

NORTH SLAVE MÉTIS ALLIANCE

PO Box 2301 Yellowknife, NT X1A 2P7



September 3rd, 2010

Lynn Carter
Regulatory Officer
Mackenzie Valley Land and Water Board
P.O. Box 2139
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Yellowknife, NT. X1A 2P6
permits@mvlwb.com

Re: City Of Yellowknife Request to Amend Arsenic Discharge Criteria

The North Slave Metis Alliance (NSMA) has reviewed, and objects to the above noted licence amendment.

The NSMA is concerned with the rationale and lack of scientific evidence provided in support of this amendment request. The City has founded their request on the fact that the land around arsenic has elevated natural levels of arsenic, and a comparison of arsenic criteria for various guidelines, in various provinces and territories. Yet, from the data provided, it is unclear why the city is proposing a discharge criterion of 340 µg/L, given that the maximum recorded value observed was 101 µg/L. The City does not provide sufficient information on ground and surface water flow patterns or discharge timing and volumes, in order to ensure the application of these guidelines appropriate. There is also inadequate information about the type (species) of arsenic found in the discharge, and its potential toxicity in the environment. Since the landfill is in close proximity to the Giant Mine site, which spewed arsenic laden dust across our landscape for many years, there is a distinct possibility that the elevated arsenic levels in the soil are not “natural” at all.

If approved, the proposed amendment to the discharge criteria for water from the biotreatment pad would set a precedent for scientifically, and socially unfounded amendments to discharge criteria. If such a change were approved, the NSMA questions whether the city would also use this limit as a new target for operating procedures, and would result in unnecessary, increased arsenic loadings into the receiving environment. The setting of such a limit may also set an unwanted and unwarranted precedent for the cleanup of the Giant Mine contaminated site which is in the same watershed and groundwater recharge area. We would much prefer to see the board setting effluent quality criteria that protect the receiving environment, rather than allowing an increase in the amount of waste entering the receiving environment because the proponent has exercised poor planning in the design of a treatment facility.

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All NSMA members are existing water users, land occupiers and land users with riparian rights in the area of this facility. As well, all NSMA members have existing Aboriginal and Treaty Rights in the area of this project. Increasing the arsenic discharge limit would interfere with our existing water user's rights, and infringe on our existing Aboriginal and Treaty Rights.

The NSMA supports the use of discharge criterion for the protection of aquatic life wherever our surface waters could be impacted, and discharge criterion for agriculture on all of our effected traditional lands. This is an interim standard which will be used until such time as we can participate, meaningfully, in the development of a set of "traditional use" discharge criteria which would adequately protect our traditional lands and waters.

Please contact the undersigned if you have any questions or comments.

A handwritten signature in cursive script that reads "Sheryl Grieve".

Sheryl Grieve
Environment Manager
enviomgr@nsma.net