

**Subject:** S18L3-003 - Preliminary Screening Exemption on an anticipated development under the Water Licence of the Town of Norman Wells

**Date:** Tuesday, June 1, 2021 at 5:32:56 PM Mountain Daylight Time

**From:** Ash Varghese

**To:** Christine\_Landry@gov.nt.ca, Sudhansu Majumdar, Olivia\_Lee@gov.nt.ca

**CC:** Paul Dixon, Erin Goose, Trine\_Nes@gov.nt.ca, mzimmer mzimmer, publicworksmanager@normanwells.com

Dear Christine, Sudhansu, Olivia and GNWT-MACA- Sahtu Staff in general,

This e-mail addresses a question of Preliminary Screening Exemption on an anticipated development under the Water Licence (WL) of the Town of Norman Wells (S18L3-003).

Based on my recent conversations with Mr. Martin Zimmer (Engineering Consultant, Town of Norman Wells) and Mr. Gary Micalyk (Public Works Manager, Town of Norman Wells), I understand that the Town is planning to expand the solid waste disposal facility (SWDF) under the currently active WL S18L3-003. The Town wants to develop the areas under "Proposed Phase IV and Proposed Phase V" as per Figure 2-2, of the approved [Solid Waste Disposal Facility Operations and Maintenance Plan](#) (SWDF O and M Plan) (dated Aug 22, 2018).

The Town of Norman Wells wanted to know if the proposed Phases IV and V are approved and covered under the current WL and whether a WL amendment is required or not. Development of Phases IV and V areas involves landfill area expansion on 30,000 square metres (3 hectares) of municipal land. The landfill area expansion involves tree clearing, fencing relocation, ditching, grading of new cells etc.

I have reviewed the WL [S18L3-003 conditions](#), approved [SWDF O and M Plan \(Aug 2018\)](#) and the [latest Preliminary Screening Report](#) (PS Report) issued as part of old WL S07L3-002 (dated June 18, 2008), and have noted the following.

S18L3-003 condition 13 states that " *The Licensee shall dispose of all solid Wastes at the Solid Waste Disposal Facilities in accordance with the approved Solid Waste Disposal Facility Operation and Maintenance Plan*". Section 2.2 and Table 2-3 of the SWDF O and M Plan mention the plan for developing the currently undeveloped Phases IV and V in 2024. Therefore, we see that the expansion plan is in accordance with the approved SWDF O and M Plan and also within the scope of the existing licence.

**The question/issue now is whether the expansion activity is adequately screened or needs an updated Preliminary Screening. Preliminary Screening was exempted for the WL renewal in 2018.** At the time of the renewal application, the landfill areas used (Phases I, II and III) were the same as that of the licence S07L3-002. All municipal operations as of August 2018 (time of WL renewal) were already screened under the latest PS Report (dated June 18, 2008). The upcoming SWDF expansion (developing Phases IV and V) requires cutting trees or removing vegetation from approximately 30,000 square metres (3 hectares) of land. As per the latest PS Report, "Expansion" is included under Principal Activities (related to scoping) and "Cutting of Trees or Removal of Vegetation" is included under the Principal Development Components (related to scoping). Expansion activities like fencing relocation, ditching and grading of new cells are covered under the latest PS Report and approved SWDF O and M Plan. However, vegetation/biological environment/physical environment impacts due to tree clearing and corresponding mitigation measures were not discussed/screened.

Section 124(1) of the *Mackenzie Valley Resource Management Act* requires the Board to undertake a Preliminary Screening of any proposed development prior to the issuance of a Licence, Permit or Authorization, unless it is exempt.

Schedule 1, Part 1, paragraph 2.1 of the *Mackenzie Valley Resource Management Act Exemption List Regulations* (Exemption List Regulations) states that an application can be exempt from preliminary Screening if:

*"A development, or a part thereof, for which a permit, licence or authorization is requested that*

*(a) was part of a development that fulfilled the requirements of the environmental assessment process established by the Mackenzie Valley Resource Management Act; and*

*(b) has not been modified since the development referred to in paragraph (a) fulfilled the requirements of the environmental assessment process established by the Mackenzie Valley Resource Management Act."*

**SLWB Staff believes that the development of Phases IV and V landfill areas under the WL S18L3-001 can be exempted from an updated preliminary screening due to the following reasons:**

- a. **The development is already under the scope of the current licence S18L3-003 and anticipated under the approved SWDF O and M Plan;**
- b. **Although the impacts and mitigations connected to the cutting of trees and removal of vegetation for the development are not discussed in detail, the activities " Expansion," "Excavation" and "Cutting of Trees and Removal of Vegetation" are already included under the latest PS Report;**
- c. **The development is inevitable for continuing the municipal operations and therefore cannot be prohibited due to its benefits for the public that will exceed the cost/negative impact of the development on physical, chemical and biological environment;**
- d. **Impacts and mitigations for "land destabilization/erosion", "permafrost regime alteration", and for "interacting environment" have been screened. Also, the long-term remedy for the development is final closure and reclamation of the developed area at the abandonment/closure stage, required by Part I, Condition 1 and Schedule 3 of WL S18L3-001 for "Closure and Reclamation Plan." WL Part I also requires regular revisions, annual reports and progressive reclamation of areas that are abandoned before the final closure of operations;**
- e. **No public concerns are anticipated with the already planned development.**

I have already advised the Town of Norman Wells that the SWDF O and M Plan has to be updated (and submitted to SLWB for approval) to incorporate the planning details for developing Phases IV and V. I have also reminded them about taking all possible measures to overcome the public concern noted in the latest PS Report (June 2008) about run-off from the landfill sites. For this, the Town will have to establish an engineered clay liner for landfill expansion, to prevent or minimize leachate from reaching ground and surface water. The recommendation for engineered clay liner is noted in the impacts and mitigations table for "toxin/heavy accumulation" under the section for "Biological Environment."

I have also reminded the Town of Norman Wells about the requirements as mentioned above under Part I and Schedule 3 of WL S18L3-003. I expect continuous cooperation from the Town to carry out the expansion in the proper channel.

To conclude, SLWB Staff believes that there is no need to amend the Preliminary Screening Report, or the Town needs to apply for a WL amendment if the landowner agrees with the above-mentioned (bolded) analysis of the situation.

Please let us know via a reply to this e-mail whether the landowner Municipal and Community Affairs, Government of Northwest Territories (GNWT-MACA) agrees with and supports the findings listed above.

Thank you,

Sincerely,  
Ash

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