

**DRAFT Conditions Annexed to and Forming Part of Land Use Permit # S17X-006**

**Part A: Scope of Permit**

1. This Permit entitles the Permittee to conduct the following land-use operation:
  - a) Operation and maintenance, monitoring, and closure of the hydrocarbon contaminated soil Land Treatment Facility located at the Norman Wells Airport property including:
    - a. Installation of groundwater monitoring wells, including drilling, in the communities specified in the application;
    - b. Clearing of brush and overburden;
    - c. Use of equipment; and
    - d. Monitoring.
2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, condition 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial, or Municipal laws.

**Part B: Definitions** (defined terms are capitalized throughout the Permit)

**Act** - the *Mackenzie Valley Resource Management Act*.

**Board** - the Sahtu Land and Water Board established under Part 3 of the Act.

**Borehole** - a hole that is made in the surface of the ground by drilling or boring.

**Engagement Plan** - a document, developed in accordance with the Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the project.

**Flowing Artesian Well** - a well in which water:

- a) Naturally rises above the ground surface or the top of any casing; and
- b) Flows naturally, either intermittently or continuously.

**Fuel Storage Container** - a container for the storage of petroleum or allied petroleum products with a capacity of less than 230 litres.

**Fuel Storage Tank** - a closed container for the storage of petroleum or allied petroleum products with a capacity of more than 230 litres.

**Habitat** - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

**Inspector** - an Inspector designated by the Minister under the Act.

**Minister** - the Minister of Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

**Ordinary High Water Mark** - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the “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 predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

**Permittee** - the holder of this permit.

**Secondary Containment** - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

**Spill Contingency Plan** - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada’s *Guidelines for Spill Contingency Planning* (April 2007), that describes the set of procedures to be implemented to minimize the effects of a spill.

**Toxic Material** - any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

**Waste** - any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also as defined in section 51 of the Act.

**Waste Management Plan (WMP)** - a document, developed in accordance with the Board’s *Guidelines for Developing a Waste Management Plan*, that describes the methods of Waste management from Waste generation to final disposal.

**Watercourse** - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

**Part C: Conditions Applying to All Activities** (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

Condition	Category
<b>26(1)(a) Location and Area</b>	
1. The Permittee shall not conduct any part of the land-use operation within 300 metres of any privately owned or leased land or structure, unless otherwise authorized in writing by the Board.	PRIVATE PROPERTY
2. Prior to the commencement of drilling, the Permittee shall submit the drill target locations on a 1:50,000-scale map with coordinates and map datum to the Board and an Inspector.	DRILL LOCATIONS
3. The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.	LOCATION OF ACTIVITIES
<b>26(1)(b) Time</b>	
4. At least 48 hours prior to the commencement of the land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 587-7203.	CONTACT INSPECTOR
5. At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector: a) the name(s) of the person(s) in charge of the field operation; b) alternates; and c) all methods for contacting the above person(s).	IDENTIFY AGENT
6. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: a) the plan for removal or storage of equipment and materials; and b) when final cleanup and reclamation of the land used will be completed.	REPORTS BEFORE REMOVAL
7. The Permittee shall submit an Annual Report to the Board no later than March 31 following the calendar year reported, which shall contain at a minimum the following information:  a) A detailed description of the work completed and an outline of any work anticipated for the next year; b) A summary of any inspection reports or actions taken to address non-compliance concerns identified; c) Any engineering studies/designs or monitoring results completed or updated during the year; d) A detailed waste audit of all waste produced, transported, and disposal method/location (in volumes and by types). This includes hazardous waste, water petroleum products, and any other wastes identified in the Waste Management Plan; e) A list of Unauthorized Discharges or spills; f) A summary of all activities that took place under the Engagement Plan including a record and results of discussions related to Traditional Knowledge and community benefits; and	SUBMIT ANNUAL REPORT

Commented [SS1]: Non-standard Condition

g) Any other details requested by the Board by November 1<sup>st</sup> of the year being reported

**26(1)(c) Type and Size of Equipment**

8. The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the complete application. **ONLY APPROVED EQUIPMENT**

**26(1)(d) Methods and Techniques**

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**26(1)(e) Type, Location, Capacity, and Operation of All Facilities**

9. The Permittee shall ensure that the land use area is kept clean at all times. **CLEAN WORK AREA**

**26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land**

10. The land-use operation shall not cause obstruction to any natural drainage. **NATURAL DRAINAGE**

11. The Permittee shall, where flowing water from a Borehole is encountered: **FLOWING ARTESIAN WELL**

- a) plug the Borehole in such a manner as to permanently prevent any further outflow of water; and
- b) immediately report the occurrence to the Board and an Inspector.

12. The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface. **PREVENTION OF RUTTING**

13. The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting. **SUSPEND OVERLAND TRAVEL**

14. The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. **Vehicle Movement Freeze-up**

15. The Permittee shall not ford wet streams. **NO FORDING OF STREAMS**

16. The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High Water Mark of any Watercourse. **WATERCOURSE BUFFER**

17. The Permittee shall not excavate land within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. **EXCAVATE NEAR WATERCOURSE**

**26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material**

18. At least seven days prior to the use of any chemicals that were not identified in the complete application, the MSDS sheets must be provided to an Inspector and the Board. **CHEMICALS**

19. The Permittee shall maintain a record of all spills. For all reportable spills, in accordance with the GNWT *Spill Contingency Planning and Reporting Regulations*, the Permittee shall:
- a) immediately report each spill to the 24-hour Spill Report Line (867) 920-8130;
  - b) report each spill to an Inspector within 24 hours; and
  - c) submit, to the Board and an Inspector, a detailed report on each spill within 30 days.

**REPORT SPILLS**

**26(1)(h) Wildlife and Fish Habitat**

20. The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.

**HABITAT DAMAGE**

**26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage**

21. The Permittee shall adhere to the **Waste Management Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.

**WASTE MANAGEMENT**

22. The Permittee shall keep all garbage and debris in a secure container until disposal.

**GARBAGE CONTAINER**

23. The Permittee shall dispose of all garbage, Waste, and debris as described in the approved Waste Management Plan, unless otherwise authorized in writing by an Inspector.

**REMOVE GARBAGE**

24. The Permittee shall provide written correspondence to the Board and Inspector ten (10) days prior to the initial deposit of Waste, demonstrating that the facility has agreed to accept the Waste and has the ability to receive the volumes of Waste required.

**NOTIFICATION of SOLID WASTE DISPOSAL**

**26(1)(j) Protection of Historical, Archaeological, and Burial Sites**

25. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.

**ARCHAEOLOGICAL BUFFER**

26. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.

**SITE DISTURBANCE**

27. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:

**SITE DISCOVERY AND NOTIFICATION**

- a) immediately suspend operations on the site; and
- b) notify the Board at (867) 669-0506 or an Inspector at (867) 695-2626, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71250 or ext. 71251.

**26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value**

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**26(1)(l) Security Deposit**

28. All costs to remediate the area under this Permit are the responsibility of the Permittee. **RESPONSIBILITY FOR REMEDIATION COSTS**

**26(1)(m) Fuel Storage**

29. The Permittee shall: (a) examine all Fuel Storage Tanks and containers for leaks a minimum once per day; and (b) repair all leaks immediately. **CHECK FOR LEAKS**
30. The Permittee shall not place any Fuel Storage Containers or Tanks within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. **FUEL NEAR WATER**
31. The Permittee shall set up all refueling points with Secondary Containment. **SECONDARY CONTAINMENT – REFUELING**
32. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. **FUEL CONTAINMENT**
33. The Permittee shall adhere to the **Spill Contingency Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. **SPILL CONTINGENCY PLAN**
34. Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. **SPILL RESPONSE**
35. All equipment that may be parked for two hours or more, shall have a haz-mat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately. **DRIP TRAYS**
36. The Permittee shall clean up all leaks, spills, and contaminated material. **CLEAN UP SPILLS**

**26(1)(n) Methods and Techniques for Debris and Brush Disposal**

37. Prior to the expiry date of this Permit, the Permittee shall progressively dispose of all brush and trees and shall complete all brush disposal. **BRUSH DISPOSAL/ TIME**

**26(1)(o) Restoration of the Lands**

38. Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used. **FINAL CLEANUP AND RESTORATION**

**26(1)(p) Display of Permits and Permit Numbers**

39. The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation. **COPY OF PERMIT**

**26(1)(g) Biological and Physical Protection of the Land**

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| 40. | If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board’s direction and re-submit it to the Board for approval.  | <b>RESUBMIT PLAN</b>      |
| 41. | The Permittee shall adhere to the <b>Engagement Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | <b>ENGAGEMENT PLAN</b>    |
| 42. | All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.   | <b>SUMMARY OF CHANGES</b> |

Signed on behalf of the Sahtu Land and Water Board

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Witness

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Larry Wallace (Chairman)

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