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Type B Water Licence MV2018L8-0007
Eiffage Innovative Canada Inc. – Pine Point River Bridge Rehabilitation

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Commented [JP-M1]: Eiffage noted in it's January 7, 2019 submission of supplemental information that, in it's opinion, reclamation security is already included in their contract with GNWT-INF. Board staff are requesting comments and recommendations about security for this project. Draft conditions for security, including supporting definitions, have been retained as examples to support reviewers in their comments to the Board.

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Part A: Scope and Definitions

1. Scope:

1. This Licence entitles the Licensee to use Water and dispose of Waste for miscellaneous undertakings to rehabilitate the Pine Point River Bridge, located at km 2.2 on Highway #5, near Hay River, Northwest Territories, including the following:
 - a) Withdrawal of Water for an ice bridge;
 - b) Construction, operation and removal of temporary crane pads below the Ordinary High Water Mark to facilitate bridge rehabilitation activities, including roadway approach activities; and
 - c) Progressive Reclamation and associated Closure and Reclamation activities.
2. This Licence is issued subject to the conditions contained herein with respect to the use of Water and the deposit of Waste of any type in any Water or in any place under any conditions where such Waste or any other Waste that results from the deposits of such Waste may enter any Water. Whenever new Regulations are made or existing Regulations are amended by the Commissioner in Executive Council under the *Waters Act*, or other statutes imposing more stringent conditions relating to the quantity or type of Waste that may be so deposited or under which any such Waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be automatically amended to conform with such Regulations.
3. Compliance with the terms and conditions of this Licence does not relieve the Licensee from responsibility for compliance with the requirements of any applicable federal, territorial, or municipal legislation.

2. Definitions¹:

Application – the Application for a type B Water Licence and all supporting documents as submitted to the Board.

Board – the Mackenzie Valley Land and Water Board established under subsection 99(1) of the *Mackenzie Valley Resource Management Act*.

Closure Cost Estimate – has the same meaning as that in the Mackenzie Valley Land and Water Board, Government of the Northwest Territories, and Aboriginal Affairs and Northern Development Canada's *Guidelines for Closure and Reclamation Cost Estimates for Mines*.

Closure and Reclamation – the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

Construction – any activities undertaken during any phase of the Project to construct or build any structures, facilities or components of, or associated with, the development of the Project.

Discharge – the direct or indirect release of any Waters or Waste to the Receiving Environment.

Engagement Plan – a document, developed in accordance with the Mackenzie Valley Land and Water Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use*

¹ Defined terms are capitalized throughout the License, including when used in other definitions.

Permits, that clearly describes how, when and which engagement activities will occur with an affected party during the life of the Project.

Inspector – an Inspector designated by the Minister under subsection 65(1) of the *Waters Act*.

Licensee – the holder of this Licence.

Minister – the Minister of the Government of the Northwest Territories – Environment and Natural Resources.

Modification - in respect of a structure, means a change, other than an expansion, that does not alter the purpose or function of a structure.

Ordinary High Water Mark – the usual or average level to which a Watercourse rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing Watercourses (rivers, streams), this refers to an active channel/bank-full level, which is often the 1:2 year flood flow return level. In inland lakes, wetlands or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by Water so as to leave a mark on the land and where the natural vegetation changes from predominantly aquatic vegetation to terrestrial vegetation (excepting Water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

Progressive Reclamation – Activities conducted the Project leading towards its Closure and Reclamation.

Project – the undertaking described in Part A, condition 1.

Receiving Environment – the natural environment that receives any deposit or Discharge of Waste or Water, including Runoff, from the Project.

RECLAIM – the Government of the Northwest Territories' model for estimating Closure and Reclamation costs.

Remediation – the removal, reduction or neutralization of substances, Wastes or hazardous materials from a site in order to prevent or minimize any adverse effects on the environment and public safety now or in the future.

Runoff – the overland flow of Water that occurs when excess precipitation, meltwater, or other Water is not absorbed by the land, and instead drains downslope towards a Watercourse.

Sewage – all Toilet Wastes and Greywater.

Spill Contingency Plan – a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning*.

Unauthorized Discharge – a release or Discharge of any Waters or Waste not authorized under this Licence.

Waste – any substance defined as Waste by section 1 of the *Waters Act*.

Waste Management Plan – a document, developed in accordance with the Mackenzie Valley Land and Water Board's *Guidelines for Developing a Waste Management Plan*, that describes the methods of Waste management from Waste generation to final disposal.

Wastewater – any Water that is generated by Project activities or originates on-site, contains Waste, and requires treatment or management, and includes but is not limited to, Runoff, seepage, and Sewage.

Water(s) – any Water as per section 1 of the *Waters Act*.

Watercourse – a natural watercourse, body of Water or Water supply, whether usually containing Water or not, and includes Groundwater, springs, swamps, and gulches.

Waters Regulations – the regulations proclaimed pursuant to section 63 of the *Waters Act*.

Water Use – a use of Water as per section 1 of the *Waters Act*.

Water Use Fee – the fee for use of Water as per the Waters Regulations promulgated under section 63 of the *Waters Act* and the Mackenzie Valley Land and Water Board's *Water Use Fee Policy*.

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Part B: General Conditions

1. The Licensee shall ensure a hard copy of this Licence is maintained on-site at all times.
2. The Licensee shall take every reasonable precaution to protect the environment.
3. In conducting its activities under this Licence, the Licensee shall make every reasonable effort to consider and incorporate any scientific information and traditional knowledge that is made available to the Licensee.
4. All references to policies, guidelines, codes of practice, statutes, regulations, or other authorities shall be read as a reference to the most recent versions, unless otherwise denoted.
5. The Licensee shall ensure all submissions to the Board:
 - a) Are in accordance with the Mackenzie Valley Land and Water Board's *Document Submission Standards*; and
 - b) Include a conformity statement or table which identifies where the pertinent requirements of this Licence, or other direction from the Board, are addressed.
6. The Licensee shall ensure management plans are submitted to the Board in a format consistent with the Mackenzie Valley Land and Water Board's *Standard Outline for Management Plans*, unless otherwise specified.
7. The Licensee shall comply with all submissions approved as per the conditions of this Licence, including such revisions made as per the conditions of this Licence, and as approved by the Board.
8. The Licensee may propose revisions at any time by submitting a revised submission to the Board for approval. Unless otherwise specified, a minimum of 90 days prior to implementing any proposed updates or changes in a submission, the Licensee shall submit all revisions to the Board, for approval. Any revision submission shall include a revision history table and a summary of the revisions made. The Licensee shall not implement revisions until approved by the Board.
9. The Licensee shall revise any submission as per the Board's direction and resubmit it for approval.
10. If any date for any submission falls on a weekend or holiday, the Licensee may submit the item on the following business day.
11. The Licensee shall comply with the **Engagement Plan**, once approved.
12. A minimum of ten days prior to commencement of the Project, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the commencement date, and the name and contact information for the Project superintendent. Any updates shall be provided to the Board and an Inspector in writing as changes occur.
13. A minimum of ten days prior to completion of the Project, the Licensee shall provide written notification to the Board and an Inspector.
14. The Licensee shall immediately provide written notification to the Board and an Inspector of any non-compliance with the conditions of this Licence or any direction from the Board pursuant to the conditions of this Licence.

Commented [JP-M2]: Due to the short duration of this Project (February - June 2019), Board staff propose this draft condition in place of any annual reporting requirements. Comments and recommendations are requested.

15. The Licensee shall submit a revised Project schedule to the Board and an Inspector upon request.

Part C: Security Requirements

1. The Licensee shall post and maintain a security deposit with the Minister, as follows:
 - a) A minimum of ten days prior to the commencement of the Project, the Licensee shall provide written notification to the Board and an Inspector that the security deposit has been posted; and
 - b) The security deposit shall be maintained until such time as it is refunded by the Minister.
2. Upon request of the Board, the Licensee shall submit an updated Closure Cost Estimate utilizing the current version of RECLAIM or another method acceptable to the Board.
3. The amount of the security deposit required by Part C, condition 1 may be revised by the Board:
 - a) Based on updated Closure Cost Estimates of Closure and Reclamation liability referred to in Part C, condition 2; or
 - b) Based on such other information as may become available to the Board.
4. If the amount of the security deposit is adjusted by the Board as per Part C, condition 3, the Licensee shall post the adjusted amount with the Minister within 90 days of the Board giving notice of the adjusted amount, or as otherwise directed by the Board.

Commented [JP-M3]: As also noted in the Table of Contents, above:

Eiffage noted in its January 7, 2019 submission of supplemental information that, in its opinion, reclamation security is already included in their contract with GNWT-INF. Board staff are requesting comments and recommendations about security for this project. Draft conditions for security, including supporting definitions, have been retained as examples to support reviewers in their comments to the Board.

Part D: Water Use

1. The Licensee shall only obtain Water for the Project from the Pine Point River.
2. The Licensee may withdraw up to 99m³/day of Water from Pine Point River.
3. Prior to the effective date of this Licence and in advance of any Water use, the Licensee shall annually pay the Water Use Fee in accordance with the Mackenzie Valley Land and Water Board's *Water Use Fee Policy*.

Part E: Construction

1. The Licensee shall ensure that all structures intended to contain, withhold, divert, or retain Water or Waste are designed, constructed, and maintained to minimize the escape of Waste to the Receiving Environment.
2. The Licensee shall only use material that is clean and free of contaminants and is from a source that has been approved in writing by an Inspector.

Part F: Modifications

1. The Licensee may carry out Modifications to the planned undertakings:
 - a) Without written approval from the Board, provided that such Modifications are consistent with the terms of this Licence and the Licensee has notified the Board in writing of such Modifications at least five days prior to beginning the Modifications; or
 - b) With the written approval of the Board and under such conditions decided by the Board.

Commented [JP-M4]: Due to the short duration of this project, Board staff propose this draft condition for modifications, instead of the more commonly used/standard conditions (below). Comments and recommendations are requested.

Part G: Waste and Water Management

1. The Licensee shall manage Waste and Water with the objective of minimizing the impacts of the Project on the quantity and quality of Water in the Receiving Environment through the use of appropriate mitigation measures, monitoring, and follow-up actions.
2. The Licensee shall minimize erosion by implementing suitable erosion control measures that shall be located and maintained to the satisfaction of an Inspector.
3. The Licensee shall comply with the **Waste Management Plan**, once approved.
4. The Licensee shall dispose of all Waste as described in the approved Waste Management Plan.
5. The Licensee shall not Discharge Waste, including Wastewater, to any Watercourse, or to the ground surface within 100 metres of the Ordinary High Water Mark of any Watercourse.
6. A minimum of ten days prior to depositing any Waste into a licenced municipal facility, the Licensee shall provide written notification to the Board and an Inspector.

1) The Licensee may, without written approval from the Board, carry out a Modification to the existing or planned undertaking Project provided the following requirements are met:

- a) The Licensee has notified the Board and an Inspector, in writing, of such proposed Modification at least 60 days prior to the beginning of the Modification;
- b) The Modification does not place the Licensee in contravention of either this Licence or the Act;
- c) The Board has not, during the 60 days following notification of the proposed Modification, informed the Licensee that further information is required or that a review of the proposal will require more than 60 days;
- d) An Inspector has authorized the proposed Modification and provided a letter of notification to the Board; and
- e) The Board has not rejected the proposed Modification.

2) The Licensee may only carry out a Modification that does not meet Part F, condition 1, with written approval from the Board.

Part I: Spill Contingency Planning

1. The Licensee shall ensure that Unauthorized Discharges associated with the Project do not enter any Waters.
2. The Licensee shall comply with the **Spill Contingency Plan**, once approved.
3. If, during the period of this Licence, a spill or an Unauthorized Discharge occurs or is foreseeable, the Licensee shall:
 - a) Implement the approved Spill Contingency Plan referred to in Part I, condition 2;
 - b) Immediately report it using the NU-NT Spill Report Form by one of the following methods:
 - Telephone: (867) 920-8130
 - Fax: (867) 873-6924
 - E-mail: spills@gov.nt.ca
 - Online: Spill Reporting and Tracking Database
 - c) Within 24 hours, notify the Board and an Inspector; and
 - d) Within 30 days of initially reporting the incident, submit a detailed report, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future, to the Board and an Inspector. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.
4. The Licensee shall ensure that adequate spill prevention infrastructure and spill response equipment is in place prior to commencement of the Project.
5. The Licensee shall restore all areas affected by spills and Unauthorized Discharges to the satisfaction of an Inspector.

Part J: Closure and Reclamation

1. The Licensee shall endeavor to carry out Progressive Reclamation as soon as is reasonably practicable.

Annex A: Concordance Table of Items Requiring Submission

Supplemental information to be submitted by Licensee as required through Water Licence conditions.

Part	Item	Date
Part B	Engagement Plan	- Annual Review
Part G	Waste Management Plan	- Annual Review
Part H	Spill Contingency Plan	- Annual Review

Annex B: Table of Revision History for Water Licence MV2018L8-0007

List of changes that have been made to the Water Licence since issuance:

Date	Location of Change	What has changed
-	-	-