

From: [REDACTED]
To: [Laura Friend](#)
Subject: Email 1 - Additional Information Request - Field Staff
Date: Thursday, April 8, 2021 3:27:42 PM

Hi Laura,

Please forward the Muilwijk's information request to the Board for consideration:

Background

In the Board's decision to grant the review, the Board indicates there is an expectation that the NRCB policies and guidelines are followed. NRCB Policy 2016-7, Section 2 Use of discretion—guiding principles states:

AOPA and its regulations prescribe many mandatory aspects of the permitting process, but also provide the NRCB with discretion for establishing permitting procedures and for making decisions on permit applications. Approval officers' use of discretion is guided by the general principles set out below.

Under AOPA, approval officers are the decision-makers on permit applications. When carrying out this function, approval officers should consult with management on new policy issues—i.e., policy issues that are not squarely addressed by the act and its regulations or by existing operational policies. (As used here, the term "policy issues" means issues that need to be resolved on the basis of a decision-making principle that could apply to—or have implications for—more than one permit file.)

Approval officers will initiate consultation on new policy issues, or on any other significant permitting issues (including requests for variances under section 17 of AOPA) as early as possible in a permit application process.

Approval officers will circulate draft permit decisions to the director of applications, another approval officer, and legal counsel or communications for review and comment. *Notwithstanding these consultations, approval officers are responsible for the final content of their decision documents.*

Facts

- Roller compacted concrete as a liner has already been approved by the NRCB Field Staff (permits LA17038, 18083 and 18031).
- Carina Weisbach (AO), in the above noted permits, specifically made reference to the hydraulic conductivity of RCC and prescribed liner thickness. Two key indicators for AOPA requirements decided by Field Staff.
- Considering the above policy process:
 - RCC as a liner is a new technology and should have been considered a new policy issue
 - There is a reasonable expectation that the roller compacted concrete issue has been reviewed by other NRCB field staff and, most importantly, the director of applications – Andy Cumming.
- The Board has directed 4 questions to Field Staff related to their technical experiences and understanding of RCC as a liner - specifically question 3: *What experience does Field Services have relating to the technical requirements required for RCC liners?*

Request

The Muilwijks respectfully request the Board to direct Field Services to provide all technical information and email correspondences between staff and consultants (John Lobbezoo and any others) that the approvals officer used to demonstrate how she calculated RCC hydraulic conductivity, addressed crack control, and determined that the RCC liner met groundwater protection standards for the above noted permits.

It is understood permits (and supplement documents associated with the permits) are public record, and therefore should be available for review. It is important for the Muilwijks to determine how NRCB address RCC meeting groundwater requirements for those applications. **The purpose of this request is not to ask the Board to review past decisions**, but rather enable the Muilwijks to bring forward the same technical information that the Field Staff used in their past approvals.

Kind Regards,

Cody Metheral, P.Eng.

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