



Northwest
Territories Environment and Natural Resources

OCT 22 2015

Mackenzie Valley Environmental Impact Review Board
c/o Mr. Chuck Hubert
[@ chubert@reviewboard.ca](mailto:chubert@reviewboard.ca)

Dear Mr. Hubert:

EA1314-01 Jay Project: GNWT response to hearing Undertaking #4

The Government of the Northwest Territories (GNWT) has prepared the following additional response to Undertaking #4 as requested by the Mackenzie Valley Environmental Impact Review Board's letter from October 19, 2015.

The GNWT's understanding from the public hearing was that we agreed to provide a description of the steps that are involved in developing new air quality regulatory tools (reference page 171 of the transcripts from the September 14, 2015 Public Hearing, Public Registry Item #639). The resulting Undertaking differs slightly from GNWT's commitment in that it includes the term "specific":

"The GNWT is to provide Łutsel K'e Dene First Nation (LKDFN) with the specific steps needed to complete new air regulatory tools (under the existing EPA)."

However, the GNWT acknowledges the outstanding questions from the LKDFN and Mackenzie Valley Environmental Impact Review Board, and offers the following additional response.

Any regulation that is developed under the *Environmental Protection Act* (EPA) will need to go through the necessary government decision-making processes as identified in the original response provided to Undertaking #4, including engagement with relevant stakeholders. Furthermore, the GNWT is in a period of government transition requiring Departments to adhere to process conventions until a new government is in place and the priorities of the 18th Assembly are established.

In relation to the issue of air quality, the EPA gives authority to the Commissioner, on the recommendation of the Minister, to make regulations related to a variety of considerations under section 34 of the Act. Environment and Natural Resources (ENR) is considering amendments to the EPA to strengthen authorities related to air quality management. Additionally, ENR is considering specific air regulations under the EPA that allow for monitoring and reporting requirements, compliance and enforcement details, and specifically, standards for various air emissions and sources. The first standard that ENR will focus on is emissions from waste incineration. At this stage, ENR is preparing to work with a legislative drafter from the Department of Justice.

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Based on the steps outlined in the GNWT's original response, an air regulation will be in place by the end of the 2017 fiscal year (i.e. March 31, 2017).

Should you have any questions or concerns, please contact Ms. Kate Witherly at 867-873-7482 or kate_witherly@gov.nt.ca.

Sincerely,



Julian Kanigan,
A/ Director
Conservation, Assessment and
Monitoring