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August 3, 2004

Melody J. McLeod, Chair  
Mackenzie Land and Water Board  
P.O. Box 2130  
Yellowknife, NT  
X1A 2P6

Mackenzie Valley Land  
& Water Board

File

AUG 03 2004

Application # N1L3-0053  
Copied To AP/BW/PUM/Reg

Dear Ms. McLeod,

Please accept this letter as notice that the K'atl'odeeche First Nation (KFN) wishes to be regarded as an intervener with respect to the Mackenzie Land and Water Board application N1L3-0053 submitted by the Town of Hay River for the construction of a biotreatment pad to treat hydrocarbon contaminated soil at the Town of Hay River Solid Waste Facility. We have the following preliminary concerns:

- 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 its 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.
- 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?
- 4) On page 9 of the operations plan, there are four options for treating impacted water. The plan states that those four activities may be used to treat this impacted water. As this is a major issue relating to this facility, specific details must be provided in order to

comment on specific treatment process for impacted water. Which of those four activities will be utilized in the treatment of impacted water?

5) The application for amendment states the facility could handle 11, 000 MT at one time, whereas the WasteWorks operations plan states 25, 000 MT of material. Which is correct and why such as large discrepancy?

6) The application does not state the operational time frame 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 and 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?

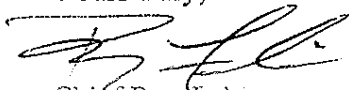
7) The application does not include a detailed spill response plan. Has the Town developed a detailed spill response plan, including a response to a spill of materials at the land fill or damage to the liner? What impact would these types of events have on the adjacent river system?

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

Given these concerns, the KFN is also hereby requesting that a public hearing on this application be held on the Hay River Dene Reserve on August 30<sup>th</sup> or 31<sup>st</sup>, 2004, at which time a presentation will be made. We must note that the Hay River Dene Reserve is an independent and distinct community and not an extension of the Town of Hay River. Holding a hearing of the Dene Reserve will ensure the highest level of public participation possible within the community. We must also note that the proposed facility is on our traditional lands and immediately upriver from our main community.

Thank for your attention in this matter and the KFN looks forward to making our presentation regarding this development. Should you have any questions regarding this notice to intervene, please feel free to contact me directly. Mahsi.

Yours truly,



Chief Roy Fabian  
K'at'l'odeeche First Nation

cc. Dehcho First Nations



**Northwest Territories** Resources, Wildlife and Economic Development

August 16, 2004

Adrian Paradis  
Regulatory Officer  
Mackenzie Valley Land and Water Board.  
PO BOX 2130  
Yellowknife, NT X1A 2P6

VIA Email

Dear Mr. Paradis

**N1L3-0053, Town of Hay River.  
Hydrocarbon Biotreatment Pad.**

The Department of Resources, Wildlife and Economic Development (RWED) has reviewed the above Water Licence Amendment, and has the following comments or concerns in regards to this project.

Bioremediation has become a more frequently utilized technique for treating hydrocarbon-contaminated soils throughout North America. It involves creating conditions in a pile of contaminated soil that promotes the degradation of the hydrocarbons through the metabolic activities of naturally occurring bacteria, similar to composting. The time required for treatment depends several factors including pile design and level and type of hydrocarbon.

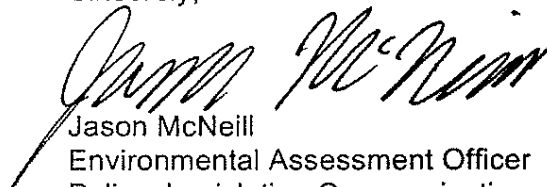
If the facility at the Hay River landfill is built and operated in accordance with standard industry practices for this type of facility, it will be an environmentally acceptable method for treating soils contaminated with hydrocarbons. Considerations for this type of facility include site control, leachate and runoff collection, pile construction and management including sampling and monitoring, acceptable re-use of remediated soil, such as landfill cover, and decommissioning. Siting for these facilities is usually in a location somewhat distant from municipalities to reduce the potential for any concerns with vapours.

A somewhat similar but less sophisticated and thus less effective technique called landfarming is commonly used for treating these types of materials in all regions of the NWT. Hydrocarbon contaminated soils are spread in a thin layer, usually at a landfill, to promote evaporation, oxidation, photo-degradation and limited bioremediation. Without the benefits of enhanced bioremediation, treatment success with this technique can be variable.

The type of proposed facility can offer an environmentally acceptable treatment option for locally generated soils as well as an opportunity to treat soils generated in other regions that do not have this type of facility.

Should you have any comments or concerns regarding the above, please contact myself at 920-8071.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason McNeill". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Jason McNeill  
Environmental Assessment Officer  
Policy, Legislation Communication  
RWED, GNWT.

C. Harvey Gaukel  
Hazardous Substance Specialist  
Environmental Protection, RWED, GNWT