



Mackenzie Valley Land and Water Board
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Staff Report

Applicant: Department of Indian Affairs and Northern Development – Contaminants and Remediation Division (DIAND-CARD)	
Location: Gordon Lake, NT	Application: MV2016L8-0006
Date Prepared: June 25, 2018	Meeting Date: July 5, 2018
Subject: 2017 Annual Water Licence Report	

1. Purpose/Report Summary

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) the Department of Indian Affairs and Northern Development – Contaminants and Remediation Division’s (DIAND-CARD) 2017 Annual Water Licence Report (Annual Report), submitted to fulfill Part B, condition 13 of Water Licence (Licence) MV2016L8-0006.

2. Background

- March 19, 2018 – DIAND-CARD requested extension to submission due date to April 20, 2018;
- March 31, 2018 – 2017 Annual Report due (as per Licence conditions);
- April 23, 2018 – 2017 Annual Report received;
- April 30, 2018 – Review commenced;
- June 8, 2018 – Reviewer comments and recommendations due and received;
- June 15, 2018 – Responses due and received;
- **July 5, 2018 – 2017 Annual Report presented to the Board for decision.**

3. Discussion

Licence Requirements

Part B, condition 13 of Licence MV2016L8-0006 states the following: “Beginning March 31, 2017 and no later than every March 31 thereafter, the Licensee shall submit an Annual Water Licence Report to the Board. The Report shall be in accordance with Schedule 1, item 1.”

Extension to Submission Deadline

On March 19, 2018, DIAND-CARD requested an extension (attached) to the March 31, 2018 deadline for submission of the 2017 Annual Report, with a new date of April 20, 2018. As there was no Board meeting scheduled prior to the March 31, 2018 deadline and DIAND-CARD requested a short extension, it was not possible for the Board to grant the extension prior to the March 31 deadline;

therefore, the extension request was not brought to the Board for decision. The Annual Report was submitted April 23, 2018 (attached).

Table 1.1 of the 2017 Annual Report lists each requirement of Schedule 1, condition 1 of the Licence, and indicated which section in the Annual Report the information can be found, as well as if that requirement applied to its 2017 activities. Board staff have copied this table into the staff report for the Board.

Table 1.1 from DIAND-CARD's 2017 Annual Water Licence Report

Licence MV2016L8-0006 Requirements (Schedule 1, item 1)	Section in Annual Report	Additional References and notes
Summary of the calibration and status of the meters and devices referred to in Part B, item 9 of this Licence	3.0	Not applicable. No compliance assessment activities occurred in 2017, as no meters, devices, or other such methods were used for measuring the volumes of water used and waste discharged during the reporting period.
Monthly and annual quantities in cubic metres of fresh Water obtained from all sources	3.0	Surveillance Network Program (SNP) reports submitted monthly in months where water was withdrawn from Gordon Lake for use during the Project.
A summary of engagement activities conducted in accordance with the approved Engagement Plan, in Part B of this Licence, undertaken during the previous calendar year and shall include a brief description of activities planned for the forthcoming year	2.3	
A summary of Construction activities conducted in accordance with Part D of this Licence, undertaken during the previous year calendar year.	4.0	
An updated schedule for the undertaking	2.2 & Appendix A	
A summary of Modification activities and major maintenance work conducted in accordance with Part E of this Licence, undertaken during the previous calendar year	4.6	
A summary of activities conducted in accordance with the approved Waste Management Plan, required in Part F of this Licence, undertaken during the previous calendar year, including:	6.0	
i. A summary of updates or changes to the process or facilities required for the management of waste.	6.1 & 4.6	

ii. The monthly and annual quantities in cubic metres of non- hazardous and hazardous waste generated during remediation activities.	6.2 & 6.3	
iii. Monthly and annual quantities in cubic metres of all solid waste deposited and used as	N/A	No solid waste deposited or used as backfill during the year being reported.
iv. Monthly and annual quantities in cubic metres of all liquid waste deposited, identified by location.	N/A	No liquid waste deposited during the year being reported.
v. Monthly and annual quantities and geochemical characteristics of all PAG and metal leaching waste rock, tailings and any other mineral materials deposited / managed, identified by location.	6.6	Tailings only applicable for the year being reported.
vi. The estimated monthly and annual quantities in cubic metres of sewage deposited into the sewage disposal facilities.	N/A	No sewage waste deposited into sewage disposal facilities during the year being reported.
vii. Monthly and annual quantities in cubic metres of wastewater discharged from the wastewater treatment facilities.	6.8	
viii. A summary of any updates or changes to the process or facilities required for the treatment of PHC contaminated soil and rock.	6.9	
ix. The monthly and annual quantities in cubic metres of PHC impacted soil and rock placed in the Landfarm.	6.9	
x. The monthly and annual quantities in cubic metres of PHC contaminated groundwater and free-phase product removed from the landfarm and a description of how this material was managed.	N/A	No PHC contaminated groundwater and / or free-phase product was placed in the landfarm, as it was determined to no longer be feasible to construct (refer to Section 4.6.3).
xi. Any other item as directed by the Board.	N/A	No additional items directed by the Board of the year being reported.
A summary of activities conducted in accordance with the approved Sediment and Erosion Control Plan, referred to under Part F, item 4.	5.0	
i. A description of any erosion susceptible areas encountered, and a summary of activities undertaken to prevent or mitigate erosion.	5.0	
ii. A report of the performance of erosion mitigations applied in previous years, if	5.0	
iii. Any other item as directed by the Board.	N/A	No additional items directed by the Board of the year being reported.
A summary of all monitoring results and any Action Level exceedances in accordance with the approved Construction and Post-Construction Monitoring Plan, referred to under Part F, item 6 and Schedule 3, item 4 of this Licence.	10.0	

A summary of all monitoring results and Action Level exceedances in accordance with the approved Long-Term Monitoring Plan, referred to	N/A	Long-Term Monitoring Plan is not applicable as it was not submitted or in effect during the year being reported.
A summary of activities conducted in accordance with the approved Spill Contingency Plan, required in Part G of this Licence, undertaken during the previous calendar year, including:	7.0	
i. A list and description for all unauthorized discharges that occurred during the previous calendar year, including the date, NWT spill number, volume, location, summary of the circumstances and follow-up actions taken, and status (i.e., open or closed), in accordance with the reporting requirements in Part G of this Licence; and	7.0	
ii. An outline of any spill training and communications exercises carried out during the previous calendar year.	7.0	
A summary of activities conducted in accordance with the Remedial Action Plan, required in Part H of this Licence, undertaken during the previous calendar year.	8.0	
i. A summary of updates or changes to the process or facilities required for the management of waste rock and tailings.	8.0	
ii. The monthly and annual quantities in cubic metres of excavated tailings for placement into landfills and any excavation contingency measures implemented.	8.0	
iii. The monthly and annual quantities in cubic metres of PAG waste rock excavated and deposited into trenches, pits or underground workings.	N/A	No PAG waste rock excavated or deposited during the year being reported.
iv. The monthly and annual quantities in cubic metres of soil and rock placed below waste rock covers, placed above waste rock covers and used elsewhere on site.	N/A	No soil or rock was placed below/above Waste Rock Covers or used elsewhere on site during the year being reported.
v. Any geochemical inspection reports, as appendices to the Annual Water Licence Report.	N/A	No geochemical inspection reports of the year being reported.
vi. Any outline of anticipated activities for the next year; and	2.2 & Appendix	
vii. Any other item as directed by the Board.	N/A	No other items directed by the Board of the year being reported.
Any other details on water use or waste disposal requested by the Board by November 30 of the year being reported.	N/A	No additional details on water use or waste disposal was requested by the Board by November 30 of the year being reported.

<p>Tabular summaries of all data and information generated under the Surveillance Network Program and graphical summaries of parameters with effluent quality criteria referred to in Part F, at the points of compliance (SNP stations 2016-2, 2016-3, 2016-4 and 2016-6), in excel or an electronic and printed format acceptable to the Board. The Licensee shall provide raw data in electronic form to the Board.</p>	<p>9.0</p>	
<p>A summary of actions taken to address concerns, non-conformances, or deficiencies in any reports filed by an Inspector.</p>	<p>N/A</p>	<p>No reports requiring action were filed by an Inspector of the year being reported.</p>

4. Comments

Not applicable.

5. Reviewer Comments

By June 8, 2018, comments and recommendations on the Annual Report were received from 2 reviewers:

- Environment and Climate Change Canada (ECCC); and
- GNWT – Environment and Natural Resources (GNWT-ENR).

DIAND-CARD responded on June 15, 2018. The Review Summary and Attachments (attached) presents the concerns identified through this review.

During the review, ECCC submitted a no comment letter, and the GNWT submitted 2 clarification comments. DIAND-CARD provided appropriate responses.

6. Security

Not applicable.

7. Conclusion

Board staff suggest this submission is in conformity with the requirements of Licence MV2016L8-0006.

8. Recommendation

Board staff recommend the Board **accept the 2017 Annual Water Licence Report** as submitted to fulfill Part B, condition 13 of Water Licence MV2016L8-0006.

A draft acceptance letter is attached.

9. Attachments

- [2017 Annual Water Licence Report](#)
- [Extension request – March 19, 2018](#)
- Review Summary and Attachments
- Draft Decision Letter from the Board

Respectfully submitted,



Kierney Leach
Technical Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	INAC - CARD - Gordon Lake Remediation Project - Annual Report - MV2016L8-0006
File(s):	MV2016L8-0006
Proponent:	INAC - Contaminants and Remediation Directorate
Document(s):	Annual Report (13.9 MB)
Item For Review Distributed On:	Apr 30 at 10:42 Distribution List
Reviewer Comments Due By:	June 8, 2018
Proponent Responses Due By:	June 15, 2018
Item Description:	<p>Department of Indian Affairs and Northern Development – Contaminants and Remediation Division (DIAND-CARD) has submitted its Annual Water Licence Report on April 23, 2018. This Report is required by Licence MV2016L8-0006.</p> <p>Although formal approval of this Report is not required under the Licence, the Board must be satisfied that the Licensee has met the requirements of the condition Therefore, reviewers are invited to submit questions, comments, and recommendations on this submission by the review comment deadline specified below.</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 below.</p>
General Reviewer Information:	<p>In addition to the email distribution list, the following organizations received review materials by fax:</p> <p>Hay River Metis Council Trevor Beck President (867)874-4472; hrmc@northwestel.net;</p> <p>NWT Metis Nation Tim Heron NWTMN IMA Coordinator (867)872-3586; rcc.nwtmn@northwestel.net;</p>
Contact Information:	Jen Potten 867-766-7468 Kierney Leach 867-766-7470

Comment Summary

Environment and Climate Change Canada: Petrel Liu				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	General	<p>Comment ECCC has reviewed the Annual Report in accordance with its mandate and has no comments at this time.</p> <p>Recommendation N/A</p>	<p>June 13: Thank you for your review.</p>	Noted.
GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
4	General File	<p>Comment (doc) ENR Letter with Comments and Recommendations</p> <p>Recommendation</p>		Noted.
1	Topic 1: Water Use	<p>Comment Table 3.1 includes amounts of water use in support of the project however the following paragraph notes that "no meters, devices, or other such methods were used for measuring the volumes of water used."</p> <p>Recommendation 1) ENR requests that INAC CARD clarify how water use was measured at site.</p>	<p>June 13: There are three tanks in camp and water usage on site was measured by the tank volumes.</p>	Appropriate response.
2	Topic 2: Impacted Soil	<p>Comment Section 4.6 notes that "some impacted soil will be left in place following a risk evaluation" and Table 4.1 includes a summary of "Impacted Soil Locations to be Risk Managed." It wasn't clear how decisions have been made that impacted soil be left in place if the risk evaluation has not occurred. Similarly, it isn't clear how these assumptions relate to decisions to remove the</p>		Noted.

		<p>landfarm from the scope of the remediation work. ENR initiated discussions with INAC CARD and was provided the following supplementary information on June 6, 2018: "As per the submitted and approved v.7 of the Waste Management Plan - there was a decrease in the Gordon Lake project scope that included risk management of some impacted soil locations: 'For some of the remote areas, the environmental impact associated with accessing and remediating is greater than the potential effects of leaving the material in place. Access and remediation would result in removal of trees from the impacted areas and the construction of significant distances of overland access routes to remove very small volumes (most of them are <7 m3) of impacted soil. Therefore, rather than clearing the trees, disrupting the land and removing the impacted material, it will be managed in place. It is expected that the small volumes will not pose a risk to human or ecological receptors, similar to other areas that have been reviewed and allowed to remain.' Also these areas in question did not specifically relate to the decision to remove the landfarm from the scope of the remediation. This was due to an overall reduction in the volume of soil to be dealt with based on groundtruthing." ENR</p>		
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		<p>appreciates the clarification provided by INAC CARD in that the risk evaluation has already occurred. ENR has no further comment on that issue.</p> <p>Recommendation N/A</p>		
3	Topic 3: Blackwater	<p>Comment Section 6.8 notes that blackwater is being stored for off-site disposal at an approved disposal facility.</p> <p>Recommendation 1) ENR requests clarification on whether this facility has already been identified or if this decision will be made at a later date.</p>	<p>June 13: Blackwater was transported to KBL Environmental for off-site disposal.</p>	Appropriate response.