



January 26, 2017

File: MV2016X0013 & MV2016L8-0004

Mr. Carey Ogilvie  
Department of Indian Affairs and Northern Development  
Contaminants and Remediation Division  
PO Box 1500  
YELLOWKNIFE NT X1A 2R3

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Dear Mr. Ogilvie:

**Spill Contingency Plan – Interim Approval, Follow-up required  
Department of Indian Affairs and Northern Development – Bullmoose-Ruth Remediation  
Project**

The Mackenzie Valley Land and Water Board (MVLWB or the Board) met on January 26, 2017 to review your Spill Contingency Plan – Bullmoose-Ruth Remediation Project, which was submitted under Part G, item 2 of Water Licence MV2016L8-0004 and Conditions 62 and 77 of Land Use Permit MV2016X0013 on December 22, 2016.

The Board hereby grants interim approval of the Spill Contingency Plan. A revised Plan is required for approval and shall be submitted by February 27, 2017. The Board requires that Department of Indian Affairs and Northern Development - Contaminants and Remediation Division (DIAND-CARD) resubmit the Spill Contingency Plan in accordance with comments made during this review, as summarized in Table 1 (attached) and as directed in the Reasons for Decision (attached). DIAND-CARD shall adhere to the commitments made in their responses to reviewer comments (attached) dated January 13, 2017 and shall include a detailed conformity table in accordance with Part B, item 3 (c) of Water Licence MV2016L8-0004. Final approval will be provided upon written confirmation from the Board following a staff conformity review.

If you have any questions or concerns, please contact Julian Morse at (867) 766-7453 or email [jmorse@mvlwb.com](mailto:jmorse@mvlwb.com) or Shannon Allerston at (867) 766-7458 or email [sallerston@mvlwb.com](mailto:sallerston@mvlwb.com).

Yours sincerely,

A handwritten signature in black ink, appearing to read "V. Camsell-Blondin".

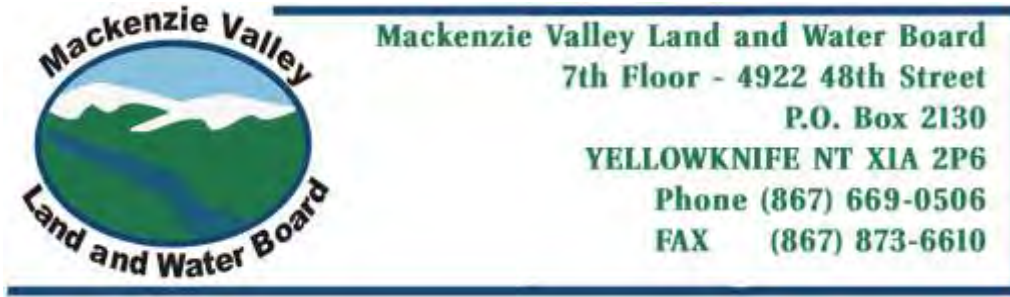
Violet Camsell-Blondin  
MVLWB, A/Chair

Copied to: Distribution List

Attachment: Table 1  
Review Comment Summary Table  
Reasons for Decision

**Table 1: Department of Indian Affairs and Northern Development – Miscellaneous -  
Bullmoose-Ruth Remediation Project – List of Requirements from review of Spill Contingency  
Plan – Bullmoose-Ruth Remediation Project from Water Licence MV2016L8-0004 and Land  
Use Permit MV2016X0013**

	<b>Summary of Requirement</b>	<b>Location of Recommendation</b>
1	Development and inclusion of a map showing buildings, roads, culverts, airstrips and other infrastructure, all surface water bodies and direction of water flow including catchment basins, storage locations of each hazardous material, probable spill locations and direction of flow on land and in water, locations of all response equipment, environmentally sensitive areas, any approved disposal sites, topography e.g. slope of land, and any other important on or off-site features.	Review Comment Summary Table ENR-1, Reasons for Decision
2	Develop and include a procedure to notify the public in cases where a spill has the potential to impact the public.	Review Comment Summary Table ENR-2, Lands-2
3	Include a NWT Spill Report form	Review Comment Summary Table ENR-3
4	Update equipment List to include barrier-building materials.	Review Comment Summary Table ENR-4
5	Update to include contact information for the GNWT Inspector; Clint Ambrose (867) 767-9188 or (867) 446-0769.	Review Comment Summary Table Lands-1
6	Update immediately reportable spill quantities	Review Comment Summary Table Lands-2



### Reasons for Decision

Issued pursuant to sections 72.25 of the *Mackenzie Valley Resource Management Act* and section 54 of the *Waters Act*

Management Plan	
<b>Reference/File Number</b>	MV2016L8-0004 & MV2016X0013
<b>Applicant</b>	Department of Indian Affairs and Northern Development (DIAND) – Contaminants and Remediation Division (CARD)
<b>Project</b>	Bullmoose-Ruth Remediation Project - Spill Contingency Plan

### Decision from Mackenzie Valley Land and Water Board Meeting of

January 26, 2017

#### **1.0 Background**

Department of Indian Affairs and Northern Development (DIAND) – Contaminants and Remediation Division (CARD) submitted a Waste Management Plan, Spill Contingency Plan, Community Engagement Plan, and Sediment and Erosion Control Plan on December 22, 2016, to satisfy the following conditions of their Permit MV2016X0013 and Licence MV2016L8-0004:

- Requirements for the Waste Management Plan are outlined in Part F, item 3 of Licence MV2016L8-0004 and Conditions 43 and 77 of Permit MV2016X0013.
- Requirements for the Spill Contingency Plan are outlined in Part G, item 2 of Licence MV2016L8-0004 and Conditions 62 and 77 of Permit MV2016X0013.
- Requirements for the Engagement Plan are outlined in Part B, item 12 of Licence MV2016L8-0004 and Conditions 77 and 79 of Permit MV2016X0013.
- Requirements for the Sediment and Erosion and Control Plan are outlined in Part F, item 5 of Licence MV2016L8-0004 and Conditions 21, 22 and 77 of Permit MV2016X0013.

#### **2.0 Discussion**

The Spill Contingency Plan largely complies with Aboriginal Affairs and Northern Development Canada's 2007 Guidelines for Spill Contingency Planning. The only major missing piece is a map showing buildings, roads, culverts, airstrips and other infrastructure, all surface water bodies and direction of water flow including catchment basins, storage locations of each hazardous material, probable spill locations and direction of flow on land and in water, locations of all response equipment, environmentally sensitive areas, any approved disposal sites, topography (e.g. slope of land), and any other important on- or off-site features.

### **3.0 Public Review**

By January 10, 2017, comments and recommendations on the Plan were received from 2 reviewers:

- Government of the Northwest Territories (GNWT) – Department of Environment and Natural Resources (ENR); and
- GNWT – Department of Lands (Lands)

DIAND-CARD responded on January 13, 2017.

### **4.0 Decision**

After reviewing the submissions of DIAND-CARD, the written comments received by the Board and the Staff Report prepared for the Board, the Board, having due regard to the facts and circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and Regulations made thereunder, has determined that the Spill Contingency Plan was largely submitted in accordance with all applicable Guidelines and Conditions of Permit MV2016X0013 and Licence MV2016L8-0004, with the exception of a few details.

The inadequacies of the Spill Contingency Plan are laid out in the Reviewer Comment Summary Table and the Discussion section, above. The shortcomings of this Plan can be easily addressed through resubmission as directed by the Board. At this time, the Board feels that this Plan can be approved on an interim basis to allow for progress on land use permit activities, including winter road construction, as planned by DIAND-CARD. A revised Spill Contingency Plan shall be re-submitted no later than February 27, 2017 to the Board for approval.

The revised plan should provide additional information identified in the Reviewer Comment Summary Table and as laid out in the Discussion, above, to be in line with applicable guidelines and authorization requirements before final approval.

SIGNATURE

Mackenzie Valley Land and Water Board



January 26, 2017

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Violet Camsell-Blondin, A/Chair

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Date

### Review Comment Table

<b>Board:</b>	MVLWB
<b>Review Item:</b>	INAC-CARD - Bullmoose Ruth Remediation Project - Spill Contingency Plan (MV2016X0013 & MV2016L8-0004) (MVLWB)
<b>File(s):</b>	<a href="#">MV2016L8-0004</a> <a href="#">MV2016X0013</a>
<b>Proponent:</b>	INAC - Contaminants and Remediation Directorate
<b>Document(s):</b>	<a href="#">MV2016X0013 MV2016L8-0004 - INAC-CARD - Spill Contingency Plan</a> (2MB)
<b>Item For Review Distributed On:</b>	Dec 22 at 15:34 <a href="#">Distribution List</a>
<b>Reviewer Comments Due By:</b>	Jan 10, 2017
<b>Proponent Responses Due By:</b>	Jan 13, 2017
<b>Item Description:</b>	<p>Indigenous and Northern Affairs Canada - Contaminants and Remediation Directorate (INAC-CARD) submitted their Spill Contingency Plan on December 21, 2016. This Plan was originally submitted in conceptual form in support of INAC-CARD's Applications for a Permit and Licence for remediation activities associated with the Bullmoose Ruth Remediation Project. The Plan has now been revised and re-submitted in accordance with conditions in Licence MV2016L8-0004 and Permit MV2016X0013.</p> <p>Reviewers are invited to submit questions, comments, and recommendations on this submission using the Online Review System (ORS) by the review comment deadline specified below. 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>
<b>Contact Information:</b>	Julian Morse 867-766-7453 Shannon Allerston 867-766-7458

### Comment Summary

GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
5	General File	<b>Comment</b> <a href="#">(doc)</a> ENR Letter with Comments and Recommendations <b>Recommendation</b>		Noted.
1	Topic 1: Site Map	<b>Comment</b> The Guidelines for Spill Contingency Planning (INAC, 2007) suggest the inclusion of a map identifying infrastructure, water bodies, direction of water flow, hazardous material storage locations, probable spill locations, locations of response equipment, environmentally sensitive areas, approved disposal sites, topography and any other important on or off-site features. <b>Recommendation</b> 1) Rowe's Outcome JV (ROJV) should provide a map of each former mine site included in the Bullmoose Ruth Remediation project and identify all applicable components suggested in the Guidelines for Spill Contingency Planning (INAC, 2007).	Jan 13: Maps of each site will be included in the Revised Plan which will include site characteristics, fuel storage locations, camps, sewage facilities, spill kits, etc.	Adequate.
2	Topic 2: Public Notification	<b>Comment</b> The Guidelines for Spill Contingency Planning (INAC, 2007) suggest developing a procedure to notify the public should a spill occur that may impact the public. Although none of the former mine sites in the Bullmoose Ruth Remediation project are in immediate proximity to a community, the	<b>Jan 13:</b> Revised Plan will outline procedure whereby the public is notified and under what spill conditions the public will be notified.	Adequate.

		<p>mines are located on Akaitcho First Nations land and are potentially used for hunting, trapping and other activities.</p> <p><b>Recommendation 1)</b> ROJV should develop a procedure to notify the public in cases where a spill has the potential to impact the public.</p>		
3	Topic 3: Contents of Spill Kits	<p><b>Comment</b> In Section B: Spill Reporting Procedures, it is stated that each spill kit will have a copy of a NWT Spill Report form; however, in Section 4: Resource Inventory, the NWT Spill Report form is not included in the list of contents in small or large spill kits.</p> <p><b>Recommendation 1)</b> ROJV should update the spill kit contents list to include a NWT Spill Report form.</p>	<p><b>Jan 13:</b> The spill report forms will be located in the spill containment binder which will be stored at the camp. The stationary spill kits will contain an inventory form to ensure all required supplies are kept stocked in kit. Portable spill kits will contain spill report forms. The SPC will be revised to reflect these details.</p>	<p>Please include a current NWT Spill Report form in the next revision of the plan.</p>
4	Topic 4: Barrier Materials	<p><b>Comment</b> ROJV explains that in the event of a spill in a stream, plywood, netting, fencing or other materials found on site will be used to create a weir or barrier. It is unclear what materials will be found on site at any given time over the course of the project that would be suitable to function as a barrier during a spill.</p> <p><b>Recommendation 1)</b> ROJV should store sufficient material on site specifically for creating a barrier or weir across a stream should a spill occur. This material should be stored with the spill kits located in closest proximity to a stream and identified on a map for a timely response in the event of a spill.</p>	<p><b>Jan 13:</b> The Equipment List submitted to the inspectors will be revised to include barrier-building materials.</p>	<p>Adequate.</p>

GNWT - Lands: Clint Ambrose

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board FResponse
1	Off-site Emergency Contact Information	<p><b>Comment</b> The GNWT Department of Lands is responsible for land use operations on the winter roads since they traverse Territorial Land.</p> <p><b>Recommendation</b> Page 19 of the Spill Contingency Plan must be updated to include contact information for the GNWT Inspector; Clint Ambrose (867) 767-9188 or (867) 446-0769.</p>	<p><b>Jan 13:</b> Revised Plan will include the information that has been provided by the Inspector</p>	Adequate.
2	Immediately Reportable Spill Quantities and Spill Report Form	<p><b>Comment</b> (<a href="#">doc</a>) There have been minor updates to the immediately reportable spill quantities and spill report form.</p> <p><b>Recommendation</b> Please replace the quantities and report form in the Spill Contingency Plan with the attached documents.</p>	<p><b>Jan 13:</b> (<a href="#">doc</a>) Revised Plan will include the information that has been provided by the Inspector.</p>	Adequate.