

The Town of Hay River
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December 8, 2003

Melody J. McLeod – Chair
Mackenzie Valley Land & Water Board
7th Floor – 4910 50th Avenue
P. O. Box 2130
Yellowknife, NT X1A 2P6

Mackenzie Valley Land
& Water Board

File

DEC 12 2003

Application # N1L4-0053

Copied To PMT/APIR/eg

Dear Ms. McLeod:

Town of Hay River – N1L4 – 0053/Hay River Treatment Facility

I have been instructed to reply to your correspondence dated December 5, 2003 on behalf of Mayor Diana Ehman.

The Town of Hay River has constructed a hydrocarbon treatment facility on the same lot as the Hay River Landfill site. It was our interpretation that the construction of this facility does not represent a violation of the terms and conditions of Water License N1L4 – 0053.

With respect to the issues outlined in your correspondence, I would like to offer comment as follows:

Part D, Item 8

The licensee shall, prior to introducing any new industrial or agricultural waste onto the waste treatment facilities, submit to the Board for approval a description of the waste, including volumes of waste, types of waste and any mitigative measures proposed to protect the treatment disposal facilities.

The purpose of the above noted facility is the treatment of hydrocarbon contaminated waste, this does not represent "new" waste. The Town of Hay River has been permitted, under our Hazardous Waste Receiver # NTR 000023 issued by RWED, to landfarm hydrocarbon contaminated soil at this site since 1994.

Part E, Item 1

The Licensee may, without consent from the Board carry out modifications to the water supply and waste handling facilities provided the following requirements are met:

- a) *The licensee has notified the Board of such modification at least sixty (60) days prior to the beginning the modifications;*
- b) *such modifications do not put the Licensee in contravention of either the license or the Act.*
- c) *the Board has not, during the sixty (60) day following the notification of the proposed modifications, informed the licensee that review of the proposal will require more than sixty (60) days; and*
- d) *the Board has not rejected the proposed modifications.*

It is the opinion of the Town of Hay River that the construction of this facility does not represent a modification to any of the existing facilities. As stated previously, landfarming has been a permitted part of the operation of this facility since 1994. With respect to the landfill operation, contaminated soil to be placed on the treatment pad will not be placed in the landfill until it deemed treated and proper testing has determined that the material is suitable for landfill cover as determined by the applicable Environment Canada Guidelines, at that point in time it can be no longer considered waste but a value added material used for the normal operation of our landfill. *There will be no direct landfilling of contaminated soil as a result of this operation.*

Part G, Item 1

Prior to the construction of any dams, dykes or control structures intended to contain, withhold, divert or retain water or waste, the licensee shall submit to the Board for approval, design drawings stamped by a qualified geotechnical engineer.

In our opinion the technical approval process for this facility is not the jurisdiction of the MVLWB. Landfarming is a land use identified and regulated within **Zoning and Building By-Law No. 1812** of the Town of Hay River and as such, the technical approval falls under the jurisdiction of the Town of Hay River, I would refer you back to the *Mackenzie Valley Resource Management Act*.

Part 4-Mackenzie Land & Water Board, Section 98 (1).

This Part does not apply in respect of the use of land within the boundaries of a local government to the extent that the local government regulates that use.

It should be mentioned as well that at on two separate occasions this facility was visited by DIAND Officials administering our water license. It was their interpretation of MVLWB Water License N1L4-0053 and the Mackenzie Valley Resource Management Act, that this development does not represent a violation of our water license or the Act. Documentation relating to this is on file at your office dating back to August 14, 2003.

It has always been our intention and practice to fully comply with all Federal and Territorial legislation while administering the Town's affairs. For the purpose of sharing information the Town of Hay River will forward any technical correspondence regarding this facility that the MVLWB request.

I hope the above is to your satisfaction.

Regards,

Town of Hay River

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

Todd Pittman
Director of Public Works & Planning

cc: Diana Ehman – Mayor
John D. Pollard – Senior Administrative Officer