



December 19, 2016

File: MV2015L3-0001

Ms. Anne O'Hare  
Acting Senior Administrative Officer  
Village of Fort Simpson  
P.O. Box 438  
FORT SMITH NT X0E 0N0

Email: [sao@vofs.ca](mailto:sao@vofs.ca)

Dear Ms. O'Hare:

**Spill Contingency Plan Version 1.1 – Not Approved  
Village of Fort Simpson – Municipal Water Licence**

The Mackenzie Valley Land and Water Board (the MVLWB or Board) met on December 19, 2016 and reviewed the Village of Fort Simpson's (Village) Spill Contingency Plan (Plan) Version 1.1, as required by Part H, item 2 of municipal Water Licence MV2015L3-0001 (Licence).

At this time the Board is unable to approve the Spill Contingency Plan Version 1.1, as submitted.

**The Village shall submit a revised Plan by March 31, 2017** for Board approval, which will adhere to the commitments made in the Village's responses to reviewer comments dated May 28, 2015, and provide the information requested by reviewers, including integrating the September 30, 2016 memorandum with supplementary information from the Village's consultants into the Plan itself, as well as:

- Current staff contact information (Schedule 2, item 1(a));
- Specific scenarios of Waste Water Treatment Plant surge exceedances;
- Contingency plans and preventative measures in the event of future surges at the Waste Water Treatment Plant;
- An updated off-site resource contact list with accurate contact information; and
- A description of the number of each spill response resource available, as described in Section 6.1 of the Plan.

The Board commends the Village for their recent work to submit information to fulfill the outstanding requirements of their Water Licence.

The Board has directed Board staff to organize a meeting with the Village and the Inspector, to facilitate discussions related to municipal operations and any outstanding concerns. This meeting could take place in 2017, at the Village's convenience. Board staff will be in contact to discuss the agenda and timing of this meeting.

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The full cooperation of the Village of Fort Simpson is anticipated and appreciated. If you have any questions or concerns, please contact Erica Janes at (867) 766-7466 or email [ejanes@mvlwb.com](mailto:ejanes@mvlwb.com).

Yours sincerely,

A handwritten signature in black ink, appearing to read "V. C. Blondin". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Violet Camsell-Blondin  
MVLWB, A/Chair

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Attached: Reasons for Decision



**Mackenzie Valley Land and Water Board**  
**7th Floor - 4910 50th Avenue**  
**P.O. Box 2130**  
**YELLOWKNIFE NT X1A 2P6**  
**Phone (867) 669-0506**  
**FAX (867) 873-6610**

### Reasons for Decision

Issued pursuant to section 72.25 of the *Mackenzie Valley Resource Management Act* (MVRMA) and section 54 of the *Waters Act*

Type B Water Licence	
<b>Preliminary Screener</b>	MVLWB
<b>Reference/File Number</b>	MV2015L3-0001
<b>Applicant</b>	Village of Fort Simpson
<b>Project</b>	Municipal Water Licence – Spill Contingency Plan

### Decision from Mackenzie Valley Land and Water Board Meeting of

December 19, 2016

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With respect to this approval, notice was given in accordance with sections 63 and 64 of the *Mackenzie Valley Resource Management Act* (MVRMA) and section 43 of the *Waters Act*. There was no public hearing held in association with this application.

#### **Background**

The Village of Fort Simpson (Village) submitted the revised Spill Contingency Plan (Plan) on April 26, 2016, with supplemental information for the revised plan provided on September 30, 2016. Part H, item 2 of municipal Water Licence MV2015L3-0001 requires Board approval of a Spill Contingency Plan for Village facilities.

#### **Public Review**

The Plan underwent a public review and by November 17, 2016, comments and recommendations on the Plan were received from the Government of the Northwest Territories – Environment and Natural Resources (GNWT-ENR), and Board staff. The Village's deadline to respond was December 1, 2016; the Village did not respond to reviewer comments.

GNWT-ENR raised concerns regarding recent discharges of untreated sewage from the Waste Water Treatment Plant to the receiving environment (2008, 2014, and 2015) and the inefficiencies of the spill response related to the most recent event. As a result, GNWT-ENR have recommended that the Village include similar scenarios of surge exceedances from the Waste Water Treatment Plant in the Plan, identify contingencies in the event of future surges, provide more details on staff responsibilities in the event of a spill, and provide supplementary information such as curb stop mapping (or equivalent) and more precise locations of where spill kits can be found.

Outstanding issues with the Plan stemming from the May 28, 2015 review of the Water Licence Application include an incorrect contact number for Environment Canada (Section 6.2) and the number of each spill response resource available (Section 6.1).

Table 1 below lists the components of the Plan which required revision as identified in the issuance letter for Licence MV2015L3-0001 and details on the adequacy of the submission.

**Table 1: Spill Contingency Plan V1.1 Completeness**

	<b>Components of the Plan as required in the Licence issuance letter</b>	<b>Board staff analysis of the adequacy of the SCP in addressing the component</b>
1	Update text and figure(s) to show the quantity and location of all spill kits, including additional spill kits placed at locations where fuel and/or hazardous materials are stored;	<p>Inadequate (Figure 1 and Section 6).</p> <p>Based on GNWT-ENR comment 5, the SCP needs to be updated to provide a figure on a diagram to visually identify all locations where spill kits can be found. The text has been updated but Figure 1 has not (Raw water pumping station).</p> <p>Other missing map information based on the Guideline for Spill Contingency Planning include:</p> <ul style="list-style-type: none"> <li>• all surface water bodies and direction of water flow including catchment basins;</li> <li>• probable spill locations and direction of flow on land and in water;</li> <li>• locations of all response equipment;</li> <li>• environmentally sensitive areas;</li> <li>• any approved disposal sites;</li> <li>• topography e.g. slope of land; and</li> <li>• any other important on or off-site features</li> </ul>
2	Correct reference in the text to the figure that illustrates spill kit storage locations;	Adequate (Figure 1 and Section 6).
3	Update information on the Village's fuel storage infrastructure;	Adequate (Section 2, Table 2).
4	Update information on the Village's spill contingency training plans;	Adequate (Section 7).
5	Clarify temporary measures to store contaminated materials and plans for ultimate disposal of this material;	Adequate (Section 5.5.5).
6	Update communications flowchart to include job titles and response duties.	<p>Adequate (Figure 2).</p> <p>Based on GNWT-ENR comment 2, the SCP should include the responsibilities for each employee that is part of the "Spill Response Team" to help ensure proper "Chain of Command" and prevent confusion during a spill emergency.</p>

**Decision**

After reviewing the submission, the written comments received by the Board and the Staff report prepared for the Board, the Board, having due regard to the facts and circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and the *Waters Act* and Regulations made thereunder, has determined that, there are some outstanding concerns with the revised Spill Contingency Plan (Version 1.1) that shall be addressed before it satisfies Part H, item 2 of Water Licence MV2015L3-0001. For this reason, the Board cannot approve this Plan, as submitted.

The Village shall adhere to the commitments made in their responses to reviewer comments dated May 28, 2015, and provide the information requested by reviewers in the subsequent revision to the Plan. The Board requires the Village to submit the next revision of this Plan with the 2016 Annual Water Licence Report, which shall include, but not be limited to, the following:

- Integration of the September 30, 2016 memorandum of supplementary information from the Village's consultants into the Plan;
- Current staff contact information (Schedule 2, item 1.a);
- Specific scenarios of Waste Water Treatment Plant surge exceedances;
- Contingency plans and preventative measures in the event of future surges at the Waste Water Treatment Plant;
- An updated off-site resource contact list with accurate contact information; and
- A description of the number of each spill response resource available, as described in Section 6.1 of the Plan.

Water Licence MV2015L3-0001 contains provisions that the Board feels necessary to ensure and monitor compliance with the MVRMA and the *Waters Act* and the Regulations made thereunder and to provide appropriate safeguards in respect of the Applicant's use of the waters and/or deposit of waste affected by the Licence. The Board will provide additional referenced material or documents if requested in writing to do so.

SIGNATURE

Mackenzie Valley Land and Water Board



December 19, 2016

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Violet Camsell-Blondin, A/Chair

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Date