



The Town of Hay River
73 Woodland Drive
Hay River, Northwest Territories
Canada X0E 1G1

Phone: (867) 874-8522
Fax: (867) 874-3237
email: townhall@hayriver.com
www.hayriver.com

August 19, 2004

Adrian Paradis
Regulatory Specialist
Mackenzie Valley Land & Water Board
7th Floor – 4910 50th Avenue
P. O. Box 2130
Yellowknife, NT X1A 2P3

Mackenzie Valley Land
& Water Board

File _____

AUG 20 2004

Application # N1L3-0053
Copied To ADRIAN

Dear Mr. Paradis

Re: Amendment to Town of Hay River Water Licence #N1L4-0053 –
K'atl'odeeche First Nation Notice of Intervention.

The Town of Hay River has carefully examined the correspondence sent to your office by the K'atl'odeeche First Nation dated August 3, 2004. Outlined below are comments on the specific issues as outline in their correspondence.

- 1) *Construction has already taken place for this treatment facility, in effect negating the relevance of public consultation. Constructing the pad prior to regulatory approval may be putting pressure on the regulators to approve the application. Is this an appropriate approach to the regulatory process.*
- 2) *The treatment facility appears to be environmentally safe as a freestanding site as long as it is properly managed on an ongoing basis (except for the proximity to the river as noted below). However what assurances are there that the on-site staff will have adequate training to deal with hydrocarbon based remediation and/or emergencies? It is apparent from the current condition of the landfill that proper landfill management is already a problem for the Town of Hay River.*

With respect to the reference to the management of the Municipal Landfill, the Biotreatment Pad is to be run under a separate management contract than the Landfill. The management of the pad as been contracted to HAZCO Environmental Services Ltd., This company has extensive experience in the treatment of hydrocarbon contaminated soil, and have eleven (11) Bio-treatment facilities in Alberta and British Columbia, to date all these sites have perfect compliance record.

3) Are the vehicles/equipment used in the remediation process exclusive to this process or are they used in other areas of the solid waste facility? If so what will be done to ensure no cross contamination occurs from vehicle equipment traffic.

Given the low levels of hydrocarbon contaminated soil permitted at this site, it is highly unlikely that significant cross contamination will be caused by vehicle traffic. With respect to equipment used specially for the remediation process, this pad is constructed such that decontamination when required can be performed on a predetermined area on the pad, the wash water will be retained in the retention pond and subsequently removed for treatment and disposal.

4) On page 9 of the operations plan, there are four disposal options for the treating impacted water. The plan states that those four activities may be used to treat this impacted water. As this is a major issue related to this facility, specific details must be provided in order to comment on the specific treatment process for the impacted water. Which of these will be utilized in the treatment of impacted water.

The process which breaks down the hydrocarbon is enhanced in the presence of moisture, given the high evaporative rates during the summer months in this climate some surface water will be utilized in the treatment process and as dust control on the pad as outlined in options 1 and 4 of the disposal options provided. When there is a requirement for water disposal, the appropriate disposal method will be determined by the following: analytical testing and subsequent characterization of contamination; and the amount of water to be disposed of. The options will be mobile treatment equipment involving oil/water separators and/or carbon filtration with discharge water released into the Hay River Municipal Waste Water Treatment System; or removal to an approved offsite facility. No water from this operation will be released at the landfill or directly into the Hay River.

5) The application for amendment states that the facility could handle 11,000 MT at one time, where has the Wasteworks operation plan states 25,000 MT of material. Which is correct and why such a large discrepancy?

The capacity of the pad is 25,000 MT with space to accommodate a 14,000 MT stockpile and ongoing treatment of approximately 11,000 MT.

6) The application does not state the operational timeframe for this facility. What is its life span? Furthermore, is it being constructed to handle current waste generation or is it expected to handle an increase in materials resulting from future oil & gas exploration and development? Importantly, is the Hay River Landfill now becoming a regional landfill – a

dumping site for waste materials from throughout the south Mackenzie area?

The operation time frame for this facility is 10-years, this may be reduced if circumstances permit the relocation of the Hay River Landfill within that period. In some respects the Hay River Landfill is already a regional landfill by providing waste disposal services to the Town of Hay River and the K'atl'odeeché First Nation. This application is to assess the amendment proposed, within the scope of our existing water licence we are not permitted accept anything other than municipal waste generated by the above referenced communities.

- 7) *The application does not include a detailed spill response plan. Has the Town of Hay River developed a detailed spill response plan, including the response to a spill of materials at the landfill or damage to the liner? What impacts would these types of events have on the adjacent river system?*

The Town of Hay River has a detailed spill response plan, the plan is being amended to include the Treatment Pad. These amendments will available prior to the public hearing. With respect to a breach of the liner, the action as dictated by the spill response plan would be initiated, given this area is underlain by highly impermeable natural silty clay, this type of soil would retain the water and permit ample time for removal and disposal of contaminated water. The contaminated natural material would subsequently be removed to the pad and the retention pond reinstated. There would be no negative impacts to the Hay River.

- 8) *A major concern is the proximity of the facility to the Hay River. Is it the best and wisest place to be processing toxic waste materials or are there other sites available and preferable? Have alternative sites been considered?*

Given the history and location with respect to access of the site, it was felt that this site is the best choice for this facility. The proximity to the river should not be of concern if the measures proposed are adhered to. We already have in place an extensive surveillance program for the landfill, which will be expanded to include groundwater monitoring in the immediate vicinity of the pad. My research indicates that a significant number of spills occur each year in the Hay River Corridor. The Town through this amendment is offering an environmentally responsible and controlled option for timely treatment of the hydrocarbon contaminated soil generated by these spills. By working with organizations such as the MVLWB and RWED to expedite the clean-up of these sites, this facility will potentially decrease the affect of increased economic activity on the Hay River environment.

I hope the above addresses the concerns outlined in Chief Roy Fabians correspondence.

If there are any further concerns or any of the above items require further clarifications, please contact me at (867) 874-6522.

Regards,
Town of Hay River

A handwritten signature in black ink, appearing to read "T. Pittman". The signature is fluid and cursive, with a large initial "T" and "P".

Todd Pittman
Director of Public Works & Planning