



Sahtu Land and Water Board

Staff Report

Division: Land Program	Report No. 1
Date Prepared: October 18, 2018	File No. S18X-003

Meeting Date: October 22, 2018

Subject: New Type A Land Use Permit for Installation of groundwater monitoring Wells at the Norman Wells Airport Property submitted by Transport Canada, Prairie and Northern Region – Environmental Services, Contaminated Sites (TC-ES)

1. Purpose/Report Summary

To inform the Board about an application made by **Transport Canada Prairie and Northern Region – Environmental Services, Contaminated Sites (TC-ES)** for a Type A Land Use Permit to install two additional groundwater monitoring wells at the Norman Wells Airport property.

2. Background

December 5, 2017 – The Board approved Land Use Permit S17X-004 for installation of three groundwater monitoring wells at the Hydrocarbon Contaminated Soil/Land Treatment Facility (Landfarm) located at the Norman Wells Airport.

August 13, 2018 – Transport Canada requested to install an additional two groundwater monitoring wells at the Norman Wells Airport property. Board staff initially agreed that the new wells could be drilled under the existing permit scope which did not specify the number of wells to be drilled and conditions for providing notification and location map to the Board and Inspector.

August 23, 2018 – Board staff recommended that TC-ES submit a new LUP application for the additional two wells since the application and preliminary screening for S17X-004 only specified three wells. The new application would require updated engagement plan and could rely on approved management plans for S17X-004 as well as conditions for permit S17X-004. A new application was considered over an amendment since the new groundwater monitoring wells would not be directly associated with the Landfarm, but part of a larger water quality monitoring program for the Airport property.

September 25, 2018 – The Sahtu Land and Water Board (SLWB or Board) received a new application for a Type A Land Use Permit from TC-ES (Attachment 1).

October 1, 2018 – Application **deemed complete**;

October 3, 2018 - Review packages were sent out electronically to members of the Tulita District Distribution List using the Online Review System with a request for comments by October 11, 2018;

October 11, 2018 - Reviewer comments received;

October 12, 2018 - Applicant response comments received; and revised Engagement Plan submitted to the Board with changes made as per reviewer comments; and

October 22, 2018 - Presentation of Application to the Board for decision.

Project Overview

Transport Canada divested the Norman Wells Airport to the Government of the Northwest Territories in the mid 1990's. As part of the Arctic A Airport Transport Agreement, TC is obligated to address contamination at the airport that was identified prior to the transfer. The Transfer Agreement also gives TC access to the Norman Wells Airport property. Transport Canada has remediated various sites at the Norman Wells Airport and placed the hydrocarbon contaminated soils into an on-site land treatment facility (LTF) constructed in 2003. Sampling at certain areas at the airport is ongoing as part of Transport Canada's groundwater monitoring program and with operating the LTF. Drilling of two new wells is planned as part of the overall groundwater monitoring program. The first is to establish background metal levels for use as baseline data for the groundwater monitoring project. The second well is being drilled to sample for petroleum hydrocarbon contamination as part of TC's groundwater monitoring at the Norman Wells Airport (see Attachment 2 for location of monitoring wells).

Management Plans

A revised Engagement Plan and Record were included with the Application. The proponent noted in the application that they would be adopting the procedure outlined in the interim Board approved Waste Management Plan (Version 1.0 – November 7, 2017) and Spill Contingency Plan (Version 1.0- November 6, 2017) submitted for S17X-004 for the installation of the monitoring wells. While the drill locations within the airport in these documents does not reflect the newly proposed project, the spill response and waste management portions of the plans are completely relevant.

Garbage will be disposed of at the Norman Wells Landfill and drill cuttings will be disposed of at the drill site.

Equipment and Infrastructure

The following equipment is identified as required for the installation of groundwater monitoring wells in the LUP Application:

- Drill rig (Multi Power Locust Tracked Geotechnical Air Rotary Drill)
- 4x4 Pickup Truck

Equipment re-fueling activities will utilize a 450L tank on back of pick up, in double walled tank.

There is no camp associated with this operation.

Eligibility

Transport Canada is eligible per subsection 18(b) of the MVLUR: "...has the right to occupy the land and either contracts to have the land-use operation carried out or is the person who is to carry out the operation."

Fees

No application fee was required as the Applicant is the Federal Government.

Term

The requested period of the Permit is from date of issuance for five years. The installation of the groundwater monitoring wells is expected to be completed in October of 2018.

2.1 Process Requirements

Application Received: September 25, 2018

Application Deemed Complete: October 1, 2018

Application Forwarded for Review: October 3, 2018

Number of Review Agencies: 29

Review Period End Date: October 11, 2018

Proponent Response to Reviewer Comments: October 17, 2018

Board Meeting: October 22, 2018

The activities as described trigger a Type A Permit in accordance with paragraph 4(a) of the MVLUR: 4 No person shall, without a Type A permit, carry on any activity that involves (b) on land within or outside the boundaries of a local government, (i) the use of motorized earth-drilling machinery the operating weight of which, excluding the weight of drill rods, stems, bits, pumps and other ancillary equipment, equals or exceeds 2.5t, for a purpose other than the drilling of holes for building piles or utility poles or the setting of explosives within the municipal boundaries of the local government.

Of the 29 organizations to which the application was distributed, fourteen (14) are represented within the Sahtu Settlement Area. Review comments were received from:

- Environment and Climate Change Canada (ECCC);
- GNWT – Department of Environment and Natural Resources (ENR); and
- GNWT – Department of Lands – Sahtu Region

The only question was to provide more detail with regard to the monitoring wells and to correct contact information in the engagement plan. The Review Comment Table and submitted letter from ENR are attached to this report (Attachment 3).

3. Comments

3.1 Permission of Land Owner, Community Consultations and Traditional Knowledge

Transport Canada provided a public consultation letter to potentially affected parties of the planned submission of the LUP application, including a summary of the undertaking and a site map showing the proposed locations for the new monitoring wells, to the Board on September 6, 2018. Appended to the letter was an Acknowledgement of Engagement form to return to TC-ES with any questions or concerns. No comments or concerns were returned to TC-ES. A copy of this letter is included in the Engagement Plan which, in Board staff's opinion, meets the applicable guidelines for the planned well installations.

The Engagement Record is limited to application pre-submission details. The Engagement Plan considers all potential triggers during the Life of Project.

No traditional knowledge was submitted with the Applications.

No reviewer comments were related to engagement.

3.2 Management Plans

The Spill Contingency Plan and Waste Management Plan submitted with the Application for S17X-004 met applicable guidelines and reflected the scope for the proposed project only as related to the LUP for well installation. These plans were approved on an interim basis by the Board on December 5, 2017 and are applicable for the installation of the additional groundwater monitoring wells related to this application.

3.3 Potential for Environmental Impacts and Mitigation Measures

No short- or long-term environmental impacts are anticipated for this project. The airport is commercial/industrial land and the drilling locations are in previously disturbed locations. The project footprint will be localized to the two well locations and the timeframe to complete the installation will be 1-3 days. Wells will be sampled for approximately 3-5 years and will be decommissioned once the monitoring program is complete.

3.4 Preliminary Environmental Screening

Under the *Preliminary Screening Requirement Regulations of the Mackenzie Valley Resource Management Act* (MVRMA), the Board must conduct a preliminary screening for a proposed new development that requires a Land Use Permit, unless it is exempt from Part 5 of the MVRMA. As per section 124 of the MVRMA, preliminary screenings are conducted on all applications except where 1) the environmental impact of the development is considered to be insignificant according to the *Exemption List Regulations*.

The proponent confirmed that each of the two work areas during drilling would fit within a 5x10 m area, and would therefore be <100 m². No waste will be deposited into a water body as per the Board approved Waste Management Plan.

Board staff agree with the proponent that the installation of the two groundwater monitoring wells would meet the criteria in the *Exemption List Regulations*, Schedule 1, Part 1 (5), the construction, installation, or modification of an environmental scientific data collecting instrument, or its housing or enclosure, with a combined footprint of less than 100 square metres, that will not entail the deposit of waste into a water body.

There were no reviewer comments about the proposed exemption from preliminary screening. Board staff therefore recommend that the application be exempt from preliminary screening.

3.5 Conformity with Land Use Plan

Pursuant to subsection 61(2) of the MVRMA, the Board may not issue a licence or permit except in accordance with any applicable land use plan. The Sahtu Land Use Plan (SLUP or Plan) received

approval and came into effect on August 8, 2013. The Plan applies throughout the Sahtu Settlement Area except for “lands in a settlement area that comprise a park to which the Canada National Park Act applies, that have been acquired pursuant to the Historical Sites and Monuments Act or that are situated within the boundaries of a local government.”

Staff have confirmed that the undertaking is exempt from conformity to the Sahtu Land Use Plan as all activities occur within the municipal boundaries of the Town of Norman Wells on Airport property.

The SLWB has met the referral obligations set out in section 47 of the *Mackenzie Valley Resource Management Act* (MVRMA).

3.6 Security Deposit

In accordance with section 94 of the MVRMA, the federal government is not required to post security, pursuant to section 71 of the MVRMA.

3.7 Draft Land Use Permit

The proponent noted in their application that conditions from existing S17X-004 will be adhered to unless otherwise specified by the Sahtu Land and Water Board. The draft Permit (Attachment 4) was developed in consideration of the Application, the Standard Land Use Permit Conditions Template (October 2018), the recently issued land use permit for S17X-004 for similar activity and reflects reviewer concerns and Board staff recommendations.

4. Other Agency Comments

The application was circulated to 29 organizations of the Tulita Region Distribution List requesting a reply by October 11, 2018. Three written responses were received. The following organizations offered comments on the application (see Review Comment Summary Table and attached letter - Attachment 3):

- Environment and Climate Change Canada (ECCC)- no comments or recommendations;
- GNWT-Environment and Natural Resources (ENR) – no comments or recommendations;
- GNWT-Department of Lands- Sahtu Region –On page 5 of the application it was noted that one well will monitor background metal levels for baseline data, and the other will monitor potential hydrocarbon. More information was requested as to which site is monitoring which aspect. Also, what information, study, or background data was used to determine where each well will be drilled?

The contact information found in Appendix B of the engagement plan has listed the email for the Sahtu office LandsSahtu@gov.nt.ca and the number 867-587-7200; can you please replace with Trevor_Bremner@gov.nt.ca and 867-587-7206.

Our office has no concerns with and approve the Draft Land Use Permit, SCP and WMP. No other comments or concerns at this time.

The Proponent responded on October 12, 2018 noting that the proposed eastern well is designed to sample for background metal concentrations, and the proposed western well is

intended for a standard suite of sampling with interest in hydrocarbon levels. The proposed well locations are based on recommendations from a 2016 groundwater study at the airport. The proposed well locations may be adjusted based on site specific conditions and through discussions with a qualified engineering consultant. The final locations of groundwater monitoring wells will be provided to the SLWB and to the GNWT Lands Sahtu Region via the updated contact information and prior to installation.

The contact information within the engagement plan has been updated as per your comment and resubmitted to the SLWB.

Reviewer comments and recommendations support the application for Permit.

5. Conclusion

The draft Permit conditions are based upon the standard permit condition list and the conditions developed for the similar authorization S17X-004. The draft authorization has considered reviewer comments and Board staff recommendations. Board staff conclude that the conditions contained in this draft Permit should mitigate the potential environmental impacts this undertaking may have on the land and water.

In the previous Land Use Permit for S17X-004, Board staff had suggested that the Spill Contingency Plan could be approved on an interim basis because the submission meets the applicable guidelines and reflects the scope of the proposed operations for the installation of groundwater monitoring wells. Similarly, Board staff suggested that Waste Management Plan be approved on an interim basis as the submission meets the applicable guidelines and reflect the scope of the proposed operations for installation of groundwater monitoring wells. A revised Engagement Plan was submitted to the Board on October 12, 2018 and reflects changes as per reviewer comments.

6. Recommendation

Board staff recommend that the Board proceed with the regulatory process for this Land Use Permit including:

- a) Approve the Exemption from Preliminary Screening;
- b) Approve the Exemption from Conformity with the Sahtu Land Use Plan;
- c) Approve the Land Use Permit for five years;
- d) Approve the draft Reasons for Decision (Attachment 5); and
- e) Approve the draft Issuance Letter (Attachment 6).

Should the Board grant approval, the Land Use Permit could be issued on October 22, 2018.

7. Reference Material Attached

- 7.1 Application for Land Use Permit ([hyperlink only](#))
- 7.2 Location Map for Monitoring Wells
- 7.3 Review Comment Summary Table and attached letter
- 7.4 Draft Land Use Permit Cover Page and Conditions
- 7.5 Draft Reasons for Decision

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bonnie Bergsma". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bonnie Bergsma
Regulatory Specialist