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June 29, 2018

Mr. Nathen Richea  
Acting ADM, Environment and Natural Resources  
Government of the NWT  
Yellowknife NT X1A 2L9  
[nathen\\_richea@gov.nt.ca](mailto:nathen_richea@gov.nt.ca)

Conveyed Electronically

Dear Mr. Richea:

Re: **Environmental Protection Act**

This letter contains Alternatives North's questions and comments on the proposed Environmental Protection Act. This is in conjunction with our letter of June 15 (copy attached), which contained comments regarding the five pieces of legislation.

### **Exemptions**

This Act is a "young" act, and while the proposed changes go a long way to updating it, there aren't a lot of thresholds like there are in the *Waters Act*. While we understand the desire for the Minister to have authorities for exemptions for unforeseen circumstances, we are quite cautious about provisions for exemptions from this Act. Parameters on this authority are needed to define its scope so that the cause for exemption doesn't become a cause for lobbying. All parties want certainty, so clearly defined parameters on exemptions are appropriate.

We recommend the following process for the exercise of Ministerial exemptions:

- a) Establish in regulation, through a public process, the criteria for exemptions.
- b) The Minister should make the rationale for any exemption in writing with reference to the criteria.
- c) The exemption, with rationale, should be posted to the public registry immediately with an appeal period.
- d) There should be no Ministerial exemptions until the regulations have been passed (i.e., the minister couldn't start exempting upon passing of the Act, but only once both the Act and regulations are in place).

## **Chief Environmental Protection Officer**

We agree with ENR's proposal that the authority to determine if a discharge is a contaminant should not rest with the person discharging it. We support the change to the Chief Environmental Protection Officer, with the following parameters:

- a) The CEPO should be an ADM-level ENR public servant independent of the Department of the Executive, so not an "at pleasure" appointment.
- b) The CEPO should hold knowledge of the subject matter such as is normally acquired through advanced academic study and experience.

## **Hazardous Waste**

We understand that the proposed "registration of hazardous waste generators, carriers and receivers" includes GNWT, so an inventory of municipal waste sites would be required under this legislation. If so, we support this. If not, the act should make this a requirement. This is to better understand and manage our liabilities associated with existing hazardous wastes, so that they are properly accounted for in the GNWT budget.

## **Air Emissions**

We support getting air emissions out of the current 'legal limbo' and into a permitting system. As a basis, we support air emission permitting through a co-management approach, specifically the Mackenzie Valley Land and Water Boards.

However, our understanding is that not all air emissions would be covered under development permits. For instance, what about dispersed sources of air emissions, such as the burning of leaded fuel in older aircraft engines (which is being phased out in the rest of North America)? If, as we understand, such emissions would be covered through the EPA, we would support regulating such air emissions even while a co-management approach is being established for emissions covered under development permits.

The NWT has never had air emission standards and controls; trying to develop a perfect system seems to be an unreasonable goal. It would be better to develop a good co-management system, that can then be improved upon as it is used.

Thank you for the opportunity to participate in this process. We look forward to continuing as part of the Working Group on this and other ENR Acts.

Alternatives North

A handwritten signature in black ink that reads "Karen Hamre". The signature is written in a cursive style with a small flourish at the end.

Karen Hamre  
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cc. [Christine\\_glowach@gov.nt.ca](mailto:Christine_glowach@gov.nt.ca)  
Cory Vanthuynne, Chair, Standing Committee on Economic Development and  
Environment