

From: [Erica Janes](#)
To: [Permits](#)
Subject: FW: Information Request to GNWT-ENR re: requirements for municipal Type B Licences to have Interim Closure and Reclamation Plans (ICRPs)
Date: August 17, 2018 11:11:02 AM
Attachments: [image001.png](#)

Please post this email to two registry pages:

1. MV2015L3-0001 – Ft Simpson – 8 Closure and Reclamation / ICRP – IR response from GNWT-ENR re requirements for municipal Type B WL ICRPs – Aug17-18
2. MV2018L3-0001 – SKFN - 8 Closure and Reclamation / ICRP – IR response from GNWT-ENR re requirements for municipal Type B WL ICRPs – Aug17-18

From: Paul Green <Paul_Green@gov.nt.ca>
Sent: Friday, August 17, 2018 10:07 AM
To: Erica Janes <ejanes@mvlwb.com>
Cc: Jeanne Arsenault <Jeanne_Arsenault@gov.nt.ca>; Nathen Richea <Nathen_Richea@gov.nt.ca>
Subject: RE: Information Request to GNWT-ENR re: requirements for municipal Type B Licences to have Interim Closure and Reclamation Plans (ICRPs)

Hi Erica,

Thank you for providing the opportunity for ENR to clarify their position Interim Closure and Reclamation Plans (ICRP) for municipal solid waste facilities. ENR is of the view that the progressive reclamation and ultimate closure of municipal landfills is an important aspect of licensing such activities. Specifically, progressive reclamation is integral to the design and operations of landfills. ENR notes that operational best practice includes regularly covering placed waste materials, which addresses issues such as:

- Promoting surface water drainage off the pile instead of percolating through the landfill material;
- Minimizing wind-blown litter;
- Minimizing release of odours;
- Minimizing the presence of disease vectors (e.g. insects or rodents); and
- Deterring scavenging by birds, bears and other animals.

ENR also notes that routinely covering waste should be part of an Operation and Maintenance Plan (O&M Plan) which may cause confusion between operations and closure at a landfill sites. ENR recognizes that many landfills in the NWT have been in existence for some time, and the opportunity to incorporate closure into the landfill design document is no longer available. However, all landfills have a finite capacity and will ultimately require closure. Further, any new cells or expansion areas should be designed with closure in mind. Therefore, it is important for communities to determine how their facilities will be closed, and for communities to conduct operations in a way that will facilitate closure to reduce inadvertently complicating closure or increasing closure costs. The MVLWB submitted three IR's regarding the requirement for ICRPs in Municipal Water Licences. ENR provides the following responses to the IRs:

1. **If more detail on closure and reclamation planning is required in the MVLWB/GNWT Operation and Maintenance Plan Templates for Municipal Water Licences: Solid Waste Disposal Facilities (SWDF), would GNWT-ENR consider supporting the removal of ICRP conditions from the Village of Fort Simpson's Licence MV2015L3-0001, and consider not recommending a stand-alone ICRP for the SKFN Licence and future Municipal Type B licences.**

ENR's opinion is that the final closure concept for the solid waste disposal facility must be understood, during the operational period, such that progressive reclamation can be completed in an on-going manner. ENR would leave it to the Board's discretion regarding how this information is requested and where it reported. However, ENR agrees that there should be a consistent method applied to all municipalities.

2. **Does GNWT-ENR envision any other mechanisms which would allow municipal Type B licences to address closure and reclamation planning without requiring a stand-alone plan?**

As noted previously, ENR's primary concern is that closure information is available before the landfill enters the final closure phase. Ideally, consideration of closure would be included during the landfill design or at the very least during the operation phase. This is consistent with guidance for other developments in the NWT such as the MVLWB Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories which describe the need to design for effective closure.

Again, ENR would leave it to the Board's discretion regarding how and where this information is gathered. However, an option could be to expand the Operation and Maintenance Plan into an Operation, Maintenance and Progressive Reclamation Plan.

3. **What additional elements of closure and reclamation planning should be required as part of the MVLWB/GNWT Operation and Maintenance Plan Templates for Municipal Water Licences: Solid Waste Disposal Facilities (SWDF)?**

ENR suggests that the template should include:

- progressive cover layers, materials and thickness;
- Leachate prevention, monitoring and management;
- Site drainage patterns and proximity to sensitive receptors;
- Expected facility lifespan and capacity;
- Expected commencement date of final closure activities;
- Future land use goal;
- Permafrost location, depth and potential impacts on site stability (if present);
- Cell size and maximum final closed height of disposal cell;
- Final cover concept (geotextile, compacted clay, etc.), final cover thickness, surface water diversion and drainage.

If you have any further comments or questions, please contact Mr. Paul Green, Regulatory and Science advisor at (867) 767-9234x53112 or at paul_green@gov.nt.ca, or Ms Jeanne Arsenault, Pollution Control Specialist, at (867) 767-9234x53116 or Jeanne_Arsenault@gov.nt.ca.

Regards,
Paul

From: Erica Janes [<mailto:ejanes@mvlwb.com>]
Sent: Friday, July 06, 2018 12:54 PM
To: Paul Green
Cc: Shelagh Montgomery; Chris Hotson; Heather Scott
Subject: Information Request to GNWT-ENR re: requirements for municipal Type B Licences to have Interim Closure and Reclamation Plans (ICRPs)

Hello Paul,

MVLWB staff are seeking clarity from GNWT-ENR staff regarding the GNWT's position on requiring municipal Type B water licences to include conditions related to submission and approval of ICRPs for Solid Waste Disposal Facilities (SWDF). This clarity is required in relation to recent review comments posted to the Online Review System (ORS) by "GNWT - ENR: Central Email GNWT" concerning ICRPs, as follows:

1. Hamlet of Enterprise

On July 26, 2017, the Hamlet of Enterprise applied to the Board to amend Licence MV2014L3-0007 to remove Part G, conditions 1 through 6, which addressed requirements for an ICRP for the current waste disposal sites and facilities. During the review, GNWT-ENR supported the removal of ICRP requirements in the Hamlet's Licence and offered recommendations on the importance of SNP monitoring as an integrative part of closure and reclamation planning and closure requirements. The Hamlet indicated at the time that they have, or plan to, work with the appropriate government departments and Board staff to address the issues raised by GNWT-ENR. Following the public review, the Board approved the Hamlet's request, and the Licence was amended to remove the ICRP requirements.

2. Village of Fort Simpson

On December 14, 2017, the Village of Fort Simpson applied to the Board to amend Licence MV2015L3-0001 to remove Part I, conditions 1 through 4, which also address the requirements for submission and approval of an ICRP. At that time, the Village's licence was the only remaining municipal Type B Licence issued by the MVLWB that contained requirements for an ICRP. The Village's request was posted for public review on the ORS, at which point GNWT-ENR recommended that "conditions relating to Interim Closure and Reclamation Plan requirements, as well as conditions relating to timely progressive closure and reclamation requirements, remain within Part I of the Village of Fort Simpson Water Licence for the reasons discussed above", which related to ICRPs resulting "in early identification of site specific closure and reclamation needs, provide guidance to communities in better understanding closure and reclamation activities, inform operations such that effective progressive reclamation can occur, and ultimately simplify/facilitate the overall final closure and reclamation process." In their

response to this comment, the Village pointed out that:

other Type B Water Licences in the NWT have removed the condition for a Final Closure and Reclamation Plan. Recently ENR supported the removal of ICRP requirements in Water Licence MW2014L3-0007 and the Board approved the Hamlet of Enterprise's amendment request. The Village is questioning why ENR's response to the Village of Fort Simpson is different than the response to the Hamlet of Enterprise?

3. Smbaa K'e First Nation

On February 13, 2018, Smbaa K'e First Nation (SKFN) applied for a municipal Type B Licence. During the public review of the application, GNWT-ENR recommended that "the proponent submit a current Interim Closure and Reclamation Plan, detailing any current or proposed closure and reclamation activities, based on the latest information available for closure and reclamation planning." SKFN responded that they would appreciate clarity on the type of plan/level of detail that ENR wishes them to provide. The issuance process for SKFN is ongoing and Board staff hope to coordinate a meeting that would facilitate discussion of closure and reclamation planning between GNWT-ENR and SKFN.

Information Requested

Board staff note the following:

- the majority of municipalities struggle to maintain compliance with their water licences, and experience financial and technical capacity challenges with respect to hiring consultants to produce stand-alone licence requirements;
- the list of ICRP components included in municipal licences varies between licences, and may not be adequately developed for municipal SWDF; and
- GNWT-ENR has not identified a clear and detailed list of components of an ICRP that should be addressed.

Board staff further note that elements of progressive reclamation are built into the *MVLWB/GNWT Operation and Maintenance Plan Templates for Municipal Water Licences: Solid Waste Disposal Facilities (SWDF)* commonly used by municipalities, and that the proper planning, design, construction, operation and maintenance of municipal SWDF should lead to proper closure of these sites. In Board staff's opinion, focusing regulatory efforts on these aspects rather than requiring ICRPs is a more effective approach for smaller municipalities with limited capacity.

In order to ensure that municipal licensing is carried out consistently and practically, while ensuring that relevant legislation is followed and receiving environments are protected, Board staff have the following questions for GNWT-ENR:

1. If more detail on closure and reclamation planning is required in the *MVLWB/GNWT Operation and Maintenance Plan Templates for Municipal Water Licences: Solid Waste Disposal Facilities (SWDF)*, would GNWT-ENR consider supporting the removal of ICRP conditions from the Village of Fort Simpson's Licence MV2015L3-

0001, and consider not recommending a stand-alone ICRP for the SKFN Licence and future municipal Type B licences?

2. Does GNWT-ENR envision any other mechanisms which would allow municipal Type B licences to address closure and reclamation planning without requiring stand-alone plans?
3. What additional elements of closure and reclamation planning should be required as part of the *MVLWB/GNWT Operation and Maintenance Plan Templates for Municipal Water Licences: Solid Waste Disposal Facilities (SWDF)*?

Please respond directly to myself by August 17, 2018.

Thank you,

Erica

Erica Janes
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