste Disposal Facility and submit it to the MVLWB for review and approval by December, 2010. Please refer to ENR’s previous submission for further information in regard to this matter.

Part I: Conditions Applying to Operations and Maintenance

1. Licensee shall, within six months of the issuance of this Licence, submit to the Board for approval, an updated plan for the Operation and Maintenance of the Waste Disposal Facilities. The plan shall include, but not be limited to, the following:
 - k) Method and frequency of site maintenance including burning where permitted;
 - l) Alternatives designed to reduce burning;

ENR notes that the open burning of waste is not permitted in the NWT, with the exception of untreated wood, paper and paperboard products, as per the ENR Guidance Document titled “*Municipal Solid Wastes Suitable for Open Burning*”. If items other than untreated wood, paper and paperboard products are to be burned, an incinerator should be used which is designed and certified for the waste streams being burned and must be operated in accordance with manufacturer’s specifications. Refer to Environment Canada’s *Technical Document for Batch Waste Incineration* (www.ec.gc.ca/drgd-wrmd/default.asp?lang=En&n=82401EC7-1)

Comments and recommendations were provided by ENR technical experts in the Environment Division, Forest Management Division, Wildlife Division and the Dehcho

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 email at patrick.clancy@gov.nt.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Clancy', written in a cursive style.

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