



Mackenzie Valley Land and Water Board
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Staff Report

Applicant: Government of the Northwest Territories – Department of Environment and Natural Resources	
Location: Checkpoint, NT (1 km south and west of Hwy 1 and Hwy 7 intersection)	Application: MV2017X0020 and MV2017L8-0004
Date Prepared: September 12, 2018	Meeting Date: September 20, 2018
Subject: Closure and Reclamation Plan – Extension Request	

1. Purpose/Report Summary

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) a request submitted by the Government of the Northwest Territories - Department of Environment and Natural Resources (GNWT-ENR) to extend the deadlines for the following requirements under Water Licence MV2017L8-0004 (Licence):

1. Submission of a Closure and Reclamation Plan (ICRP) for the Checkpoint Landfarm and Highway Maintenance Facility (Part H, condition 1);

2. Background

- June 7, 2017 – Issuance of Licence MV2017L8-0004 and associated Land Use Permit MV2017X0020;
- December 7, 2017 – Closure and Reclamation Plan submission deadline under Part H, condition 1 of MV2017L8-0004;
- August 2, 2018 – Board staff follow-up with GNWT-ENR on status of the overdue Closure and Reclamation Plan;
- August 27, 2018 – GNWT-ENR submitted an extension request to the Board;
- August 29, 2018 – Extension request distributed for review;
- September 11, 2018 – Reviewer comment deadline;
- September 18, 2018 – GNWT-ENR responses due (none received); and
- **September 20, 2018 – Closure and Reclamation Plan extension request presented to the Board for decision.**

3. Discussion

The Checkpoint site is located approximately 1 km south of the Highway 1 and Highway 7 intersection in the Dehcho Area. The Checkpoint Landfarm is located at KM 414 of Highway 1.

Project activities include:

- 1) Removal of surficial non-hazardous waste debris and hydrocarbon impacted contaminated soils at the former Checkpoint Highway Maintenance Camp (Checkpoint); and
- 2) Treatment of hydrocarbon contaminated soils, monitoring, and decommissioning of the Checkpoint Landfarm Treatment Facility (Checkpoint Landfarm).

Since issuance of the Licence, GNWT-ENR has missed a number of management plan submission deadlines. All required plans have since been submitted and approved except the Closure and Reclamation Plan.

On August 27, 2018, GNWT-ENR submitted a request to extend the submission deadline as set by the Board in Part H, condition 1 of its Licence: “Within six months of issuance of this Licence, the Licensee shall submit to the Board, for approval, a Closure and Reclamation Plan [...]” (attached). In its extension request letter, GNWT-ENR state that they are in the midst of negotiations with the Government of Canada under the Devolution Agreement regarding joint responsibility for the Checkpoint Remediation Project, and as such, would like an extension to August 30, 2019 to allow for the negotiations to conclude and to provide adequate time for the responsible party to plan and procure the services required to complete the project.

4. Comments

The Checkpoint Project is a remediation project with management plans that outline the activities for site decommissioning and closure (Remedial Action Plan and Human Health and Ecological Risk Assessment). The conclusions of the Remedial Action Plan present options for the management of environmental impacts in soil and groundwater, non-hazardous waste, and physical hazards associated with the site but it does not provide any final plans for site closure. The Human Health and Ecological Risk Assessment provides some recommendations to manage risk to humans and the environment during the course of the Project but does not provide any detail on final site conditions with regard to existing site infrastructure.

As a result, Part H, condition 1 of the Licence was included so that GNWT-ENR would provide, for review, a Closure and Reclamation Plan that would address all the aspects of final site reclamation. Licence MV2017L2-0004 is in effect until June 2022. A submission date of August 2019 should provide adequate time to carry out a thorough review of the Closure and Reclamation Plan. Part B, condition 7, allows the Board to change compliance dates for submissions, as follows: “The Surveillance Network Program and any compliance dates specified in this Licence may be changed at the discretion of the Board. If any date for any submission falls on a weekend or holiday, the item shall be submitted on the following business day.”

5. Reviewer Comments

By September 11, 2018, comments and recommendations on the Extension Request were received from GNWT-ENR (no comment). No response was therein required by GNWT-ENR. The Review Summary and Attachments (attached) presents the lack of concerns identified through this review.

6. Security

Not applicable.

7. Conclusion

Board staff conclude that there are no outstanding issues or concerns with this extension request. Licence MV2017L2-0004 is in effect until June 2022. A submission date of August 30, 2019 should provide adequate time to carry out a thorough review of the Closure and Reclamation Plan. No changes are required to the Licence conditions.

8. Recommendation

Board staff recommend the Board:

- Make a **motion to approve the revision of the submission deadline for the Closure and Reclamation Plan as required by Part H, condition 1 of Water Licence MV2017L8-0004 to no later than August 30, 2019**, for Board decision.

9. Attachments

- [Project Map \(page 24 of the Spill Contingency Plan\)](#)
- [Extension Request Letter](#)
- Reviewer Comment Summary Table and Attachments
- Draft Decision Letter from the Board

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SA', with a long horizontal line extending to the right.

Shannon Allerston
Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	GNWT-ENR - Checkpoint Remediation Project - Closure and Reclamation Plan Submission Extension Request (MV2017L8-0004)
File(s):	MV2017L8-0004
Proponent:	GNWT - ENR
Document(s):	Closure and Reclamation Plan Extension Request (403.7 kB)
Item For Review Distributed On:	Aug 29 at 10:22 Distribution List
Reviewer Comments Due By:	Sep 11, 2018
Proponent Responses Due By:	Sep 18, 2018
Item Description:	<p>The Government of the Northwest Territories - Department of Environment and Natural Resources (GNWT-ENR) has submitted a request to extend the deadline for the following requirement under Water Licence MV2017L8-0004:</p> <ul style="list-style-type: none"> Closure and Reclamation Plan (CRP) for the Checkpoint Landfarm and Highway Maintenance Facility (Part H, condition 1) <p>The CRP is already overdue. GNWT-ENR has provided rationale for their request and proposed new submission deadlines (see link). The CRP is for Board approval.</p> <p>Reviewers are invited to submit questions, comments and recommendations on the extension request, using the Online Review System, by September 11, 2018.</p> <p>If you have questions or comments regarding this review or the Online Review System, please contact Shannon Allerston at (867) 766-7465 or sallerston@mvlwb.com.</p>
General Reviewer Information:	<p>In addition to the email distribution list, the following organizations received review materials by fax:</p> <ul style="list-style-type: none"> Fort Simpson Métis Local #52 - Marie Lafferty, President - (867)695-2040; and Northwest Territory Métis Nation - Tim Heron, NWTMN IMA Coordinator (867)872-3586.
Contact Information:	<p>Jen Potten 867-766-7468 Shannon Allerston 867-766-7458</p>

Comment Summary

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



September 11, 2018

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

Dear Ms. Potten,

**Re: Department of Environment and Natural Resources, GNWT
Water Licence – MV2017L8-0004
C&R Plan Submission Extension Request
Checkpoint Remediation Project
Request for Comments**

The Department of Environment and Natural Resources, Government of the Northwest Territories has reviewed the request 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