



Mackenzie Valley Land and Water Board
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Staff Report

Applicant: New Discovery Mines Ltd.	
Location: Mon Gold Mine – Discovery Lake, NT	Application: MV2013C0021 & MV2014L2-0002
Date Prepared: September 23, 2016	Meeting Date: October 5, 2016
Subject: Spill Contingency Plan, Version 4	

1. Purpose/Report Summary

The purpose of this Staff Report is to present to the Mackenzie Valley Land and Water Board (MVLWB or the Board) New Discovery Mine's (NDM) Spill Contingency Plan Version 4 (Plan V.4) for Board decision, as required under Part H, item 1 of Water Licence (Licence) MV2014L2-0002 and condition 56 of Land Use Permit (Permit) MV2013C0021.

2. Background

- July 3, 2014 – Permit MV2013C0021 and Licence MV2014L2-0002 were issued;
- October 21, 2015 – Permit MV2015C0015 and Licence MV2015L2-0004 were issued;
- August 12, 2016 – Spill Contingency Plan, Version 3 submitted to the Board;
- August 19, 2016 – Spill Contingency Plan, Version 3 distributed for review;
- September 8, 2016 – Reviewer comments due;
- September 15, 2016 – Proponent responses due;
- September 17, 2016 – NDM responded;
- September 19, 2016 – NDM submitted an updated Spill Contingency Plan, Version 4 to address comments received by reviewers during the review;
- **October 5, 2016 – Spill Contingency Plan, Version 4 presented to the Board for decision;**
- July 2, 2019 – Expiry of Permit MV2013C0021; and
- July 2, 2021 – Expiry of Licence MV2014L2-0002.

3. Discussion

On July 3, 2014, Permit MV2013C0021 and Licence MV2014L2-0002 were issued to NDM. The Board's issuance letter (attached) noted that the Spill Contingency Plan must be revised in accordance with the comments made during the review and resubmitted for Board approval, prior to the commencement of construction of the project. NDM submitted the Spill Contingency Plan, Version 3 on August 12, 2016, to fill this requirement (attached).

4. **Comments**

NDM also holds Land Use Permit MV2015C0015 and Water Licence MV2015L2-0004 for the Mon Gold Mine project, issued October 21, 2015 (attached). These two authorizations include milling facilities, a dry stack tailings facility, a landfarm, water use and deposit of waste, and other standard infrastructure including roads, an explosives storage area, accommodations, a sewage treatment plant, fuel storage, and use of equipment.

5. **Review Comments**

By September 8, 2016, comments and recommendations on the Spill Contingency Plan, Version 3 were received from the following reviewers:

- Environment and Climate Change Canada (ECCC); and
- Government of the Northwest Territories (GNWT) – Department of Environmental and Natural Resources (ENR).

NDM submitted their responses to reviewer comments on September 17, 2016, which was two days past the response deadline of September 15, 2016. Board staff uploaded NDM's responses to the Online Review System (ORS) on September 19, 2016. Also on September 19, 2016, NDM submitted an updated Spill Contingency Plan, Version 4 (Plan V.4) along with MSDS sheets that had not been submitted, to address comments received by reviewers during the review (attached).

The reviewer comment table (attached) presents the concerns identified through the review of the Spill Contingency Plan, Version 3 (Plan V.3).

During the review, GNWT-ENR raised a series of concerns with the Plan V.3, some of which were not addressed in the updated Plan V.4. Overall, GNWT-ENR has pointed out that the Plan is almost a word for word copy of the example Spill Contingency Plan template contained in INAC's *Guidelines for Spill Contingency Planning* (attached), making it very difficult to determine what information accurately represents the conditions on site, and what information is simply cut and pasted from the INAC Guidelines. GNWT-ENR recommended that the Plan V.3 not be approved, and that it be updated to include accurate site specific information.

In the updated Plan V.4, submitted on September 19, 2016, a few additional sentences were added, some of the incorrect names and numbers were updated, and an updated map was provided. However, much of the document remained a copy and paste from the INAC Guidelines. Table 1 below outlines the changes and updates requested by reviewers that were not addressed in the updated Plan V.4:

Table 1: List of Commitments for approval - changes and updates requested by reviewers that were not addressed in the updated Plan V.4

Reviewer Comment Number	Required Update
GNWT-ENR 2	The site map in Figure 2 was updated in Version 4 to show pathways of flow, however some of the numbers on this updated map are difficult to see, or overlap other values. The map remains of poor quality. It is difficult to determine certain values, as well as locations of hazardous material storage areas. This map shall be updated so that values are not overlapping and locations of hazardous material storage areas are clearly outlined.
GNWT ENR 3	The Spill Contingency Plan should be updated to expand on how and when containment booms would be deployed, specifically for NDM's site activities.
GNWT-ENR 4	Contingency plans should be added to the updated plan to address the circumstances described in this reviewer comment.
GNWT-ENR 5	The Spill Contingency Plan should be updated to describe the training to be provided to first responders. This includes, but is not limited to, if practical field exercises are incorporated in training, or if the exercises are table-top. Also, if training will be provided in house, or if NDM will be hiring an outside contractor.
GNWT-ENR 6	The Spill Contingency Plan shall be thoroughly updated to better reflect accurate conditions on site, rather than a cut and paste of the INAC Guidelines. A few specific examples of these copied sections include: a reference to 'Lake Invisible'; a reference to a 'response mobile unit without contact information; sections 1x, 1xi, 1xii (which references 'the company'), Section 2, all of Section 5 and much of Section 3 contain word for word paragraphs copied from the INAC Guideline. Please ensure all information in this Plan accurately reflects site activities.

6. Security

For reclamation security for this project, NDM is required to post \$164,038.00 for Water Licence MV2014L2-0002 and \$88,110.00 for Land Use Permit MV2013C0021, prior to commencement of construction. The Board has not yet received receipts indicating this has been posted.

7. Conclusion

New Discovery Mines Ltd. has not addressed all of the reviewer concerns for the Plan V.3 with the submission of the updated Plan V.4. Much of the Plans (V.3 and V.4) are a word for word copy of the example Spill Contingency Plan template

contained in INAC's *Guidelines for Spill Contingency Planning*, and does not contain adequate site specific information.

8. Recommendation

Board staff recommend the Board consider one of the following two options:

- 1) The Spill Contingency Plan, Version 4, as submitted on September 19, 2016, not be approved until an updated Plan is provided containing the items outlined in Table 1 above. Board staff would confirm the contents of the revised Plan, and present the updated submission to the Board. As per the July 3, 2014 issuance letter, the Spill Contingency Plan must be approved prior to the commencement of construction.

OR

- 2) The Spill Contingency Plan, Version 4, as submitted on September 19, 2016, be approved as an interim plan, and require the submission of an updated plan containing the items outlined in Table 1 above. Board staff could then provide written confirmation of the contents of the revised plan to NDM prior to the commencement of construction.

9. Attachments

- [July 3, 2014 Issuance Letter - MV2013C0021 & MV2014L2-0002](#);
- [October 21, 2015 Issuance Letter - MV2015C0015 & MV2015L2-0004](#);
- [Spill Contingency Plan, Version 3](#);
- [Spill Contingency Plan, Version 4](#);
- [INAC Guidelines for Spill Contingency Planning](#);
- Reviewer Comment Summary Table;
- Draft Reasons for Decision; and
- Draft Decision Letter.

Respectfully submitted,



Kierney Leach
Regulatory Officer

Review Comment Table

Board:	MVLWB
Review Item:	New Discovery Mines - Spill Contingency Plan
File(s):	MV2013C0021 MV2014L2-0002
Proponent:	New Discovery Mines
Document(s):	Issuance Letter with LUP and WL (1MB) New Discovery Mines - Spill Contingency Plan (1MB)
Item For Review Distributed On:	Aug 19 at 17:17 Distribution List
Reviewer Comments Due By:	Sep 8, 2016
Proponent Responses Due By:	Sep 15, 2016
Item Description:	<p>On August 12, 2016 New Discovery Mines (NDM) submitted a Spill Contingency Plan (SCP) for review and Board approval. On July 3, 2014, the Board issued a letter to NDM outlining the Spill Contingency Plan to satisfy condition 56 of permit MV2013C0021, shall be re-submitted for review and Board approval, prior to the commencement of construction for this project in accordance with the comments made during the review and outlined in the letter. This issuance letter, which is followed by land use permit MV2013C0021 and water licence MV2014L2-0002, is attached below.</p> <p>Reviewers are invited to submit questions, comments, and recommendations on this submission using the Online Review System (ORS) by Thursday September 8, 2016 at 1700h (5pm MST) on the Spill Contingency Plan.</p> <p>All documents that have been uploaded to this review are also available on our public registry.</p> <p>If you have any questions or comments regarding this Plan or using the Online Review System, please contact Kierney Leach at 867-766-7470 or kleach@mvlwb.com.</p>
General Reviewer Information:	In addition to the email distribution list, the following organizations received review materials by fax: Fort Resolution Métis Council - Trudy King (867)394-3322 Hay River Metis Council - Trevor Beck, President (867)874-4472 NWT Metis Nation - Tim Heron, NWTMN IMA Coordinator (867)872-3586
Contact Information:	Jen Potten 867-766-7468 Kierney Leach 867-766-7470

Comment Summary

Environment and Climate Change Canada: Melissa Pinto				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	Comment (doc) ECCC Cover Letter Recommendation		Noted.
2	Errata	Comment Section D of the Spill Contingency Plan (SCP) indicates that "all materials mentioned in this section are available in the spill kits located at Camp Unknown." Recommendation The sentence should be corrected to reflect the correct camp.	Sep 19: Corrected	Acceptable response.
3	ECCC Emergency Contact	Comment Section 4 ii) (Off-site resources) of the SCP lists an incorrect contact number for ECCC Emergencies (867-669-4725). Recommendation In the case of a spill or emergency, the 24 Hour Northwest Territories Spill Report Line should be contacted first by the Proponent, who will then involve Environment and Climate Change Canada Emergencies when appropriate. For information relating to the environmental enforcement and reporting requirements under the <i>Canadian Environmental Protection Act</i> and the <i>Fisheries Act</i> please contact Environment and Climate Change Canada Environmental Enforcement at 867-669-4730. The Environment and Climate Change Canada National Environmental Emergencies Centre (NEEC) will provide technical and scientific environmental advice and assistance to the lead agency, in the event of an environmental emergency. A	Sep 19: Corrected	Acceptable response.

		lead agency is described as the governmental authority that regulates or has authority over the activity from which the emergency originated. NEEC can be contacted at 1-866-283-2333.		
GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
7	General File	Comment (doc) ENR Letter with Comments and Recommendations Recommendation		Noted.
1	Topic 1: Contact Information	Comment Proponent has not included a 24/7 spill contact person and telephone number in the Spill Contingency Plan. This information is of the utmost importance if a spill event occurs and the lead regulator needs to get in touch with the responsible party/person who can initiate a proper response. Recommendation 1) That New Discovery Mines Ltd. include the contact information for the 24/7 spill contact person in the Spill Contingency Plan.	Sep 19: Corrected	This number has been added to the updated Spill Contingency Plan Version 4, submitted on September 19, 2016.
2	Topic 2: Site Map and Flow Pathways	Comment The resolution of the site map in Figure 2 is of poor quality and makes it difficult to determine the locations of the hazardous material storage areas. Also potential pathways of flow have not been delineated on the map. Recommendation 1) That New Discovery Mines Ltd. provide a higher quality site map and include potential pathways of flow.	Sep 19: In preparation. Will be submitted	This map was attached with the updated Spill Contingency Plan Version 4, submitted on September 19, 2016. Some of the numbers on this updated map are difficult to see, or overlap other values. The map remains of poor quality. It is difficult to determine certain values, as well as locations of

				hazardous material storage areas. This map shall be updated so that values are not overlapping and locations of hazardous material storage areas are clearly outlined.
3	Topic 3: Containment Booms	<p>Comment The proponent has included a discussion of spill control and containment methods which include the potential use of containment booms; however, containment booms are not included in the list of spill response equipment provided in Section 4.</p> <p>Recommendation 1) That New Discovery Mines Ltd. provides additional information regarding how and when containment booms would be deployed.</p>	Sep 19: Spill response expanded	<p>The updated Spill Contingency Plan Version 4, submitted on September 19, 2016 did not fully address this comment.</p> <p>The Spill Contingency Plan shall be updated to expand on how and when containment booms would be deployed, specifically for NDM's site activities.</p>
4	Topic 4: Storage Options	<p>Comment The proponent makes brief mention in Section 4) D of the use of empty drums for containing and storing contaminated snow, water, soil and debris. Does the proponent have sufficient storage capacity in the event of a worst-case scenario where they may potentially have to manage very large volumes of water, snow and soil?</p> <p>Recommendation 1) That New Discovery Mines Ltd. provide more information regarding storage options in a worst-case scenarios.</p>	Sep 19: Proponent is 45 km from Yellowknife and will add local sources for additional storage.	Contingency plans should be added to the updated plan to address the circumstances described in this reviewer comment.

5	Topic 5:	<p>Comment The proponent has provided information regarding training to be provided to first responders. More information is needed in order to assess the preparedness of the proponent to respond to a spill. For example, mention is made of mock exercises and training sessions; however, would this include practical field exercises or will this be strictly classroom/table-top exercises and training? Is the training being provided in-house or is the proponent employing an outside contractor?</p> <p>Recommendation 1) That New Discovery Mines Ltd. provides more information regarding training to be provided to first responders.</p>	<p>Sep 19: Contractor training will be provided</p>	<p>The response does not answer all of the questions outlined in the comment. The updated Spill Contingency Plan V.4 submitted on September 19, 2016 does not address the questions outlined in this comment.</p> <p>The Spill Contingency Plan should be updated to describe the training to be provided to first responders. This includes, but is not limited to, if practical field exercises are incorporated in training, or if the exercises are table-top. Also, if training will be provided in house, or if NDM will be hiring an outside contractor.</p>
6	Topic 6: Overall Plan Contents	<p>Comment Much of the plan is a word for word copy of the example Spill Contingency Plan contained in the INAC Guidelines for Spill Contingency Planning. For example: . Section 5 identifies that an emergency response mobile unit will be called in to deal with a large spill to water, but provides no information on contact information for this unit, or where it would be mobilized</p>	<p>Sep 19: reviewed and ammended as needed</p>	<p>The updated Spill Contingency Plan V.4 submitted on September 19, 2016 did not address many of the concerns identified in this comment.</p>

	<p>from; . Table 2 includes references to Lake Invisible; . Part D includes a reference to Camp Unknown; . Section 4 I, spill kit contents are the same as in the INAC Guideline; . Section iii B) gives the phone number for New Discover Mines Head Office as (867) 123-1111; New Discovery Mines fax as (867) 123-2222 and Head Office 24-hr phone line as (867) 123-3333; . Section 5 training plan is identical to the INAC Guidelines; and . Appendix B1 states that examples of MSDS sheets can be found on the internet and from Spill Contingency Plans in place for various water licences in the NWT. Without a full review of the plan against the INAC Guidelines, it is not apparent what information in the August 3, 2016 SCP update provided to the MVLWB accurately reflects conditions on the site (e.g. hazardous material onsite, personnel training and resources that are available to deal with a spill emergency) and what is simply a cut and pasted from the INAC Guidelines. The Spill Contingency Plan provided in the INAC Guidelines is intended as an example that a company can follow, but with the expectation that the company will modify the plan with site specific information in order to generate a useful document.</p> <p>Recommendation 1) ENR recommends that the plan not be approved and that it be updated to include accurate site specific information.</p>		
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Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

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

September 8, 2016

ECCC File: 5100 000 004/002 & 5100 000 004/003
MVLWB File: MV2013C0021 & MV2014L2-0002

Kierney Leach
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor, 4922 48th Street
P.O. Box 2130
Yellowknife, NT X1A 2P6

Via online submission

**RE: MV2013C0021 & MV2014L2-0002 – New Discovery Mines – Mon Gold Mine –
Spill Contingency Plan**

Attention: Kierney Leach

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Mackenzie Valley Land and Water Board regarding the above-mentioned plan. ECCC's specialist advice is provided based on our mandate, in the context of the *Canadian Environmental Protection Act*, and the pollution prevention provisions of the *Fisheries Act*.

Should you require further information, please do not hesitate to contact me at (867) 669-4733 or Melissa.Pinto@canada.ca.

Sincerely,

Melissa Pinto
Environmental Assessment Coordinator

Attachment(s): ECCC Comments Excel Sheet

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

Canada

www.ec.gc.ca



September 8, 2016

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

Dear Ms. Leach,

**Re: New Discovery Mines
 Land Use Permit – MV2013C0021
 Spill Contingency Plan
 Request for Comments**

The Department of Environment and Natural Resources, Government of the Northwest Territories has reviewed the plan 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 provides the following comments and recommendations for the consideration of the Board.

Topic 1: Contact Information

Comment(s):

Proponent has not included a 24/7 spill contact person and telephone number in the Spill Contingency Plan. This information is of the utmost importance if a spill event occurs and the lead regulator needs to get in touch with the responsible party/person who can initiate a proper response.

Recommendation(s):

- 1) That New Discovery Mines Ltd. include the contact information for the 24/7 spill contact person in the Spill Contingency Plan.

Topic 2: Site Map and Flow Pathways

Comment(s):

The resolution of the site map in Figure 2 is of poor quality and makes it difficult to determine the locations of the hazardous material storage areas. Also potential pathways of flow have not been delineated on the map.

Recommendation(s):

- 1) That New Discovery Mines Ltd. provide a higher quality site map and include potential pathways of flow.

Topic 3: Containment Booms

Comment(s):

The proponent has included a discussion of spill control and containment methods which include the potential use of containment booms; however, containment booms are not included in the list of spill response equipment provided in Section 4.

Recommendation(s):

- 1) That New Discovery Mines Ltd. provides additional information regarding how and when containment booms would be deployed.

Topic 4: Storage Options

Comment(s):

The proponent makes brief mention in Section 4) D of the use of empty drums for containing and storing contaminated snow, water, soil and debris. Does the proponent have sufficient storage capacity in the event of a worst-case scenario where they may potentially have to manage very large volumes of water, snow and soil?

Recommendation(s):

- 1) That New Discovery Mines Ltd. provide more information regarding storage options in a worst-case scenarios.

Topic 5:

Comment(s):

The proponent has provided information regarding training to be provided to first responders. More information is needed in order to assess the preparedness of the proponent to respond to a spill. For example, mention is made of mock exercises and training sessions; however, would this include practical field exercises or will this be strictly classroom/table-top exercises and training? Is the training being provided in-house or is the proponent employing an outside contractor?

Recommendation(s):

- 1) That New Discovery Mines Ltd. provides more information regarding training to be provided to first responders.

Topic 6: Overall Plan Contents

Comment(s):

Much of the plan is a word for word copy of the example Spill Contingency Plan contained in the INAC Guidelines for Spill Contingency Planning. For example:

- Section 5 identifies that an emergency response mobile unit will be called in to deal with a large spill to water, but provides no information on contact information for this unit, or where it would be mobilized from;
- Table 2 includes references to Lake Invisible;
- Part D includes a reference to Camp Unknown;
- Section 4 I, spill kit contents are the same as in the INAC Guideline;
- Section iii B) gives the phone number for New Discover Mines Head Office as (867) 123-1111; New Discovery Mines fax as (867) 123-2222 and Head Office 24-hr phone line as (867) 123-3333;
- Section 5 training plan is identical to the INAC Guidelines; and
- Appendix B1 states that examples of MSDS sheets can be found on the internet and from Spill Contingency Plans in place for various water licences in the NWT.

Without a full review of the plan against the INAC Guidelines, it is not apparent what information in the August 3, 2016 SCP update provided to the MVLWB accurately reflects conditions on the site (e.g. hazardous material onsite, personnel training and resources that are available to deal with a spill emergency) and what is simply a cut and pasted from the INAC Guidelines.

The Spill Contingency Plan provided in the INAC Guidelines is intended as an example that a company can follow, but with the expectation that the company will modify the plan with site specific information in order to generate a useful document.

Recommendation(s):

- 1) ENR recommends that the plan not be approved and that it be updated to include accurate site specific information.

Comments and recommendations were provided by ENR technical experts in the Water Resources Division, the Environment Division and the North Slave Region and were coordinated and collated by the Environmental Impact Assessment Section, Conservation, Assessment and Monitoring Division (CAM).

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 Impact Assessment Section
Conservation, Assessment and Monitoring Division
Department of Environment and Natural Resources
Government of the Northwest Territories