

Review Comment Table

Board:	MVLWB
Review Item:	Town of Hay River - Draft Water Licence conditions (MV2019L3-0010)
File(s):	MV2019L3-0010
Proponent:	Town of Hay River
Document(s):	MV2019L3-0010 - Hay River - renewal - draft Licence conditions - Oct8-20 (1041 KB)
Item For Review Distributed On:	Oct 8 at 13:11 Distribution List
Reviewer Comments Due By:	Oct 30, 2020
Proponent Responses Due By:	Nov 20, 2020
Item Description:	<p>The purpose of this draft Water Licence is to allow reviewers to comment on possible conditions for the authorization of municipal undertakings for the Town of Hay River. These draft materials are not intended to limit, in any way, the scope of reviewers' comments.</p> <p>The Board is not bound by the contents of the draft Licence and will make its decision at the close of the proceeding on the basis of all the evidence and arguments filed by all reviewers. Please note that review comments and recommendations on the draft Licence must not introduce new evidence at this point in the proceeding.</p> <p>Using the Online Review System (ORS), reviewers are invited to submit comments and recommendations on the documents linked below by the review comment deadline specified below. Please clearly indicate which condition(s) you are commenting on.</p> <p>All documents that have been uploaded to this review are also available on our public Registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified</p>

	below.
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Comment Summary

Town of Hay River (Proponent)				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
69	General File	<p>Comment (doc) Cover letter with responses which includes the responses to ECCC, GNWT, and KFN comments.</p> <p>Recommendation</p>		
1	Part B (15&16), Part D (3), Part F (2, 3, 23, 31), Part H (5), Annex A (2) - Satisfaction of the Inspector	<p>Comment The Town noted that these conditions all require to meet the "satisfaction of the Inspector". Although the current inspectors are reasonable, future inspectors may not be and including the "reasonable satisfaction" enables the Town to appeal to the Board should inspector satisfaction be unreasonable.</p> <p>Recommendation The Town recommends the addition of "reasonable" for conditions that require meeting Inspector satisfaction to allow the ability to appeal when inspector satisfaction is unreasonable.</p>		

2	Part A: Scope and Defined Terms - Effluent Definition	<p>Comment The definition for effluent is confusing in sections of the approval given the definition.&nbsp; First in the definitions, Wastewater is defined as &ldquo;any Water that is generated by Undertaking activities or on-site, and which contains Waste, and may include but is not limited to, Runoff, Seepage, Sewage, and Effluent&rdquo;.&nbsp; If you substitute the definition for Effluent, it doesn&rsquo;t make send &lsquo;Wastewater is Wastewater Discharge&rdquo;.&nbsp; The use of &ldquo;Effluent&rdquo; is used more than just in relation to wastewater discharge.&nbsp; For example: Part F Condition 34 does not make sense given this definition &ldquo;The License ensure that Effluent (wastewater discharge) discharged from the Water Retention Pond&hellip;&rdquo;.&nbsp; There are numerous conditions where if you substitute the definition for Effluent it does not mean the same thing.</p> <p>Recommendation The Town recommends that the definition of Effluent be revised to be in line with how it is used in the Water Licence conditions.</p>		
3	Part A: Scope and Defined Terms - Hazardous	<p>Comment The Town is concerned that the definition used for hazardous waste is not in line with the definition that is used by GNWT-ENR in the Guideline for Hazardous Waste Management (2017).</p>		

	Waste Definition	Recommendation The Town recommends that the Board consider revising the definition of Hazardous Waste to be in line with the existing definition which will help avoid confusion.		
4	Part B: Condition 2. Precaution to Protect the Environment	Comment The Town is concerned with the broadness of this statement and the implications it could have. Recommendation The Town recommends revising the Condition to include the wording "in relation to the activities included in this Undertaking."		
5	Part B: Condition 8. Revisions	Comment The Town has concerns with the 90-day window and not being allowed to implement certain changes prior to that. While the Town understands for Licence condition revisions 90-days makes sense, changes to studies based on data that require a 90-day waiting period could potentially miss the sampling window. The other area where 90-days could be an issue would be in relation to improvements to operating procedures. Waiting a minimum of 90 days prior to implementing a basic process to improve operations does not seem practical or in the best interest of the environment. Recommendation The Town recommends that the Board reconsider when the 90-day submission is applicable (e.g. Licence condition changes vs. changes to an operation procedure or study) in order to allow changes to be made in a timely manner.		

6	Part B: Condition 17. Annual Water Licence Report	<p>Comment The new Water Licence will not be in place prior to January 2021.&nbsp; Therefore, the requirement for the 2020 annual report due March 31, 2021 to meet the requirements of Schedule 1, Condition 1 is not practical.&nbsp; The Town did not operate under the new Water Licence in 2020.</p> <p>Recommendation The Town recommends that the annual report for 2020 follow the current approval and that March 31, 2022 be listed as the new date for the 2021 Annual Report.</p>		
7	Part B: Condition 17. Annual Water Licence Report	<p>Comment The Town notes that Condition 17 includes a requirement to submit the Annual Report to the inspector.&nbsp; The Town would request that the Board explain the purpose of submitting the report to the inspector separately as it is posted publicly, and the inspector has the opportunity to review and submit comments.</p> <p>Recommendation Remove the requirement for the submission of the Annual Report to the Inspector.</p>		
8	Part B: Condition 19. Notificaion - Non- Compliance with Conditions	<p>Comment Immediate written notification to the Board and Inspector is not always possible depending on the nature of the non-compliance.&nbsp; For example, immediate written notification when there is a spill, or a fire is not usually possible as addressing the immediate safety and environmental impacts would be priority.&nbsp; Notifying the Board and an Inspector immediately upon discovery</p>		

		<p>via a phone call or text message and followed up in writing would be more realistic.</p> <p>Recommendation The Town recommends the wording be revised to remove &ldquo;written notification&rdquo; from the Condition.</p>		
9	<p>Part B: Condition 20. Notificaion - Non- Compliance with Directives</p>	<p>Comment Immediate written notification to the Board is not always possible depending on the nature of the non-compliance with the Directive.&nbsp; Notifying the Board immediately upon discovery via a phone call or text message and followed up in writing would be more realistic.</p> <p>Recommendation The Town recommends the wording be revised to remove &ldquo;written notification&rdquo; from the Condition.</p>		
10	<p>Part D: Condition 3. Post Water Intake Sign(s)</p>	<p>Comment The Town would like to note that the intake location is 8 km into Great Slave Lake.&nbsp; &nbsp;The Town would like clarification on where the intake identification sign should be placed.</p> <p>Recommendation The Town would like the Board to clarify where signage should be placed as the intake is location in Great Slave Lake or if it is determined that due to the location signage is not applicable, the clause be removed.</p>		
11	<p>Part E: Condition 3. Construction Material - Source(s)</p>	<p>Comment The Town would like to point out that there is no definition for &ldquo;Clean&rdquo; in the regulations.&nbsp; Also, given that there is not a lot of material readily available, the reuse of treated soils that meet the appropriate</p>		

		<p>land use requirements is a good way to reuse treated soil and manage costs. The use of &ldquo;clean and free of contaminants&rdquo; makes the use of treated soil difficult.</p> <p>Recommendation The Town recommends that the wording be revised to &ldquo;the Licensee shall only use material that is clean and free of contaminants or&nbsp; meets the appropriate Land Use Criteria as per the GNWT-ENR Environmental Guideline for Contaminated Site Remediation (as, amended) and is from a source that has been authorized in writing by an inspector.&rdquo;</p>		
12	Part E: Condition 3. Construction Material - Source(s)	<p>Comment The Town would like to note that by using the phrase &ldquo;material&rdquo; and not specifying subsoils, topsoil, fill, etc. that it implies that all construction materials (nails, timber, etc.) are to be authorized in writing by an inspector.&nbsp; The Town does not believe that it is the intent of the Board for this clause to mean all construction materials.</p> <p>Recommendation The Town recommends that the wording of this condition be revised to specify the materials that required to meet the condition to avoid confusion.</p>		
13	Part E: Condition 4. Construction Records	<p>Comment The Town is concerned that this clause is meant for construction of major infrastructure like a landfill or lagoon where liners, fill material, etc. are involved and require</p>		

		<p>tracking rather than smaller projects like a small lift station in a residential area when no fill or liners are used.&nbsp; The implication of &ldquo;Construction materials&rdquo; includes lumber, nails, etc. and the Town does not believe that the purpose the Board intended for this clause.&nbsp;</p> <p>Recommendation The Town recommends that the type of construction project and type of construction materials be specified to be tracked in the construction records.</p>		
14	Part E: Condition 5. Design and Construction Plan	<p>Comment The Town is concerned that this condition is meant for construction of major infrastructure like a landfill or lagoon rather than smaller projects like a small lift station or repairs.&nbsp;</p> <p>Recommendation The Town recommends that further definition of what type of projects the Design and Construction plan is referencing be included to avoid unreasonable requirements on small projects.</p>		
15	Part E: Condition 6. Design Drawings	<p>Comment The Town is concerned that this clause is meant for construction of major infrastructure like a landfill or lagoon rather than smaller projects like a small lift station or repairs. While the Town recognizes the importance of capturing significant changes to design, often small changes are made due to site conditions or unforeseen circumstances.&nbsp; Submission of these changes via as built drawings are</p>		

	<p>common.&nbsp; The wording in this condition does not define the scope of the &ldquo;changes&rsquo; for resubmission of design drawings, which implies ALL changes require submission.&nbsp; Also, a minimum of a 90-day waiting period for changes to a design drawing can significantly delay a project due to the limited construction season.&nbsp; The Town is concerned that this is unreasonable and costly.</p> <p>Recommendation The Town recommends that further definition of what type of projects the Design and Construction plan is referencing be included to avoid unreasonable requirements on small projects.&nbsp; The Town also recommends that the Board consider the following wording example that is used in permits in Alberta: PART 3: LANDFILL CONSTRUCTION&nbsp; SECTION 3.1: GENERAL 3.1.1 The approval holder shall submit a written request to the Director and receive an amendment to this approval or a written authorization, prior to proceeding with any construction including the components described in 3.1.2. &nbsp;3.1.2 The following items are included: (a) landfill cells; (b) landfill run-off control systems; (c) landfill run-on control system; (d) landfill cell final cover; (e) composting facility; (f) leachate</p>		
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		<p>pond;</p> <p>(g) groundwater monitoring system;</p> <p>(h) subsurface landfill gas collection system; and</p> <p>(i) other waste management facilities.</p> <p>The approval holder shall submit to the Director the following plans for the proposed construction of any of the items listed in 3.1.2, signed and stamped by a professional registered with APEGA at least three months prior to construction:</p> <p>(a) a Detailed Construction Plan and Specifications prepared in accordance with the application;</p> <p>(b) a Construction Quality Assurance Plan; and</p> <p>(c) a Construction Quality Control Plan.</p> <p>3.1.6 During construction of any of the items listed in 3.1.2, the approval holder shall not deviate from the Detailed Construction Plan and Specifications, as submitted in 3.1.3, unless the following conditions are met:</p> <p>(a) the deviation results in a minor adjustment to the Detailed Construction Plan and Specifications in order to suit field conditions encountered;</p> <p>and</p> <p>(b) the deviation will result in an equivalent or better design performance of the landfill.</p>		
16	Part E: Condition 7. Notification - Construction	<p>Comment The Town would like clarification to the 10-day notification requirement. First, the Town would like to understand the purpose of the notification. The Town would also like to note that the wording in the</p>		

		<p>clause is not clear on what changes would require notification under this condition instead of condition 5 and 6.</p> <p>Recommendation The Town requests clarification on the 10-day notification and recommends that the condition be reworded to make clear what changes are applicable to this notification.</p>		
17	<p>Part E: Condition 9. As Built Report</p>	<p>Comment The Town is concerned that 90 days is not enough time to get the as-built drawings from the engineering firm.&nbsp; Experience has shown it can take up to 180 days or more to receive the documents.&nbsp; The Town is also questioning this condition considering the requirements of conditions 5 and 6 which require submission documentation regarding any changes made.&nbsp; As there is not an allowance to make field changes given clauses 5 and 6 the as-built drawings would not give any new information.</p> <p>Recommendation The Town recommends that a minimum of 180 days be given for a timeline regarding as-built drawing submission to ensure that the deadline can be met.&nbsp; The Town also recommends that a review of conditions 5, 6, & 9 be conducted, and wording be revised to be more reflective of what the Board is wanting to capture.</p>		
18	<p>Part F: Condition 2.</p>	<p>Comment The Town is concerned that this condition is too generic.&nbsp; By not specifying where the Town is required to</p>		

	Erosion Control	<p>implement erosion controls the condition could imply anywhere the Town has jurisdiction rather than the specified activities outlined in this Water Licence.&nbsp;</p> <p>Recommendation The Town recommends that the wording of Condition 2 be revised to specify erosion controls related to the structures and activities under this Water Licence.&nbsp;</p>		
19	Part F: Condition 4. Biennial Geotechnical Inspection - a).	<p>Comment The Town note that are some contradictions in this condition.&nbsp; First it refers to an &ldquo;annual inspection&rdquo; in a) but is referring to the biennial inspection.&nbsp; The Town would like the Board to give context around the need to give the inspector two weeks&rsquo; notice for the inspection.&nbsp; The Town is also wondering how to give two weeks&rsquo; notice for an event that exceeds design criteria. The Town also notes that there it is not necessary to bring in a third-party for every event that exceeds design criteria.&nbsp; For example, a berm that needs to be brought back up to design height does not need a Professional Engineer.</p> <p>Recommendation The Town recommends that Condition 4.a) be reworded.&nbsp; The &ldquo;annual inspection&rdquo; should be revised to &ldquo;biennial inspection&rdquo;.&nbsp; The reference to the design exceedance should be removed and either in a separate clause or worded such that there not a &ldquo;two-week</p>		

		notice”;. Also, there needs to be more specific wording as to when this condition is applicable (e.g. berm height vs. berm failure).		
20	Part F: Condition 4. Biennial Geotechnical Inspection - b).	<p>Comment The Inspection is completed by third parties and the third parties don’t always get the report to the Town within 60 days. The Town would also like to note that submission of the inspection is also included in the annual report. The Town is requesting clarification on why submitting the inspection to the Board twice is necessary.</p> <p>Recommendation The Town would like to recommend a longer timeline for completion of the submission of the Inspection report. The report is supplied by third parties and is not always received within 60 days. The Town would also like to recommend that the inspection only be submitted once to the Board as part of the annual report.</p>		
21	Part F: Condition 5. Effluent Quality Criteria - Exceedance	<p>Comment The definition of effluent is “Wastewater Discharge” which appears to mean that wastewater does not become effluent until it is “discharged”. This makes the exceedance reporting only related to wastewater that has been discharged. As well, the condition is ambiguous, as it does not specify which effluent or which criteria. For example, is it referring to the criteria in the water licence (e.g. Condition 34) or the guidelines (e.g. CCME)?</p>		

		<p>Recommendation The Town would like to recommend that the condition state specifically which “effluent”, under which conditions (e.g. unauthorized releases), and which criteria it is referring to in order to avoid confusion.</p>		
22	<p>Part F: Condition 6. Sewage and Solid Wastes - Municipal</p>	<p>Comment The Town would like to note that it currently accepts material from the area surrounding the Town of Hay River (for example material from K&acute;t&rsquo;odeeche First Nation (KFN)) which is outside the local government boundaries) and mining camp MSW and sewage. With the current wording of this condition the Town would need to get specific approval to accept the material from KFN that is has always accepted. The Town does not believe this condition is practical to ensure proper handling of MSW and sewage from the area. Another example, mining camps are required by the Board to get approval from the Town to accept the material before they can receive their licence from the Board. Now there needs to be multiple approvals from the Board and Inspector. This appears to increase the number of hurdles required to properly handle waste in the area.</p> <p>Recommendation The Town would like to recommend that this condition be removed. If the Waste or Sewage meets acceptance criteria, the Town should be able to</p>		

		each guideline be stated along with the criteria value to avoid confusion.		
26	Part F: Condition 16. Sludge Removal - Notification and Written Authorization	<p>Comment The Town understands the need to notify the Inspector of the removal of the sludge. However, since there are specific criteria required to be met, the Town does not understand the requirement for Inspector approval.&nbsp;</p> <p>Recommendation The Town would like to recommend the condition be reworded to remove the requirement of authorization of the inspector as approval is redundant if the material meets the specified criteria in the Water Licence conditions.</p>		
27	Part F: Condition 20. Solid Waste - Guidance Document	<p>Comment The Town is concerned that should the guidance document be revised, updated or replaced during the life of the Water Licence that the Licence would require amending.</p> <p>Recommendation The Town would like to recommend the condition be reworded to add &ldquo;as amended&rdquo;, &ldquo;most current version&rdquo;, or &ldquo;most relevant guideline&rdquo; to avoid having to amend the Water Licence for a guideline change.&nbsp;</p>		
28	Part F: Condition 21. Solid Waste - Segregation	<p>Comment The Town believes that waste segregation should defined as part of the O&M Plan not as a condition in the Water Licence.&nbsp; Changes in best practices and changing markets for recyclables will all impact</p>		

		<p>segregation.</p> <p>Recommendation The Town would like to recommend the Condition be relocated to the requirements of the O&M Plan. The Town also requests the Board clarify the definition of &ldquo;Bulky Waste&rdquo;. The Town would like to recommend that the determination of how and what is segregated be managed through the O&M Plan and review process rather than via the Water Licence conditions.</p>		
29	<p>Part F: Condition 24 & 25. Groundwater Monitoring Plan Proposal</p>	<p>Comment The Town at its own expense, developed the Groundwater Monitoring Plan Proposal in order to help the Board make informed decisions regarding the SNP program. The Groundwater Monitoring Plan Proposal was submitted for public review in January of 2020 and the stakeholders provided feedback both via reviewer comments, technical sessions, and the public hearing. The Town responded to the review comments and feedback. The Town believes that the Board should have the information required to put the requirements in the Water Licence as either part of the SNP or as a Study. The Town is also concerned that if it waits for a revised plan and reviewer comments that the window for the Spring sampling will be missed. </p> <p>Recommendation The Town would like to recommend that the Board take the feedback</p>		

		<p>already gathered through the review of the Groundwater Monitoring Proposal review, the Technical Sessions, and the Public Hearing and develop the requirements to be completed in 2021 in relation to the groundwater monitoring at the Solid Waste Disposal facility in order to ensure that the requirements can be conducted in 2021 without delay due to process.</p>		
30	<p>Part F: Condition 34. HCSTF - Effluent Quality Criteria</p>	<p>Comment The Town would like to note that this is another location where the definition of Effluent does not make sense. If Wastewater does not become "Effluent" until it is discharged, then this should be Wastewater Quality Criteria as the material should not be discharged unless it meets the criteria. Recommendation The Town would like to recommend that the Board revise the definition of "Effluent";</p>		
31	<p>Part F: Condition 39. HCSTF - Effluent Discharge - Inspector Approval</p>	<p>Comment The Town would like clarification on why there would be a requirement for Inspector approval when there is already a set criterion in the Water Licence. Effluent is required to meet the criteria prior to discharge. The Town sees value in notifying the Inspector but feels the requirement of approval is just an additional process with little value as the Water Licence already dictates the criteria. Recommendation The Town would like to recommend that the wording be revised to</p>		

		“notify the Inspector” prior to commencing or resuming discharge.		
32	Part F: Condition 42. Snow Disposal Plan	<p>Comment The Town notes that Condition 8 gives a 90-day timeline to submit the Snow Disposal Plan while Condition 42 gives 12 months.&nbsp;&nbsp; </p> <p>Recommendation The Town would like to recommend the removal of Condition 8 as it is a duplication of, and contradicts the timeline given in Condition 42.</p>		
33	Part H: Condition 1. Objective - Prevent Waste into Water	<p>Comment The Town is concerned that the objective is outside of their control when the discharge is unauthorized or takes places while a facility is unmanned. There would be no way to ensure the unauthorized discharge did not enter any waters.</p> <p>Recommendation The Town would like to recommend that the objective be reworded to &ldquo;The Licensee take appropriate precautions to make their best effort to prevent unauthorized Discharges associated with the Undertaking from entering watercourses&rdquo;.</p>		
34	Part H: Condition 3.c). Report Spills	<p>Comment The Town would like clarification on notifying the K&acute;t&rsquo;odeeche First Nation, including how they are to be notified.&nbsp;&nbsp; </p> <p>Recommendation The Town would like to recommend that the Board and K&acute;t&rsquo;odeeche First Nation</p>		

		provide who is to be notified and how they would like the notification. The Town would also like to reiterate from a previous comment and recommendation that “immediate” notification may not be practical as the first concern would be to prevent unauthorized discharges from entering water ways or putting out a fire.		
35	Part H: Condition 4. Spill Prevention and Response Equipment	Comment The Town is not clear on where this requirement is directed towards given the multiple facilities and activities that are including in this Undertaking. Recommendation The Town would like to recommend that the Board specifies where or what activities this requirement is referring to.		
36	Part H: Condition 6. Material Storage “ Ordinary High-Water Mark	Comment The Town would like to have the option to get approval if fuel storage is required within 100 meters of the Ordinary High-Water Mark. The Water Treatment Facility may be located within that radius and the current fuel storage is within 35 meters of the Ordinary High-Water Mark. Recommendation The Town would like to recommend Condition 6 allows fuel storage within the 100 meters of the Ordinary High-Water Mark with written authorization.		
37	Part I: Condition 1., 2., & 3. Component	Comment The Town would like clarification from the Board on the change from 6 months to 1 year for the submission of the component specific Closure and Reclamations Plans.		

		<p>Recommendation The Town recommends that Condition 1. Be reworded to “shall include where applicable, but not limited to”;</p>		
47	Schedule 2: Construction Condition 1.	<p>Comment The Town understands that the Design and Construction Plan(s) was done with a large or complex project like a landfill in mind however, the Town conducts multiple smaller construction projects like residential sewer upgrades, small lift stations or constructing a fence. The wording in Schedule 2 and Part E, Condition 5 does not exclude those smaller projects from the requirements. This is not practical.</p> <p>Recommendation The Town recommends that the Board reword requirements for Schedule 2 so that they apply only to large or complex projects;</p>		
48	Schedule 2: Construction Condition 1.b.	<p>Comment The Town would like to note that most of the conditions listed in 1b are completed by a third-party and that it is unlikely to be able to receive the information within the 90-day timeframe.</p> <p>Recommendation The Town would like to recommend that instead of submitting detailed data requested in 1b 90-days prior to construction activities, that the Board review the requirements in the Alberta Standards for Landfill Design and Construction which involves the specifications that materials must meet but</p>		

		not the specific sources and characteristics which would not be known that far in advance.		
49	Schedule 2: Construction Condition 1.b. ii)	<p>Comment The Town is concerned that the sources and quantities of materials are not known until the contract is awarded and that the types of materials that require this information to be tracked are not specified. By using the generic term “materials” it could mean lumber, nails, etc. The Town does not believe that is what the Board intends.</p> <p>Recommendation The Town would like to recommend that consideration be given to the fact that sources and quantities may not be known 90-days prior to the project start. The Town also requests that the Board provide more specific information around the materials that are required to be reported on.</p>		
50	Schedule 2: Construction Condition 1.e.	<p>Comment The Town is concerned with the interpretation and enforcement of this condition. A Professional Engineer would only be on site periodically during construction of large or complex projects. While they may be in charge, the field personnel are typically on site and report back to the Engineer. The Town would also like to note that this condition would not be practical for small construction projects. </p> <p>Recommendation The Town would like to recommend that the condition be reworded to</p>		

	<p>Applying to Waste and Water Management Condition 8.g.ii)</p>	<p>management. Regarding sampling and chemical composition, there is not a place to access the backwash to sample. The Town is unable to track volumes because there is not a meter on the line. Finally, the disposal frequency is dependent on the run time of the filters, so the volume fluctuates based on the season and the level of contaminants in the water.</p> <p>Recommendation In order for the Town to meet these requirements it will require time and money. The Town would like to recommend the incorporating these requirements be postponed. The Town has started the process of planning for a new Water Treatment Plant and would look at incorporating the requirements in the new design.</p>		
61	<p>Schedule 4: Conditions Applying to Closure and Reclamation Condition 1.</p>	<p>Comment The Town is concerned with the use of "shall include" as this is referencing "Component-Specific" and not every section is applicable to every component. </p> <p>Recommendation The Town would like to recommend the Condition be revised to "shall include, if applicable".</p>		
62	<p>Schedule 4: Conditions Applying to Closure and</p>	<p>Comment The Town believes that the financial considerations are not within the Board's jurisdiction and should not be part of the requirements. </p> <p>Recommendation The Town would like to</p>		

	Reclamation Condition 1.a.	recommend the reference to "financial considerations"; be removed.		
63	Schedule 4: Conditions Applying to Closure and Reclamation Condition 4.b.iii)	<p>Comment The Town note that it is required to update the Board in multiple places (for example the Annual Report) where it is required to update the future plans for the Solid Waste Disposal Facilities. This multiple reporting of the same information is redundant.</p> <p>Recommendation The Town would like to recommend that the Board keep the updates on the future plans for the Solid Waste Disposal Facility in the Annual Report and remove the requirement from the ICRP.</p>		
64	Schedule 4: Conditions Applying to Closure and Reclamation Condition 4.b.v)	<p>Comment The Town believes that the condition should request updated clear figures and not specify that they be from version 1.3 of the ICRP.</p> <p>Recommendation The Town would like to recommend that the condition be revised to state "updated, clear figures" and not specify from "the Plan".</p>		
65	Schedule 4: Conditions Applying to Closure and Reclamation Condition 4.b.vi)	<p>Comment The Town is unclear what the Board is requesting with this condition.</p> <p>Recommendation The Town would like to ask the Board to provide clarity on what they are requesting in this condition.</p>		

		in order to accurately represent the SNP collection point.		
Environment and Climate Change Canada: Cari-Lyn Epp				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment (doc) ECCC Cover Letter Recommendation		
2	F.7 Hazardous Wastes	Comment The draft condition prohibits the acceptance of any hazardous wastes from non-municipal sources. This raises the risk of indiscriminate dumping of such materials in the area. If the option of accepting hazardous materials from non-municipal sources could be approved by the Inspector, under conditions set by the Proponent (e.g. cost recovery) the risk of uncontrolled dumping and environmental contamination would be reduced. Recommendation ECCC recommends that consideration be given to including the option of inspector approval for item F.7, similar to item F.6.	Nov 19: The Town agrees that consideration should be given to the acceptance of hazardous wastes from non-municipal sources to help ensure the proper handling of the materials. 	
3	F.14 Effluent Quality Criteria	Comment The Board has requested comments on the licence's Effluent Quality Criteria (EQC) in the renewal licence. ECCC notes that the criteria in the expiring licence are approximately consistent with the Wastewater System Effluent Regulations (acknowledging that these are not in force in the North) for BOD5 and TSS, and carrying these limits forward in the renewal licence would be reasonable. The SNP section (Part C) includes the measurement of cBOD, and	Nov 19: The Town has no concerns with these recommendations assuming that only cBOD or BOD5 is included and not both parameters.	

		<p>this should be the regulated parameter rather than BOD5. The draft wording does not include an upper limit for pH (which can periodically spike due to algal activity) and this should be retained from the expiring licence. If an upper exceedence due to algal growth is observed, there will be high TSS and field observations can be made to inform identification of the cause. Oil and grease EQC in the expiring licence was set as "No visible sheen". This is a somewhat subjective measure, and can be influenced by the presence of natural sheens on the water surface, caused by bacteria. ECCC notes that SNP 0053-2, which is the site of compliance, includes measurement of Oil and Grease. A numerical limit for Oil and Grease may be more appropriate than the "visual sheen" criteria.</p> <p>Recommendation ECCC recommends retaining the pH and TSS limits from the expiring licence, including cBOD as the regulated parameter rather than BOD5 and implementing a numerical criteria for oil and grease.</p>		
4	Annex A Part B. Sampling and Analysis Requirements	<p>Comment When collecting samples for analysis, there may be ambient conditions that affect sample quality (e.g. high winds, heavy rain). Including a requirement to note field conditions (temperature, wind, precipitation) may provide information that supports understanding of sample results. For example, high TSS at the lagoon outflow may be linked to high winds stirring up the lagoon contents; or heavy rainfall</p>	<p>Nov 19: The Town has no concerns with this recommendation.</p>	

		<p>may influence seepage quality.</p> <p>Recommendation ECCC recommends that Part B. include a condition on recording and reporting ambient conditions at the time of sampling, and that this information be reported with sample results.</p>		
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GNWT - ENR - EAM (Environmental Assessment and Monitoring): Central Email GNWT

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
14	General File	<p>Comment (doc) ENR Letter with Comments and Recommendations</p> <p>Recommendation</p>		
15	General File	<p>Comment (doc) GNWT Closing Arguments&nbsp;nbsp;nbsp;</p> <p>Recommendation</p>		
1	Topic: Draft Water Licence Conditions	<p>Comment Part E, Item 3 currently states: "The Licensee shall only use material that is clean and free of contaminants and is from a source that has been authorized in writing by an Inspector." As per recent cases of granular material, which may have acidic generating potential and has not been tested prior to being used for municipal undertakings, the above condition may also include "..only use material that is clean, free of contaminants and acidic generating minerals, and is from a source that has been authorized in writing by Inspector." Also, it was noted that Schedule 3, Item 8 currently referring to Part F, Condition 41 on Water Treatment Plant O&M Plan, should rather be referring to Part F, Condition 40.</p>	<p>Nov 19: As the material has to be authorized by an inspector, they can flag the material if there is a concern with its source location and potential for it to be an acidic generating minerals, it does not need to be a condition of the licence.&nbsp;nbsp; The proposed wording above also implies that there are zero quantities of acidic generating minerals in the material where trace amounts of these minerals may not cause acid generation.</p>	

		Recommendation 1) ENR recommends that the Board consider the above suggested changes for clarity.		
2	Topic: Hazardous Wastes Acceptance at the Waste Disposal Facilities	Comment Part F, Item 7 specifies that "The Licensee shall not accept Hazardous Wastes generated by industrial, commercial and institutional operators at the Waste Disposal Facilities." In the Solid Waste Disposal Facility (SWDF) Operations and Maintenance Plan (O&M Plan), the Town specified in several locations, such as the Executive Summary (p. 4), Sections 6.0 and 13, that hazardous waste from commercial or industrial sources is not accepted at the SWDF (or SWMF). In their response to ENR's Topic identified as "On-going non-compliance at the HCSTF" (December 12th 2019 - Water Licence Application Proponent Response (p. 11 of 59)), it was specified that: "The Town confirms that the non-acceptance of contaminated soils at the HCSTF will be permanent until site closure." As per information presented during the Technical Session (Town of Hay River - HCSTF Closure Schedule), it was also specified that the Hydrocarbon-Contaminated Soil Treatment Facilities (HCSTF) was planned to be closed during the first quarter of 2020, and decommissioned during the 2nd and 3rd quarter of the same year. However, ENR notes that part of the SWDF O&M Plan (Ver. 1) indicates the acceptance of contaminated soil	Nov 19: The Town continues to confirm that they will not be accepting contaminated soils at the HCSTF. The closure timelines will be submitted to the Board in the HCSTF closure plan.	

		Option 2 of Part F, Item 17 of the draft Water Licence.		
5	Topic: Sewage, Solid Waste and Contaminated Soil from Outside Boundaries	<p>Comment Part F, Item 6 specifies that "The Licensee shall not accept Sewage, Solid Waste, or contaminated soil from industrial, commercial and institutional operators working outside of the local government boundaries of the Town of Hay River, unless otherwise authorized in writing by an Inspector." ENR could not locate details in management plans that specifies if sewage, solid waste would be accepted at the Sewage Disposal Facility (SDF) or SWDF from operators working outside of Hay River (for contaminated soils, please see above comment). In their response to this submission, the Town should further clarify their procedures and policies, with respect to acceptance of sewage and solid waste, as described in the draft Water Licence condition of Part F, Item 6.</p> <p>Recommendation 1) ENR recommends that the Town provide clarifications with respect to acceptance of sewage and solid waste from outside of the local government boundaries of the Town of Hay River.</p>	<p>Nov 19: The Town accepts materials from "K&acute;tl&rsquo;odeeche First Nation, mining camps, cabins, campers and neighbouring residential areas outside of the town&rsquo;s boundaries who do not have their own waste facilities.&nbsp; With the current wording of this condition the Town would need to get specific approval to accept the material from these sources that is has always accepted.&nbsp; The Town does not believe this condition is practical to ensure proper handling of MSW and sewage from the area.&nbsp; This appears to increase the number of hurdles required to properly handle waste in the area.</p>	
6	None	<p>Comment None</p> <p>Recommendation 2) Should non-acceptance of sewage and solid waste from outside boundaries sources be confirmed, ENR recommends that Part F Item 6 remain in the Water Licence.</p>	<p>Nov 19: The Town would like to recommend that this condition be removed.&nbsp; If the Waste or Sewage meets acceptance criteria, the Town should be able to determine if it</p>	

			chooses to accept it from outside sources.	
7	Topic: SNP Monitoring Parameters “ BTEX & MTBE	<p>Comment ENR notes that groundwater monitoring parameters in the current Water Licence are very similar to those suggested in the draft Water Licence, with the exception of benzene/toluene/ethylbenzene/xylenes (BTEX), dissolved organic carbon (DOC) and methyl tert-butyl ether (MTBE). There is a long history of BTEX results being submitted by the Town. Elevated results were mostly detected at wells 5c and 5d (ENR Tables 6, 7 & 8 submitted as attachments to GMPP March 17 2020 comments). While MTBE was not a required to be monitored at the 5 series wells, results were submitted once in the 2016 Annual Report, showing higher results of 0.185 mg/L at Well 5c. This result is above the Alberta Tier 1 limits for Groundwater Remediation Guidelines, although below the FIGWQG Guidelines. While monitored at the 7 series wells since 2013, MTBE results for all 7 series wells have always been below the detection limit of 0.0005 mg/L.</p> <p>Recommendation 1) ENR agrees with the addition of BTEX to monitoring parameters at the 5 series wells, allowing for trend analysis with past results submitted by the Town.</p>	<p>Nov 19: The Town believes that the trending for these parameters in the 5 series wells be completed as per the recommendations from the Town’s third-party consultant (Beckingham Environmental) and in line with the current wording of the draft Water Licence. There are significant costs related to trending data and if the data is not useful (i.e. comparing to different lab test methodologies or sampling inconsistencies) it is not a good use of the Towns resources.</p>	
8	None	<p>Comment None</p> <p>Recommendation 2) ENR agrees with the addition of MTBE to the monitoring parameters of the 5 series wells, to develop a better</p>	<p>Nov 19: The Town has no concerns with this recommendation.</p>	

		understanding of associated concentrations at 5c and other 5 series wells.		
9	Topic: SNP Monitoring Parameters “ F3 & F4	<p>Comment ENR further notes that results have been collected and submitted for all hydrocarbon fractions (F1-F4) at all of the 5 series wells since 2011, and have almost always been near detection limits for F3 and F4. When considering if F3 and F4 should be kept as monitoring requirements, pricing inquiries with Taiga Lab indicated that while the F1 test is processed separately from the remaining fractions (F2, F3, & F4), total costs would remain the same in the end if F3 and F4 were kept, as outlined below: . F1 (\$75) + F2, F3, F4 (\$75) = \$150 . F1 (\$75) + F2 only (\$75) = \$150 As such, while monitoring F3 and F4 may not align with the current guidelines and detection methods, monitoring all fractions may be useful in the future in times when elevated levels may be detected.</p> <p>Recommendation 1) ENR recommends that F3 and F4 be kept as monitoring requirements in the SNP section of Water Licence MV2019L3-0010.</p>	<p>Nov 19: As ENR mentioned in their comment sampling F3 and F4 in groundwater does not align with regulatory guidelines. The Town would like to note that the cost of testing is not the only cost associated with sampling the parameters. F3 and F4 are not mobile in groundwater which is why there are no limits in the guidelines, therefore the Town does not see the benefit in monitoring F3 and F4.</p>	
10	Topic: SNP Section - Map of SNP Locations	<p>Comment ENR considers that adding a visual map with the locations of all SNP monitoring stations would be a useful tool and bring further clarity to the Town when conducting SNP monitoring.</p> <p>Recommendation 1) ENR recommends that a map outlining all SNP monitoring locations be</p>	<p>Nov 19: The Town would like to note that locations on the map are likely to be approximate vs the GPS coordinates laid out in Annex A.</p>	

		added to the SNP section of Water Licence MV2019L3-0010.		
11	Topic: Water Supply Facilities	<p>Comment Part D, Items 2 & 3 and Part F, Items 4 and 41 of the draft Water Licence are referring to the Water Supply Facilities, while other parts are referring to the Water Treatment Plant such as Part D Items 40-41 and Schedule 1 m when referring to the Operation and Maintenance Plan. ENR notes that while there is a defined term for 'water treatment plant', no definition is provided in Part B for 'water supply facilities'.</p> <p>Recommendation 1) To prevent regulatory inconsistencies, ENR recommends that the same term to be used throughout the Water Licence. Should this not be possible, ENR recommends that a defined term be added for Water Supply Facilities outlining differences between the two (if any), or that Water Supply Facilities be added in the Water Treatment Plant definition, as a synonym.</p>	Nov 19: The Town agrees with this recommendation.	
12	Topic: Part A: Scope and Defined Terms	<p>Comment The term 'leachate' appears 4 times in the draft Water Licence; however, the definition is not included, while terms such as effluent or greywater are defined. It is advised to include 'leachate' as a defined term as effluent from a waste disposal facility needs to be differentiated from effluent from a water/wastewater treatment facility. The guidance document Standards for Landfills in Alberta defines 'leachate' as: "means a liquid</p>	Nov 19: The Town agrees with this recommendation and believes that the Water Licence conditions should be updated to provide clarity.	

		<p>that has been in contact with waste in the landfill cell and has undergone chemical or physical changes" For further information the discussed document can be found at the following link: https://open.alberta.ca/dataset/b66da160-54f2-4c17-bd68-29d2aed1638b/resource/7c28c19d-e818-4495-abbc-03c62af29562/download/2010-standardslandfillsalberta-feb2010.pdf Recommendation 1) ENR recommends that the Board define "leachate"™ in the Water Licence under Part A: Scope and Defined Terms.</p>		
13	<p>Topic: Hydrocarbon-Contaminated Soil Treatment Facilities, Part F: Item 34, Page 14</p>	<p>Comment The laboratory reporting limit (LRL), or the limit of quantification, is 3 to 10 times the method detection limit for both F3 and F4 and is 500 µg/L according to the following document: Guidance Manual for Environmental Site Characterization in Support of Environmental and Human Health Risk Assessment Volume 4 Analytical Methods. This document can be referenced at the following link: https://www.ccme.ca/en/files/Resources/csm/Volume%204-Analytical%20Methods-Environmental%20Site%20Characterization_e%20PN%201557.pdf The average effluent limit for both F3 and F4 in runoff from sewage works at a former wood preserving site in Ontario is 1 mg/L and may be referenced at the following</p>	<p>Nov 19: The Town disagrees with the use of the Ontario guidance document for a former wood preserving site. As noted previously, F3 and F4 are not mobile in groundwater and as such regulators have not developed general criteria for them. The Town believes that the wording currently in the draft Water Licence should remain.</p>	

