

Reviewer Comments and Proponent Responses

Project: Inuvik Soil Treatment Facility
 Board: Gwich'in Land and Water Board
 Organization: KBL Environmental Ltd.

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose				
1	Clerical Updates	<p>ENR notes the following clerical errors in the Draft Water Licence:</p> <ul style="list-style-type: none"> Part F, Items 16 and 17 both refer to Part F, Item 16 as outlining soil re-use criteria. Soil re-use criteria are outlined in Part F, Item 15. Part F, Items 21 and 22 both refer to Part D, Item 21 as containing effluent quality criteria (EQC). EQC are found in Part F, Item 20. Schedule 1, Item 1l) refers to construction activities conducted in accordance with Part F of the Licence. Conditions relating to construction are in Part E of the Licence. Annex A, Part A, Item 2 refers to Part B, Item 6 for Annual Report submission. Annual Report submission is required by Part B, Item 19. Annex A, Part B, Item 2 refers to signs being posted as per Part B, Item 5 of the Licence. Signs are required under Part B, Item 17. 	ENR recommends that the Gwich'in Land and Water Board (GLWB) correct the above-noted clerical errors.	N/A
2	Leachate Definition	A definition for leachate was included in Water Licence G17L1-002. However, ENR notes that a definition for leachate is not included in the Draft Water Licence, although the term is still used within the document.	ENR recommends that the GLWB include the definition for leachate from Water Licence G17L1-002 in Water Licence G22L1-005.	N/A
3	Construction Conditions	Water Licence G17L1-002 contained several conditions on reporting and notification relating to the construction of engineered structures (Part F, Items 1, 3, and 4). ENR notes that the standard water licence conditions template includes similar conditions (Part E, Items 10, 11, 13, and 17). However, these conditions are not included in the Draft Water Licence, despite construction being included in the scope under Part A, Item 1b).	ENR recommends that the GLWB include Part E, Items 10, 11, 13, and 17 from the standard water licence conditions template in Water Licence G22L1-005.	N/A
4	Modification Conditions	Part G of Water Licence G17L1-002 contains conditions relating to modifications, and Schedule 1, Item 1m) requires reporting on modifications and major maintenance as part of the Annual Report. ENR notes that no conditions relating to modifications appear in the Draft Water Licence, and it is not clear why these requirements have been removed.	ENR recommends that the GLWB include all conditions relating to modifications from Water Licence G17L1-002 in Water Licence G22L1-005, or that the GLWB provide a rationale for the removal of all conditions relating to modifications.	N/A
5	Schedule Requirements for Plans	Schedules 2 and 4 of Water Licence G17L1-002 outlined requirements for the Environmental Monitoring Program and Closure and Reclamation Plan respectively. These requirements	ENR recommends that the GLWB include Schedules 2 and 4 of Water Licence G17L1-002 in Water Licence G22L1-005.	N/A

		are not included in the Draft Water Licence. ENR notes that the retention of schedules outlining requirements for plans will be important in the review of any future updates or revisions to the plans.		
6	Sampling Frequency During Discharge	Annex A, Part C of the Draft Licence indicates that the sampling frequency for Surveillance Network Program (SNP) stations 0037-1 and 0037-2 is "prior to proposed discharge" and "during discharge". Additionally, the sampling frequency for SNP station 0037-3 is "during discharge of water from Retention Pond or Water Holding Tanks". ENR notes that it is not clear how frequently sampling will occur during discharge at these three stations (i.e., daily, weekly).	ENR recommends that the GLWB update the sampling frequencies in Annex A, Part C for SNP stations 0037-1, 0037-2, and 0037-3 to specify how frequently sampling will occur during discharge.	N/A
7	Security update	The proponent has not proposed changes or updates to the current security associated with the site. ENR notes that security for the licence was last updated in 2017. ENR believes that estimate should be updated to reflect current costs related to inflation and fuel price changes and to be consistent with other similar security reviews (i.e., KBL's site in Hay River). However, in the Board's direction to reviewers on the draft licence, the Board states that no new evidence may be submitted as part of this review. As such, ENR has not provided an updated security estimate at this time. Upon approval of the licence by the GLWB, a public review of the current security associated with the closure of the site should be completed.	ENR recommends that following the approval of the water licence that the security of the site is reviewed and updated as part of the public review process.	N/A
8	Cover Letter	Comments from ENR	N/A	N/A

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
Gwich'in Tribal Council - Lands and Resources - Mr. Darren Campbell				
1	Part A: Scope and Defined Terms	Biotreatment Pad	Item: The reference to the ["engineered infrastructure designed ..."] in this part, should reflect the "approved (by the GLWB) engineered infrastructure." Recommendation: It is a statutory requirement that professional engineering and professional geoscience only be practiced in the Northwest Territories and/or Nunavut by registrants of the NAPEG Association. An engineered structure should be stamped by a qualified engineer and approved by the GLWB.	As the facility has already been constructed based on design drawings by a NAPEG engineer. This comment is applicable to future engineering structures.
2	Part A: Scope and Defined Terms	Composite Soil Sample Recommendation: "samples collected by a qualified person"	Suggested wording: ... - three or more discrete soil samples which have been collected by a qualified person and combined into a single sample, representing the average conditions in the soil. Recommendation: Soil samples should be collected using generally accepted scientific standards by a technician qualified to handle collected samples and complete chain-of-custody forms issued by an approved water quality analyst	N/A
3	Part A: Scope and Defined Terms	Discharge Recommendation: define "unauthorized discharge"	Recommendation: The GLWB should consider defining an "unauthorized discharge" to distinguish such an event from an authorized discharge, unplanned discharge or other discharge event.	N/A
4	Part B: General Conditions	3.-	Recommendation: In conducting its activities under this Licence, the Licensee shall make every reasonable effort	N/A

			<p>fort to consider and incorporate any scientific information and Traditional Knowledge that is made available to the Licensee, and include a discussion of the efforts of the licensee in their annual reporting and/or revisions of their operations and maintenance/management plans. Note: The reviewer has observed that conditions 3 and 4 are linked and could be combined or reworded to bring clarity to the intent of each condition. Condition 3 considers incorporation of TK in the title but is ambiguous in what it compels the licensee to undertake, whilst the title of Condition 4. simply requires identification of TK, however the condition also requires its incorporation.</p>	
5	Part B: General Conditions	4.-	See reference in item 4. regarding overlap	N/A
6	Part B: General Conditions	11.-	Item: The Licensee shall revise any submission and submit it as per the Board's directive. Recommendation regarding wording: The Licensee shall revise any submission and submit it for the Board's approval. Note: The Licensee should have some latitude to change plans as necessary and as per operational requirements. If the board disagrees with the revisions, the Board can state the reason in their reasons for decision.	N/A
7	Part B: General Conditions	17.-	Item: The Licensee shall ensure signs are posted for all active Surveillance Network Program stations. All sign(s) shall be located and maintained to the satisfaction of an Inspector. Suggested wording: The Licensee shall ensure signs are posted at or in close proximity of all active Surveillance Network Program stations. All sign(s) shall be located and maintained to the satisfaction of an Inspector.	N/A
8	Part B: General Conditions	20.-	Item: The Licensee shall comply with the Engagement Plan, once approved. Suggested revision: The Licensee shall, in cooperation with affected community stakeholders, design an Engagement plan and comply with the plan, subject to Board approval. Note: Affected community stakeholders may self identify during the annual review process (i.e. Annual reporting or Operational Plan annual updates) and may include, but are not limited to Gwich'in Tribal Council, Nihtat Gwich'in Council, The Joint Secretariat, Inuvialuit Regional Corporation, etc.)	An Engagement and Consultation Policy policy exists which defines the engagement process and procedure for water license approvals, which includes the development of Engagement Plans. (See Section 2.1.1 Proponent Submission Requirements of the MVLWB Engagement and Consultation Policy 2018)
9	Part F: Water and Water Management	7.-	Item: Inspection of Structures and Facilities - "Records of these inspections shall be made available to the Board or an Inspector upon request." Recommendation: ... "Records of these inspections shall be placed on the public registry within 30 days of the inspection date" Note: a) This allows for timely reporting by the Licensee and can be verified by the GNWT- ENR Water Resources Officer during routine GNWT Inspection intervals. b) Inspections by the Licensee should not be viewed as a substitute for Inspections performed by Water Resource Officers appointed by the Minister.	KBL suggests that copies of the weekly inspections be included in the Annual Report as opposed to the public registry. This is inline with permits for other soil treatment facilities in the NWT.
10	Part F: Water and Water Management	14.-	Item: The Licensee shall obtain representative samples of soil snow, and water entering the facility as per Sch	N/A

			<p>chedule 3, Item 3, or as authorized by an Inspector. Suggested Wording: The Licensee shall obtain representative samples of soil snow, and Water entering the facility as per Schedule 3, Item 3. Note: It is the L&W Board that sets the criteria in Schedule 3, Item 3, not the Inspector and; it should not be incumbent upon the Inspector to estimate effluent quality criteria without guidance from the GLWB. Therefore, water quality criteria should remain as set by the Board who may or may not approve changes (subject to amendment requests).</p>	
11	Part F: Water and Water Management	Treated Soil Criteria 17.-	<p>Recommendation: Please define "approved facility" Note: Approved by whom, and where?</p>	<p>As the receiving facility is dependant on the contaminants of concern, the approval body and the facility location cannot be defined. The intent is to send soils to a facility approved to receive the soils, based on the contaminants of concern.</p>
12	Part F: Water and Water Management	19.-	<p>Item: This item doesn't quite capture what the purpose of the condition is (?). The heading is Submit Results and the condition is appears to compel the Licensee to achieve representative samples of the effluent parameters lower than the maximum concentrations established, but it is awkwardly worded. Please consider amending this very important condition to be clear in its intent. Recommendation: The word obtain should be replaced with "achieve" or some alternative wording should be applied to make it clearer what the Board is compelling the licensee to undertake</p>	N/A
13	Part F: Water and Water Management	22.-	<p>Recommendation: As with earlier comments in this review. Approved facility should be defined</p>	<p>As the receiving facility is dependant on the contaminants of concern, the approval body and the facility location cannot be defined. The intent is to send soils to a facility approved to receive the soils, based on the contaminants of concern.</p>
14	Part F: Water and Water Management	23.-	<p>Recommendation: Please add "in writing" (e.g. The volume of Effluent discharged from SNP 0037-1 and SNP 0037-2 must not exceed 50m3 per discharge event at SNP 0037-3, or as authorized in writing by an Inspector.</p>	N/A
15	Part F: Water and Water Management	24.-	<p>Recommendation: Similar to above - "...or as authorized in writing by an Inspector."</p>	N/A
16	Part I: Closure and Reclamation	1.-	<p>Recommendation: Please add The Licensee shall comply with the Closure and Reclamation Plan, when approved by the Gwich'in Land and Water Board.</p>	N/A
17	Schedule 1.	Annual Water Licence Report (carried over from G17L1-002)	<p>Recommendation: The GLWB should consider adding reporting of the location of where the contaminated soil and/or water was received from to keep a record of 'cradle to grave' contaminated materials management.</p>	N/A
18		u)-	<p>Recommendation: consider adding another condition (i.e. - u) the licensee will provide a summary of any engagement sessions with community stakeholder [self identified stakeholders] sessions that resulted from licensee's engagement with community groups regarding the water licence annual report and/or management plans)</p>	N/A
19	Annex A	Part A: Reporting Requirements	<p>Note: just a minor note that the effective date of the SNP needs to be established</p>	N/A

			blished.	
--	--	--	----------	--