



Mackenzie Valley Land and Water Board
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Staff Report

Applicant: Town of Fort Smith	
Location: Fort Smith, NT	File Number: MV2011L3-0001
Date Prepared: November 29, 2018	Date of Board Meeting: December 10, 2018
Subject: Notification and drawings for Solid Waste Disposal Facilities expansion and existing cell final cover	

1. Purpose

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) the notification and drawings for Solid Waste Disposal Facilities expansion and existing cell final cover submitted by the Town of Fort Smith (Town) to satisfy Part H, condition 1 of Water Licence (Licence) MV2011L3-0001.

2. Background

- November 1, 2011 – Issuance of Licence MV2011L3-0001;
- October 23, 2018 – notification and drawings for Solid Waste Disposal Facilities expansion and existing cell final cover received;
- October 25, 2018 – Review commenced;
- November 15, 2018 – Reviewer comments and recommendations due and received;
- November 20, 2018 – Town granted extension to respond to comments to November 29, 2018;
- November 29, 2018 – Responses due and received via email;
- November 30, 2018 – Responses posted to Online Review System by Board staff;
- **December 10, 2018 – notification and drawings for Solid Waste Disposal Facilities expansion and existing cell final cover presented to the Board for approval;** and
- October 31, 2026 – Expiration of Licence MV2011L3-0001.

3. Discussion

Submission History

On April 22, 2016, the Town submitted their Landfill Master Plan to the Board (attached), which described the Town’s overall plan for, “...orderly development, maximizing both existing development areas and proposed expansion areas for the Town municipal landfill” (Section 1). Section 5 of the Landfill Master Plan covered closure and post-closure activities, and stated that it satisfies the requirements for an Interim Closure and Reclamation Plan (ICRP) for the Solid Waste Disposal Facilities (SWDF) as required by Part G, condition 1 and Schedule 3, condition 1 of the Licence. The Town has taken a slightly different

MV2011L3-0001 – Town of Fort Smith
 Notification and drawings for Solid Waste Disposal Facilities expansion
 and existing cell final cover

approach to interim closure and reclamation planning than considered by the Licence at issuance, but as Licence requirements were largely met by the submission (see ICRP Staff Report and Comments, attached), at that time, Board staff accepted the Landfill Master Plan as the Town's ICRP submission. The Board approved the Landfill Master Plan/SWDF ICRP on September 23, 2016 (attached).

Licence Requirements and Description of Submission

The Notification and drawings for Solid Waste Disposal Facilities expansion and existing cell final cover (attached) were submitted by the Town to fulfill Part H, condition 1 of their Licence, which states:

Prior to construction of any dams, dykes, or structures intended to contain, withhold, divert, or retain Water or Wastes, the Licensee shall submit to the Board for approval design drawings stamped by a qualified Engineer registered in the Northwest Territories.

The cover letter states that the Town "intends to construct this facility to manage their waste as outlined in the Landfill Master Plan". The submission includes the following:

- Design brief for the landfill expansion cells and existing landfill final cover;
- Associated design drawings for the landfill expansion cells and existing landfill final cover (signed and stamped by an Engineer); and
- Design drawings for the updated waste transfer station (signed and stamped by an Engineer).

4. Comments

In the Board's September 23, 2016 approval letter for the SWDF ICRP (also known as the Landfill Master Plan), the Board stated:

The Town shall adhere to the commitments made in their responses to reviewer comments dated July 27, 2016. The Board anticipates future iterations of closure and reclamation plans will include additional design details, as well as consideration of progressive closure of portions of the Solid Waste Disposal Facilities and possible future use (or repurposing) of closed portions, as applicable.

Board staff have reviewed the review comments and responses from the public review of the SWDF ICRP, and note that many of the comments submitted at this time were related to requesting additional design details for items such as relocation of existing landfill areas to allow for construction of new cells, the leachate collection system, monitoring locations, borrow locations, and revegetation of the final landfill cover.

The Board's September 23, 2016 request and all of these items were either addressed at the time through the Town's responses, or have been addressed in detail with the Town's current submission. Board staff note that the Town could be reminded to revise the appropriate Plans related to the SWDF (including the SWDF Operations and Maintenance, as well as their Groundwater Monitoring and Protection Program, to reflect changes to the SWDF).

5. Public Review

By November 15, 2018, comments and recommendations on the Notification and drawings for Solid Waste Disposal Facilities expansion and existing cell final cover were received from four reviewers:

- Environment and Climate Change Canada (ECCC);

- The Government of the Northwest Territories Department of Environment and Natural Resources (GNWT-ENR) (no comments);
- The Government of the Northwest Territories Department of Lands (Lands Inspector); and
- Board staff.

The Town responded by email on November 29, 2018, and Board staff posted their responses to the ORS on November 30, 2018. The Review Summary and Attachments (attached) presents the concerns identified through this review. The Lands Inspector provided clarification to the comments submitted in an email (attached).

Main Issues Raised during the Review

The following summarizes the main issues raised during the review:

Leachate quality and management

ECCC (Comment ID 2) recommended the Town track leachate quality and review leachate management practices if leachate quality worsens, which is anticipated if the Town is spraying leachate back onto the landfill cell to encourage evaporation. In response, the Town clarified anticipated leachate volumes and stated that they will be monitoring leachate quality at the main leachate pumping chamber and if required due to a major increase in leachate strength, leachate management practices will be reviewed and modified. Board staff note that the Town is not proposing to discharge leachate to the receiving environment and believe this is an adequate response to reviewer concerns. Board staff also note that leachate monitoring and management details should be included in the next revision of the Town's Solid Waste Disposal Facilities Operation and Maintenance Plan.

ECCC (Comment ID 3) also recommended that the Town review the timing for installation of the final cover to reduce leachate management requirements. The Town responded that some infiltration of the final cover system is beneficial to promote waste decomposition/stabilization, which is not achieved with a geomembrane final cover system; the Town intends to install a geomembrane final cover as a contingency measure in the event that leachate quantities increase to volumes that make off site treatment unmanageable and/or uneconomical. Board staff note that final cell cover details should be addressed in a Final Closure and Reclamation Plan, to be submitted in accordance with Part G, condition 3 of the Licence six months prior to closure of that component of the Waste Disposal Facilities, and will be distributed for public review at that time.

Land Tenure

The Lands Inspector (Comment ID 1) stated that the Town's lease has expired, and the Department is currently working with the Town on an application. In response to this comment, Board staff contacted the Inspector to clarify her comments (email attached). The Inspector then stated that 'it is recommended that the expansion and existing cell final cover occur', and that they Town can proceed with the work with the lease being in 'over holding tenancy'. Board staff are of the understanding that this comment and the Town's status presents no further issue with the work proposed.

Additional items

Board staff (Comment ID 1) asked that the Town indicate when they plan to submit past-due groundwater monitoring results in accordance with Licence requirements; the Town stated that repairs to wells and sampling was done in 2018, and a report is currently being developed. Board staff are of the opinion that

the Town could be reminded to submit the overdue Groundwater Monitoring and Protection Program Reports at their earliest convenience.

Board staff requested clarification on several details included in the submission, as follows:

- Construction timelines: the Town needs to revise timelines associated with this work, and are now proposing to construct the western half of Cell 1 in 2019 (MVLWB Comment ID 2);
- Final cover revegetation: the Town clarified that for both the existing waste fill area and the proposed landfill cells, a locally available seed mixture that is suitable for the site conditions will be specified for the final cover (MVLWB Comment ID 3);
- Uranium disposal area: the Town clarified their approach for accessing the uranium disposal area to retrieve wastes if required (MVLWB Comment ID 4); and
- Landfill gas monitoring: the Town clarified that the proposed landfill gas vents in the final cover system will not be monitored (MVLWB Comment ID 5).

Board staff are of the opinion that the Town should ensure that these additional details and clarifications related to final cover revegetation and access to the uranium disposal area are included in the submission of as-built plans and drawings of the construction, in accordance with Part H, condition 3 of the Licence.

With respect to landfill gas monitoring, Board staff are of the opinion that the Town should be requested to include detailed rationale for not monitoring landfill gas generation in the new landfill cells in the next revision of the Solid Waste Disposal Facilities Operation and Maintenance Plan.

6. Security

Not applicable.

7. Conclusion

Board staff conclude that the Notification and drawings for Solid Waste Disposal Facilities expansion and existing cell final cover, as submitted, is in conformity with the requirements of Licence MV2011L3-0001 and can be approved.

Board staff conclude that further information was provided by the Town in their responses to reviewer comments, and that the Town could be reminded to include several details in the next revision of the Solid Waste Disposal Facilities Operation and Maintenance Plan for the expanded facility.

Board staff conclude that the Town could be reminded that final cell cover details should be addressed in a Final Closure and Reclamation Plan, to be submitted in accordance with Part G, condition 3 of the Licence six months prior to closure of that component of the Waste Disposal Facilities, which will be distributed for public review.

Board staff conclude that the Town could be reminded that the Board expects submission of the following:

1. The Groundwater Monitoring and Protection Program Reports at their earliest convenience (as required by Part D, condition 12 and Schedule 2, condition 2 of the Licence); and
2. Clarifications regarding final cover revegetation and the approach for dealing with future access to the uranium disposal area in the submission of their as-built plans and drawings within 90 days of completion of construction in accordance with Part H, condition 3 of the Licence.

8. Recommendation

Board staff recommend the Board **make a motion to approve the Notification and drawings for Solid Waste Disposal Facilities expansion and existing cell final cover** as required by Water Licence MV2011L3-0001.

Board staff recommend the Board remind the Town to include the following details in the next revision of the Solid Waste Disposal Facilities Operation and Maintenance Plan for the expanded facility:

1. leachate monitoring and management details; and
2. detailed rationale for not monitoring landfill gas generation in the new landfill cells.

Board staff also recommend the Board remind the Town that final cell cover details for the existing landfill cell shall be addressed in a Final Closure and Reclamation Plan, to be submitted in accordance with Part G, condition 3 of the Licence six months prior to closure of that component of the Waste Disposal Facilities, which will be distributed for public review.

Board staff recommend the Board also remind the Town that the Board expects the Town to submit the Groundwater Monitoring and Protection Program Reports (as required by Part D, condition 12 and Schedule 2, condition 2 of the Licence) at their earliest convenience, and that clarifications regarding final cover revegetation and the approach for dealing with future access to the uranium disposal area in the submission of their as-built plans and drawings within 90 days of completion of construction, in accordance with Part H, condition 3 of the Licence.

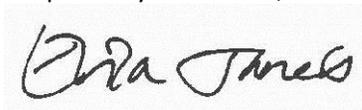
A draft decision letter is attached. Board staff recommend including the following text in the decision letter:

- The Board commends the Town for their work to plan and construct this new facility.
- The Town shall adhere to the commitments made in their responses to reviewer comments dated November 30, 2018.

9. Attachments

- [Notification and drawings for Solid Waste Disposal Facilities expansion and existing cell final cover](#)
- [Solid Waste Disposal Facilities Interim Closure and Reclamation Plan \(Landfill Master Plan\)](#)
- [September 23, 2016 SWDF ICRP Staff Report and Comments](#)
- [September 23, 2016 Board approval of SWDF ICRP](#)
- [MV2011L3-0001 – 5 Reports and Studies / Operations and Notifications – Inspector explanation of review comments on SWDF expansion notification and drawings review – Nov19-18](#)
- Review Summary and Attachments
- Draft Decision Letter from the Board

Respectfully submitted,



Erica Janes
Regulatory Specialist



Heather Scott
Technical Advisor

Review Comment Table

Board:	MVLWB
Review Item:	Town of Fort Smith - Notification and drawings for SWDF expansion and existing cell final cover (MV2011L3-0001)
File(s):	MV2011L3-0001
Proponent:	Town of Fort Smith
Document(s):	MV2011L3-0001 - Fort Smith - Notification and drawings for SWDF expansion and existing cell final cover - Oct23-18 (12197 KB) MV2011L3-0001 - Ft Smith - Landfill Interim Closure and Reclamation Plan - Apr22-16 (1.7 MB) MV2011L3-0001 - Town of Fort Smith - Approval - Interim Closure and Reclamation Plan- Sept 23 16 (273.2 KB)
Item For Review Distributed On:	Oct 25 at 11:35 Distribution List
Reviewer Comments Due By:	Nov 15, 2018
Proponent Responses Due By:	Nov 29, 2018
Item Description:	<p>November 20, 2018 Update: the Town of Fort Smith has requested and been granted an extension to respond to review comments. The new response deadline is November 29, 2018.</p> <hr/> <p>The Town of Fort Smith has submitted a design brief, drawings, and notification of Construction related to the planned expansion of the Solid Waste Disposal Facilities (SWDF), to fulfill Part H, condition 1 of their municipal Water Licence MV2011L3-0001.</p> <p>The Town intends to do this work at the SWDF in accordance with their Interim Closure and Reclamation Plan (also known as the Landfill Master Plan), which was approved by the Board on September 23, 2016 (see links). This submission includes the following:</p> <ul style="list-style-type: none"> • Design brief for the landfill expansion cells and existing landfill final cover; • Associated design drawings for the landfill expansion cells and existing landfill final cover; and • Design drawings for the updated waste transfer station. <p>This submission is for Board approval.</p> <p>Reviewers are invited to submit questions, comments and recommendations on the Design brief and drawings by November 15, 2018.</p> <p>If you have questions or comments regarding this review or the Online Review System, please contact Erica Janes at (867)766-7466 or ejanes@mvlwb.com.</p>
General Reviewer Information:	<p>In addition to the email distribution list, the following organization received review materials by fax:</p> <ul style="list-style-type: none"> • NWT Metis Nation: Tim Heron, NWTMN IMA Coordinator: (867)872-3586
Contact Information:	<p>Erica Janes 867-766-7466 Heather Scott 867-766-7463 Jen Potten 867-766-7468</p>

Comment Summary

Environment and Climate Change Canada: Richard Bingley				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	General File	Comment (doc) Cover letter - ECCC comments Recommendation	--	Noted.
2	Section 2.3 Leachate Collection System Section 2.4 Leachate Generation and Management During Landfilling Period	Comment ECCC notes that the report proposes collection of leachate which would be disposed of by sending off-site for treatment and disposal, or spraying the leachate on top of the waste. Approximately 1125 m3 of leachate would be generated per 0.9 ha waste cell each year, of which 440 m3 would be removed for treatment. It is not clear what the predicted amount would be on a given year for the entire active landfill area. The use of spray irrigation onto active waste cells to evaporate leachate will concentrate the leachate contaminants and could be expected to result in progressively worse quality leachate, depending on the volumes sprayed and length of time the cell is active. Tracking leachate quality should be done to evaluate mobility of contaminants in the leachate and the effects of loading back to active cells. Recommendation ECCC recommends that leachate quality be tracked during the operation of the initial active cells with collection systems, and that leachate management practices be reviewed if leachate quality worsens.	Nov 30: As noted in Section 2.4 of the Design Brief, the estimated 440 m3 of leachate to be removed annually for treatment applies to the western half of Cell 1(0.52 Ha area) which is the first area to be constructed. It is not applicable to the entire 0.9 Ha open area of a typical cell. The estimated filling period for the western half of Cell 1 is approximately 4 years. When the full 0.9 Ha of Cell 1 becomes the active area, the leachate volume for treatment would increase to 700 m3/year. With progressive placement of the geosynthetic final cover system as areas of the waste mound reach final grades, the active landfilling area at any given time should not exceed 0.9 Ha and therefore the leachate volume for treatment is not expected to exceed 700 m3/year. As noted in Section 2.4, this leachate volume can be further reduced if leachate generated during April and May is temporarily stored in the cell and then spray irrigated onto the active waste fill surface during the summer months. We agree that spray irrigation to evaporate leachate can increase contaminant concentrations in the leachate. However,	Board staff note that the Town is not proposing to discharge leachate to the receiving environment and believe this is an adequate response to reviewer concerns. Board staff also note that leachate monitoring and management details should be included in the next revision of the Town's Solid Waste Disposal Facilities Operation and Maintenance Plan.

			considering the relatively small waste fill thickness (<10 m), such increases in contaminant concentrations are expected to be manageable. The effect of spray irrigation / evaporation on leachate strength will be confirmed by monitoring leachate quality at the main leachate pumping chamber at the northwest corner of Cell 1. If required due to a major increase in leachate strength, leachate management practices will be reviewed and modified.	
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3	2.6 Final Cover	<p>Comment The Proponent states that once cells are closed, leachate will be collected and sprayed on active cells, with an estimated 180 m³ per year generated from a typical 0.9 ha cell. Eventually "consideration can be given to installation of a geomembrane final cover to minimize leachate generation and hence of site leachate treatment". It may be more effective to minimize leachate generation earlier in the management process.</p> <p>Recommendation ECCC recommends review of the timing for installation of final cover, to reduce leachate management requirements.</p>	<p>Nov 30: Leachate generation via controlled moisture infiltration through the proposed geosynthetic clay liner (GCL) final cover system is beneficial in terms of promoting waste decomposition / stabilization. This cannot be achieved effectively with a geomembrane final cover system which minimizes leachate generation. For this reason, a geomembrane final cover is not proposed for the final cover design. Instead, the installation of a geomembrane final cover is proposed as a contingency measure in the event that leachate quantities increase to volumes that make off site treatment unmanageable and/or uneconomical.</p>	Board staff note that final cell cover details should be addressed in a Final Closure and Reclamation Plan, to be submitted in accordance with Part G, condition 3 of the Licence six months prior to closure of that component of the Waste Disposal Facilities, and will be distributed for public review at that time.
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GNWT - ENR: Central Email GNWT

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	General File	<p>Comment (doc) ENR Letter - No Comments or Recommendations at this time</p> <p>Recommendation</p>	--	Noted.

GNWT - Lands - South Slave Region - Fort Smith: Olivia Villebrun

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	Land Tenure	<p>Comment The Town of Fort Smith's lease # 8898T for 101-SK-00050 expired July 31, 2018.</p> <p>Recommendation The Department of Lands is currently working with the Town of Fort Smith on an application.</p>	Nov 30: Agreed.	<p>Noted.</p> <p>Based on additional information provided by the Inspector in an email, Board staff are of the understanding that this comment and the Town's status presents no further issue with the work proposed.</p>

MVLWB: Erica Janes

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	Section 1.1 Background	<p>Comment This section states that the groundwater monitoring wells are sampled annually, and that groundwater monitoring results have indicated that leachate is moving off-site and impacting groundwater (pg 1). Board staff note that the Town has not submitted a GWMPP Annual Report (required by Part D, condition 12 of the Licence) since issuance of the Licence.</p> <p>Recommendation Please indicate when the Town plans to submit groundwater monitoring results to the Board, in accordance with Licence requirements.</p>	Nov 30: Summer 2018 was spent examining, repairing and sampling wells. A report of these results is currently being developed.	Noted. The Town could be reminded to submit the overdue Groundwater Monitoring and Protection Program Reports at their earliest convenience.
2	Section 2	<p>Comment This section repeatedly refers to the western half of Cell 1 to be constructed in 2018.</p> <p>Recommendation Please indicate whether the timelines included in this section require revision.</p>	Nov 30: Yes, the timelines require revision as a result of changes to the planned tender and construction dates. It is now proposed that the western half of Cell 1 be constructed in 2019	Noted.
3	Section 2.6 Final Cover	<p>Comment An organic growth medium is referenced to assist</p>	Nov 30: For both the existing waste fill area and the	Noted. The Town should ensure that

	and Section 3.3.5 Vegetation and Erosion Control Blanket	in supporting revegetation of the cover soil layer (section 2.6) and for application to the surface of the final cover (section 3.3.5). In section 3.3.5 it is specified that the seed mixture will be locally available product that is suitable for the site conditions, but section 2.6 doesn't have the same specification. Recommendation Does the Town plan to use locally available seed mixture that is suitable for site conditions on the final cover?	proposed landfill cells, a locally available seed mixture that is suitable for the site conditions will be specified for the final cover.	these additional details and clarifications related to final cover revegetation are included in the submission of as-built plans and drawings of the construction, in accordance with Part H, condition 3 of the Licence.
4	Section 3.2 Proposed Regrading of Landfill Surface	Comment This section states that the new berm for the final cover will overlap the existing uranium disposal area, thus providing a protective soil cover for this waste during final cover construction. Board staff note that covering this area may prevent or impede future access or removal of this material from the SWDF. Recommendation Can the Town provide additional information on the covering of the uranium disposal area in case it needs to be accessed or removed in the future?	Nov 30: In the event that the uranium disposal area needs to be accessed for retrieval of the wastes, the overlying cover soils will be removed and the geocomposite and geomembrane cut and disposed of. At completion of the waste retrieval, the area will be backfilled with clean soil and new panels of geomembrane and geocomposite placed with connection to existing panels along the perimeter. The original cover soils will then be placed back over the geocomposite and the area graded and reseeded.	Noted. The Town should ensure that these additional details and clarifications related to access to the uranium disposal area are included in the submission of as-built plans and drawings of the construction, in accordance with Part H, condition 3 of the Licence.
5	Section 3.3.1 Sand Bedding / Gas Venting Layer and drawing 14	Comment This section states that 7 LFG vents will be installed along the west side of the landfill, with a venting layer placed over the regraded surface, and that the LFG vents will be interconnected by strip drains. Detail for the LFG vents is provided in drawing 14, but LFG monitoring is not addressed in the submission, nor in the ICRP (also called Landfill Master Plan). Recommendation Is the Town planning to conduct landfill gas	Nov 30: The proposed landfill gas vents associated with the final cover system over the existing landfill area will not be monitored for methane nor for other landfill gases. These vents are not designed as landfill gas monitoring probes and are not intended for monitoring purposes.	The Town should be requested to include detailed rationale for not monitoring landfill gas generation in the new landfill cells in the next revision of the Solid Waste Disposal Facilities Operation and Maintenance Plan.

		monitoring once the venting system is installed? If so, please update the SWDF O&M Plan in accordance with Licence requirements.		
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November 15, 2018

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

Dear Ms. Janes,

**Re: Town of Fort Smith
Water Licence – MV2011L3-0001
Notification and Drawings for SWDF Expansion/Existing Cell Final Cover
Request for Comment**

The Department of Environment and Natural Resources, Government of the Northwest Territories has reviewed the notification at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Species at Risk (NWT) Act*, the *Waters Act* and the *Wildlife Act* and has no comments or recommendations for the consideration of the Board at this time.

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at (867) 767-9233 Ext: 53096 or email patrick.clancy@gov.nt.ca.

Sincerely,

Patrick Clancy
Environmental Regulatory Analyst
Environmental Assessment and Monitoring Section
Conservation, Assessment and Monitoring Division
Department of Environment and Natural Resources
Government of the Northwest Territories



Environmental Protection Operations Directorate
Prairie & Northern Region
5019 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

ECCC File: 5200 000 042/001
MVLWB File: MV2011L3-0001

November 15, 2018

Via online submission

Erica Janes
Mackenzie Valley Land and Water Board
7th Floor, 4922 48th Street
P.O. Box 2130
Yellowknife, NT X1A 2P6

Dear Erica Janes:

**RE: MV2011L3-0001– Fort Smith – SWDF expansion and existing cell final cover –
Notification and drawings**

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Mackenzie Valley Land and Water Board (MVLWB) regarding the above-mentioned SWDF expansion and existing cell final cover notification and drawing and is submitting comments via the online review system. ECCC's specialist advice is provided based on our mandate, in the context of the *Canadian Environmental Protection Act*, the pollution prevention provisions of the *Fisheries Act*.

Should you require further information, please do not hesitate to contact me at (867) 975-4981 or Richard.Bingley@canada.ca.

Sincerely,

[original signed by]

Richard Bingley
Environmental Assessment Coordinator

Attachment(s): ECCC Comments Excel Sheet

cc: Georgina Williston, Head, Environmental Assessment North (NT and NU)