



SAHTU Land & Water Board  
P.O. Box 1  
Fort Good Hope, NT  
X0E 0H0

March 7, 2016

Nathan Watson, Mayor & Catherine Mallon, Town Manager  
Town of Norman Wells  
P.O. Box 5  
Norman Wells, NT  
X0E 0V0

Our File: [S07L3-002](#)

Your File:

Chief Leonard Kenny & Kirk Dolphus, Senior Administrative Officer  
Charter Community of Deline  
P.O. Box 180  
Deline, NT  
X0E 0G0

Our File: [S12L3-006](#)

Your File:

Chief Wilfred McNeely & Wilbert Cook, Senior Administrative Officer  
Charter Community of K'asho Got'ine  
P.O. Box 80  
Fort Good Hope, NT  
X0E 0H0

Our File: [S15L3-002](#)

Your File:

Rocky Norwegian, Mayor & Roberto Moretti, Senior Administrative  
Officer & Bradley Menacho, SAO Trainee  
Incorporated Hamlet of Tulita  
P.O. Box 91  
Tulita, NT  
X0E 0K0

Our File: [S15L3-003](#)

Your File:

Chief Wilbert Kochon & Joseph Kochon, Senior Administrative  
Officer/Band Manager  
Behdzi Ahda First Nation  
P.O. Box 53  
Colville Lake, NT  
X0E 1L0

Our File: n/a

Your File:

**Re: Notice of Regulatory Improvement - Waste Disposal at Municipal Facilities from Industrial, Commercial and Institutional Operators & Municipal Operation and Maintenance Plan Templates**

The Sahtu Land and Water Board (SLWB or Board) is writing to share recent regulatory improvements adopted by all Boards in the Mackenzie Valley that directly influence municipalities.

Firstly, the Mackenzie Valley Land and Water Board (MVLWB), the Department of Municipal and Community Affairs (GNWT-MACA), and the Department of Environment and Natural Resources (GNWT-ENR) have released four Municipal Operation and Maintenance (O&M) Plan Templates which have been designed to help municipalities satisfy their licence requirements. These fillable-pdf documents, which had been previously shared by Board staff in draft format, are now finalized and available under the 'Policies and Guidelines' section of the 'Resources' tab of our website (<https://slwb.com/resources/policy-and-guidelines>). The Templates

include: Solid Waste Facility (SWF), Wastewater (sewage) Treatment System (WWTS), Water Treatment Plant (WTP) and Spill Contingency Plan (SCP). Please note, these Templates are not meant to replace any already existing and Board approved O&M Plan or SCP.

Secondly, a standard condition has been developed for all projects that identify the planned use of municipal waste disposal facilities (sewage and/or solid waste). Through the authorization (Permit or Licence) the following conditions will be included which requires Proponents verify the status of the facility, both in context of appropriate capacity and compliance with their Water Licence, prior to deposit of waste at a licenced municipal facility. This step requires an Inspector's written verification that must be submitted to the Board. The conditions that will be included are:

- Waste shall be disposed of at a licensed facility that has the appropriate capacity and is in compliance with their Water Licence.
- Prior to the deposit of waste at a waste facility, written verification of the facility's Water Licence compliance and capacity from an Inspector must be submitted to the Board.

Compliance with Water Licences has been an ongoing concern with many communities across the NWT. In 2015, Municipal Water Use Inspections were conducted by the GNWT Inspector in each of the licensed Sahtu communities and Board staff participated and provided licence-specific Surveillance Network Program (SNP) training Manuals. The inspection reports raised a number of concerns. Board staff have compiled a comprehensive list for each Water Licence based on review of all Board documentation and the most recent Water Use Inspection Report which is attached to this letter.

At this time the Board also reminds all Licensees that deadlines established by the GNWT Inspector for submittal of some of these long-outstanding items has passed in many instances and that the **2015 Annual Report** is required by March 31<sup>st</sup>, 2016. The Report is required to help keep all interested parties informed of the current status of the facilities, the manner in which Licence requirements are being met and also is a mechanism to facilitate discussion toward resolving issues and concerns. Please be advised that this letter will be posted as part of the Public Registry.

The full cooperation of Licensees is anticipated and appreciated. If you have any questions or concerns, please contact Sabrina Sturman at (867) 598-2413 ext. 224 or email at [sabrina.sturman@slwb.com](mailto:sabrina.sturman@slwb.com).

SAHTU Land and Water Board



Larry Wallace  
Chair

Copied to: Jeffrey Walker, GNWT-ENR, Superintendent

Attachments

- Town of Norman Wells Water Licence S07L3-002 – Compliance Concerns (5pgs.); or
- Charter Community of Deline Water Licence S12L3-006 – Compliance Concerns (6pgs.); or
- Charter Community of K'asho Got'ine Water Licence S15L3-002 – Compliance Concerns (5pgs.) with Annual Report Template for S15L3-002; or
- Incorporated Hamlet of Tulita Water Licence S15L3-003 – Compliance Concerns (4pgs.) with Annual Report Template for S15L3-003; or
- Behdzi Ahda First Nation (Colville Lake) – Compliance Concerns (1 pg).

## Charter Community of Deline - Water Licence S12L3-006 – Compliance Concerns

Items requiring immediate submission to the Board:

- Annual Report for 2012, 2013 and 2014
- Map of SNP locations with GPS coordinates
- Operation and Maintenance Plan for the new Solid Waste Disposal Facility
- Spill Contingency Plan
- Closure and Reclamation Plan – Implementation Schedule and Addendum
- As-built plans for temporary landfill

The Municipal Water Licence S12L3-006, issued on December 5, 2012 for a term of 5 years, was amended on July 19, 2013 to include the new sewage lagoon as described in [Staff Report 3](#) and again on October 13, 2013 to revise the Surveillance Network Program (SNP) to include monitoring locations for the new sewage lagoon and solid waste disposal facility as described in [Staff Report 4](#). The renewal process of S12L3-006, for previous WL S00L3-002, is described in [Staff Report 1](#).

Comprehensive List of Compliance Concerns:

Part B, Item 1: The Licensee shall file an **Annual Report** with the Board not later than March 31<sup>st</sup> of the year following the calendar year reported which shall contain the following information:

- a) The monthly and annual quantities in cubic meters of fresh water obtained from all sources;
- b) The monthly and annual quantities in cubic meters of all sewage discharged to the sewage lagoons;
- c) A summary of the monthly and annual quantities of hazardous waste stored on site and transported off site;
- d) A summary of modifications and/or major maintenance work carried out on the Water Supply and Waste Disposal Facilities, including all associated structures;
- e) Tabular summaries of all data generated under the “Surveillance Network Program” and a copy of original lab results in an appendix;
- f) A list of spills and unauthorized discharges
- g) A summary of any closure and reclamation work completed during the year and an outline of any work anticipated for the next year;
- h) A summary of any studies requested by the Sahtu Land and Water Board that relate to Waste disposal, water use or reclamation, and a brief description of any future studies planned;
- i) Any revisions to the approved Spill Contingency Plan;
- j) Any revisions to the approved Closure and Reclamation Plan;
- k) The month and annual quantities of sludge removed from the sewage lagoons;
- l) Updates or revisions to the approved Operation and Maintenance Plans;
- m) An outline of any spill training and communications exercises carried out; and
- n) Any other details on water use of Waste disposal requested by the Board by November 1<sup>st</sup> of the year being reported.

- Annual Reports have not been submitted since the issuance of S12L3-006.
- Most recently, Board staff had provided a reminder of the 2014 AR deadline with a copy of the Annual Report (AR) Template on May 29, 2015.
- Direction in the [September 1, 2015 Inspection Report](#) required that the ARs for the past 3 years (2012, 2013 and 2014) be submitted immediately which has not been met.
- The Template for completing the AR was again provided by Board staff upon request on September 14, 2015.
- Board staff had received the 2014 AR on October 11, 2015 however it was deemed incomplete with a list of required revisions provided. A revised 2014 AR was submitted on October 13, 2015 however

did not address all deficiencies and was again deemed incomplete with recommended revisions. Board staff had indicated that the AR would be deemed complete/accepted with the suggested revisions. The Board had not received an AR with corrections at the time this summary was prepared.

Part B, Item 2: The Licensee shall comply with the “Surveillance Network Program” annexed to this Licence, and any amendment to the said “Surveillance Network Program” as may be made from time to time, pursuant to the conditions of this Licence.

- The SNP was revised October 2013 to include two (2) locations at the new sewage lagoon and two (2) locations that are anticipated to receive drainage from the new solid waste disposal site.
- To date no SNP results have been reported with the exception of incomplete decant sampling results.
- Board staff provided SNP training on July 27, 2015 during the Municipal Water Use Inspection and sampling supplies were also received by the Charter Community from Taiga Laboratory. Copies of the [SNP Manual](#) were provided and is available on the Public Registry.
- The [September 1, 2015 Inspection Report](#) documented that the Licensee is non-compliant with this part of S12L3-002 and required that sampling as outlined in the annex of the Water Licence was complete before freeze-up.
- The Board approved the revised [Closure and Reclamation Plan \(CRP\) for the sewage lagoon and landfill](#) (Version 2.0) on [March 9, 2015](#) which includes a Groundwater Monitoring Plan (Section 7.3) and specifies that the results from this monitoring will be included in an appendix with the Annual Report.
- The Board anticipates results for SNP monitoring complete in 2015 will be reported in the AR due **March 31, 2016**.

Part B, Item 8: The Licensee shall submit to the Sahtu Land and Water Board for approval a map or drawing indicating the locations of all “Surveillance Network Program” sampling stations, with associated GPS coordinates.

- This submission remains outstanding and the Board requires immediate follow up.

Part D, Item 4: Discharge of sludge from the sewage lagoons requires prior approval from the Sahtu Land and Water Board.

- The Board approved CRP includes plans for the decommissioning the sewage lagoon which is at the end of its lifespan. There is a significant accumulation of solids anticipated as neither of the two lagoons had been desludged during the operational life of the facility. The approved reclamation treatment process will involve mixing with soil on-site and use to create a topsoil layer (cover) which will support revegetation and minimize erosion. As described in the CRP (Section 3.2, pg. 5) samples should be analyzed and compared to the *Guidelines for the Application of Municipal Wastewater Sludges to Agricultural Lands* (Alberts ESRD, March 2001) to determine if the material is suitable for this use or if it should be disposed of at an approved disposal facility.
- The [March 9, 2015 CRP Board approval letter](#) notes that the CRP was conditionally approved and that submission of an Implementation Schedule outlining the work plan and timeline to implementing the remediation process was due July 31, 2015 and has not been received by the Board at the time this summary was prepared. The Board requires immediate follow up.
- The Board reminds the Licensee of the commitments in the approved CRP and also note that if the planned treatment technique is not implemented, then Part E applies, as the method would be considered a modification which requires notification 90 days in advance of the commencement of activities.

Part D, Item 6: The Licensee shall advise an Inspector and the Sahtu Land and Water Board at least ten days prior to initiating the decant of the sewage lagoon.

SNP Annex, Part B, Item 1: Effluent at Station Number 0555-1 shall be sampled at the beginning, and every three days thereafter during periods of decant, and shall not exceed the following criteria:

<u>Parameter Concentration</u>	<u>MAX.</u>
Faecal Coliforms	10,000 FC/100ml
BOD <sub>5</sub>	80 mg/L
Total Suspended Solids	100 mg/L

- Board staff received verbal notification of a planned decant on May 27<sup>th</sup> and a [notification letter dated May 25, 2015](#) was received via fax on June 1, 2015. The letter requested commencement of decanting as soon as possible however no effluent testing results were submitted. Board staff responded to the request on [May 29, 2015](#) reminding the Licensee of the sampling requirements as per SNP Annex, Part B, Item 1 however results had not yet been received by the Board at the time this summary was prepared and it had not been confirmed that the decant occurred. Board staff anticipate these results will be included in the 2015 AR.

Part D, Item 12: The Licensee shall maintain the Solid Waste Disposal Facilities to the satisfaction of the Inspector.

- At the time the Deline WL Renewal Application was submitted, Stantec, on behalf of the Community of Deline, requested that Operation and Maintenance Manuals not be required for the current facilities (solid waste and sewage lagoon) as they were planned to be decommissioned in 2013 (see Application, Appendix E – Future Plans/Manuals Letter, [August 29, 2012](#)). [Responses to reviewer](#) comments indicated that an updated O&M Manual would be submitted to the Board for approval prior to the new sites accepting waste. The O&M Manual for the new Solid Waste Disposal Facilities had not been submitted to the Board at the time this summary was prepared.
- Details of the planned closure and reclamation of the Solid Waste Disposal Facilities are in the revised CRP (Section 4.0) that was approved by the Board on [March 9, 2015](#). The Board required however submission of an Addendum to address reviewer concerns to the CRP as well as an Implementation Schedule for approval by July 31, 2015. The additional required information had not been submitted to the Board at the time this summary was prepared and the Board requires immediate follow-up.
- The [September 1, 2015 Inspection Report](#) documents that the household waste cell of the current use Solid Waste Disposal Facility (SWDF) had been capped and that the municipality was using a temporary landfill since the spring. The temporary landfill was in poor condition (see Figures 7 to 14 of the Inspection Report) and the hazardous waste cell was still in use. The use of the temporary landfill was considered a modification of the facilities of which the SLWB had not been notified and thus was deemed a violation of Part E, Item. 1. Direction in the Inspection Report required that the SWDF was cleaned up and closed by October 31, 2015 with the understanding that the new landfill was scheduled for use in late September 2015. All other areas of the current use facility appeared closed at the time of the September 1, 2015 inspection.
- The Board anticipates details of closure and reclamation activities complete during the 2015 calendar year will be reported in the AR due **March 31, 2016**.

Part D, Item 15: The Licensee shall develop a hazardous waste management plan as a component of the Operation and Maintenance plan for the Solid Waste Disposal Facility following the Guide to Developing a Community Based Hazardous Waste Management Plan to be approved by the Sahtu Land and Water Board.

- Direction in the [September 1, 2015 Inspection Report](#) required that the Plan must be submitted immediately with the AR which was not complete at the time this summary was complete and the Board requires immediate follow-up.

- Board staff provided the SAO a copy of the draft Solid Waste Disposal Facility (SWDF) O&M Plan Template via email on October 2, 2015 indicating that it had been designed to include the necessary details required to meet the Hazardous Waste Management Plan and SWDF O&M Plan requirements.
- The O&M Templates have been finalized and are available on the SLWB website: <https://slwb.com/resources/policy-and-guidelines>.

Part E, Item 1: The Licensee may, without written approval from the Sahtu Land and Water Board, carry out modifications to the water supply and Waste Disposal Facilities provided that such modifications are consistent with the terms of this Licence and the following conditions are met:

- a) The Licensee has notified the Sahtu Land and Water Board in writing of such proposed modifications at least 90 days prior to beginning the modification;
- b) Such modifications do not place the Licensee in contravention of either the Licence or the Act;
- c) The Sahtu Land and Water Board had not, during the 90 days following notification of the proposed modifications, informed the Licensee that review of the proposal will require more than 90 days; and
- d) The Sahtu Land and Water Board has not rejected the proposed modifications.

&

Part E, Item 3: The Licensee shall provide to the Board **as-built plans and drawings of the Modification(s)** referred to in Part E, Item 1 within ninety (90) days of completion of the Modification(s).

- The [September 1, 2015 Inspection Report](#) documents temporary landfill construction as a violation of this part of S12L3-006 as the Board had not been notified of the modified use of the area and as-built plans had not been submitted upon completion of the construction of the temporary Solid Waste Disposal Facility. Inspector direction was to submit the as-built plans to the Board immediately.
- The new solid waste facilities had not be commissioned for use at the time this summary was prepared however the [September 1, 2015 Inspection Report](#) documents use of the new facility for bulky metal materials (see Figure 14).
- Board staff had received a [request for bulk metal transfer](#) to the new landfill facility via email on September 30, 2015. The work schedule proposed was August 15 to September 30, 2015. Staff had clarified that the transfer of the materials was anticipated as within the scope of the approved CRP however required confirmation that hazardous materials were removed as well as submission of the CRP Addendum and Implementation Schedule as required in the March 9, 2015 Board approval letter (see [email correspondence – October 2, 2015](#)). Board staff reminded the SAO that as-build drawings and Operation and Maintenance Plan for the new facilities is required and immediate follow up is required.
- The Board anticipates details of closure and reclamation activities complete during the 2015 calendar year, including updates related to the bulk metal transfer to the new solid waste facilities, will be reported in the AR due **March 31, 2016**.

Part F, Item 1: The Licensee shall review the **Spill Contingency Plan** annually and revise the plan as necessary to reflect changes in operations and technology. Any proposed modifications shall be submitted to the Sahtu Land and Water Board for approval.

- The Board has not received an updated Spill Contingency Plan (SCP) since S12L3-002 was issued and requires immediate follow up.
- The SCP Templates has been finalized and is available on the SLWB website: <https://slwb.com/resources/policy-and-guidelines>.

Part G, Item 1: The Licensee shall submit to the Sahtu Land and Water Board for approval a **Closure and Reclamation Plan at least six (6) months prior to closure of any water and/or waste disposal facilities.** The Plan shall include, but not be limited to:

- a) Contaminated site remediation;
- b) Leachate prevention;
- c) An implementation schedule;
- d) Maps delineating all disturbed areas, burrow material locations, and site facilities;
- e) Consideration of altered drainage patterns;
- f) Type and source of cover materials
- g) Future area use;
- h) Hazardous wastes;
- i) The potential for groundwater contamination; and
- j) Any facility that is included in the Charter Community of Deline's Water Licence.

&

Part G, Item 2: The Licensee shall implement the Plan specified in Part G, Item 1 as and when approved by the Sahtu Land and Water Board.

&

Part G, Item 5: Upon implementation of the Closure and Reclamation Plan, the Licensee shall provide to the Sahtu Land and Water Board updates of all closure and reclamation activities by March 31<sup>st</sup> of each year.

- The [April 19, 2013 Board Decision](#) for the Closure and Reclamation Plan submitted on March 14, 2013 was that it could not be approved in its current form. The public review process is described in [Staff Report 2](#). The Board had set a deadline of September 30, 2013 for submission of the revised CRP which was [extended on July 10, 2013](#) to August 1, 2014.
- The Board received the revised CRP on September 26, 2014 and which was approved on [March 9, 2015](#). The approval letter notes that the CRP submission was conditionally approved and that submission of an Implementation Schedule outlining the work plan and timeline to implementing the remediation process was due July 31, 2015. The required documentation has not been received by the Board at the time this summary was prepared. The Board requires immediate follow up and reminds the Licensee that commitments made during the review process must be included and a link to the comments is provided here: <http://www.mvlwb.ca/Boards/slwb/Registry/2012/S12L3-006%20-%20Deline%20Water%20Licence/S12L3-006%20-%20Review%20Comments%20and%20Proponent%20Response%20Table%20-%20Feb%204%2015.pdf>.

Part H, Item 2: Prior to the construction of any dams, dykes, or structures intended to contain, withhold, divert or retain water or wastes other than as contemplated in the Spill Contingency Plan, the Licensee shall submit to the Sahtu Land and Water Board a rationale and design drawings.

- Board staff consider the use of a temporary landfill without notification to the Board as non-compliance with this section of S12L3-006.

Part I, Item 1: At the request of the Board, the Licensee shall submit to the Sahtu Land and Water Board for approval a revised **Operation and Maintenance Plan for the Sewage and Solid Waste Facility, and Water Intake Facility.** The plan shall include, but not be limited to the following:

- a) Controlling effluent discharge quality;
- b) Runoff and drainage control within and around the facility, and restoration of erosion;
- c) Treatment of contaminated drainage;
- d) Prevention of windblown debris;
- e) Managing of hazardous Waste
- f) Segregation of domestic, metal and recyclable waste materials;
- g) Method and frequency of site maintenance, including burning where permitted; and

h) Training methods and reporting requirements.

- At the time the Deline WL Renewal Application was submitted, Stantec, on behalf of the Community of Deline, requested that Operation and Maintenance Manuals not be required for the current facilities (solid waste and sewage lagoon) as they were planned to be decommissioned in 2013 (see Application, Appendix E – Future Plans/Manuals Letter, [August 29, 2012](#)). [Responses to reviewer](#) comments indicated that an updated O&M Manual would be submitted to the Board for approval prior to the new sites accepting waste.
- The Board received the [O&M Plan for the new sewage lagoon](#) on November 28, 2013. The Plan has not yet been circulated for public review or received Board approval.
- The Board has received [notice on September 30, 2015](#) that the new Solid Waste Disposal Facility has begun accepting waste for safe work purposes at the site currently undergoing closure and reclamation. The Board requires immediate follow up on the submission of the as-built plans and O&M Plan for this site.
- Board staff provided the SAO a copy of the draft Solid Waste Disposal Facility (SWDF) O&M Plan Template via email on October 2, 2015 indicating that it had been designed to include the necessary details required to meet the Hazardous Waste Management Plan and SWDF O&M Plan requirements.
- The O&M Templates have been finalized and are available on the SLWB website: <https://slwb.com/resources/policy-and-guidelines>.

Prepared by



Sabrina Sturman  
Regulatory Specialist  
Sahtu Land and Water Board