

**ENR Legislation Review: Environmental Protection Act**

Alternatives North's initial comments March 27, 2018

<b>Key Amendment</b>	<b>Comments</b>
General	<p>Guiding principles are needed, such as to strengthen and retain the natural integrity of all northern ecosystems; keep clean areas clean; prevent pollution; continuous improvement of operations as they relate to discharges; openness and transparency</p> <p><i>Question:</i> could we have a table or list of the gaps, and how being addressed? (slide 14 &amp; 21)</p>
Power of Minister	<p>Uncertain re: support for making obligatory, rather than discretionary, for the Minister to conduct research studies, develop, co-ordinate and administer policies, standards, guidelines and codes of practice relating to the preservation, protection or enhancement of the environment; collect, publish and distribute information relating to the preservation, protection or enhancement of the environment, and appoint a mediator, establish the term of office, remuneration and terms of reference of the mediator to mediate the dispute. Similar to other Acts, concern of unintended consequences. Also, if obligatory, then for example to purpose and administration of the environmental registry should be further defined, otherwise what environmental registry would the Minister be obligated to create?</p> <p><i>Question:</i> could we get more background on how other jurisdictions are handling this/the pro's and con's of obligatory vs discretionary?</p> <p>Exceptions (slide 16): Q to ENR: who grants exceptions?</p> <p><i>Question:</i> difference between an exception and an exemption?</p> <p>Concern: "add a 'discharge is considered to be insignificant'".  <i>Questions:</i> How do you determine what is significant and what is insignificant? Who decides? Policy guidance on how the determination of insignificance will be made is necessary before support can be given.</p> <p>Concern: 'delete the motor vehicle exception at a later time':  <i>Question:</i> what is timing, and why delay? Perhaps this is to mesh with federal vehicle emission standards? A possible approach is to uphold the exemption for motor vehicles as long as they comply with federal new vehicle emission standards while the reporting of emissions for these vehicles would remain at the discretion of the territorial Minister.</p>
Contaminated Sites/Waste Management	<p><i>Question:</i> what are materials for review for contaminated sites and waste management? (slide 19)</p>

	<p>Would like to see an assessment of the Act by ENR to ensure that there are no barriers inadvertently in place to the removal of hazardous wastes.</p> <p>Suggest adding that an assessment of liability is needed for existing hazardous wastes, so that they are properly accounted for in the GNWT budget. This could be tied to assessment of potential liability and security requirements for clean-up of new developments.</p>
Environmental Information/Environment Registry	<p>Regarding slide 18 "establish an environmental monitoring system", which was described at March 1<sup>st</sup> meeting as including development of standard protocols. We would like to see this linked to baseline information collected in federal and territorial protected areas, as well as information collected at industrial sites (mines).</p> <p>Will CIMP thresholds, once identified and adopted, be mandatory?</p> <p>Slide 20 Capacity is always an issue – how will the Act ensure industry fees cover the cost of compliance and enforcement for industrial activities?</p>
Discharge of Contaminants	<p><i>Questions:</i> how are fracking fluids to be regulated?</p>
Order to Remedy or Repair Damage	<p>Support inclusion of requirement that the GNWT has authority to order clean-up or other appropriate action to persons that did not originally cause the contamination, but are now in charge of the area</p>
anything missing from the key amendments or provisions?	<p>Need to call Green House Gases (GHG) a contaminant. This will improve GHG producer accountability and GHG regulation.</p>