

Environmental Protection Operations Directorate  
Prairie & Northern Region  
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P.O. Box 2310  
Yellowknife, NT X1A 2P7

ECCC File: 5100 000 012/029  
WLWB File: W2012L2-0001



September 16, 2021

via online review system

Ryan Fequet  
Executive Director  
Wek'èezhii Land and Water Board  
1-4905 48th Street  
Yellowknife, NT X1A 3S3

Dear Ryan Fequet:

**RE: W2012L2-001 – Arctic Canadian Diamond Company Ltd. – Ekati – Point Lake Project  
– Response to Technical Meeting Information Requests**

Environment and Climate Change Canada (ECCC) is providing a response to the information request issued by the Wek'èezhii Land and Water Board (WLWB) during the Technical Session held on September 7-9, 2021.

ECCC's response and specialist advice is provided based on our mandate pursuant to the *Canadian Environmental Protection Act*, and the *Metal and Diamond Mining Effluent Regulations* under the *Fisheries Act*.

If you need more information, please contact Jennifer Sabourin at [Jennifer.Sabourin@ec.gc.ca](mailto:Jennifer.Sabourin@ec.gc.ca).

Sincerely,

Jennifer Sabourin  
Environmental Assessment Officer

Attachment(s): ECCC response to IR-10 and IR-54

cc: Jody Small, Acting Head, Environmental Assessment North (NT and NU)



Table 1: ECCC Comments to IR-10

IR#	Information Request
10	<p>Arctic has proposed to register any potential future surface flows from the Point Lake Overburden Stockpile that enter Thinner Lake (or any fish-bearing water body) with ECCC as Final Discharge Points (FDPs) under the MDMER. Arctic has proposed to monitor and report to ECCC on those FDPs according to the requirements of the MDMER and to address any exceedances of the MDMER water quality limits in accordance with the MDMER. Arctic has stated that this is consistent with current application of the MDMER at other areas of the Ekati Diamond Mine. Could ECCC please confirm whether Arctic's proposed approach meets the requirements of the MDMER? Additionally, can ECCC also confirm that provided no water quality criteria is exceeded, no further management or collection of overburden contact water would be required?</p>
<b>ECCC Response</b>	
<p>Arctic has proposed meeting requirements of the MDMER for any potential surface flows from the overburden stockpile that may enter any fish-bearing waterbody (including Thinner Lake). For clarity, these requirements include (but are not limited to) the following, pursuant to the <i>Metal and Diamond Mine Effluent Regulations</i> (MDMER), Definitions, Section 9 and Section 13:</p> <p><b><u>Definitions as in Part 1: General - Interpretation</u></b></p> <p><b><i>Effluent</i></b> means any of the following:</p> <ul style="list-style-type: none"> <li>(a) <i>hydrometallurgical facility effluent, milling facility effluent, mine water effluent, tailings impoundment area effluent, treatment pond effluent or treatment facility effluent other than effluent from a sewage treatment facility; or</i></li> <li>(b) <i>any seepage or surface runoff containing any deleterious substance that flows over, through or out of the site of a mine.</i></li> </ul> <p><b><i>Final Discharge Point (FDP)</i></b></p> <p><b><i>final discharge point</i></b>, in respect of an effluent, means an identifiable discharge point of a mine beyond which the operator of the mine no longer exercises control over the quality of the effluent.</p> <p><b><u>Section 9: Final Discharge Points</u></b></p> <p>9. <i>The owner or operator of a mine shall identify each final discharge point and submit in writing to the Minister of the Environment, not later than 60 days after the day on which the mine becomes subject to these Regulations, the following information:</i></p>	

*(a) plans, specifications and a general description of each final discharge point together with its location by latitude and longitude;*

*(b) a description of how each final discharge point is designed and maintained in respect of the deposit of deleterious substances; and*

*(c) the name of the receiving body of water, if there is a name.*

**Section 12: Effluent Monitoring Conditions - Deleterious Substance and pH Testing**

*12 (1) The owner or operator of a mine shall, not less than once per week and at least 24 hours apart, collect from each final discharge point*

*(a) a grab sample or composite sample of effluent and record the pH of the sample at the time of its collection and record, without delay after collecting the sample, the concentrations of the deleterious substances prescribed in section 3 except un-ionized ammonia; and*

*(b) a grab sample of effluent and record the temperature and the pH of the sample at the time of its collection and record, without delay after collecting the sample, the concentrations of total ammonia expressed as nitrogen (N).*

*(2) Testing conducted under subsection (1) shall comply with the analytical requirements set out in Table 1 of Schedule 3 and shall be done in accordance with generally accepted standards of good scientific practice at the time of the sampling using documented and validated methods.*

Further requirements, including actions to be taken in the event of exceedances, are set out in the Regulations.

With respect to the question "Additionally, can ECCC also confirm that provided no water quality criteria is exceeded, no further management or collection of overburden contact water would be required?", ECCC notes that any *seepage or surface runoff containing any deleterious substance that flows over, through or out of the site of a mine* is considered effluent. Mines are required to manage all their effluent and to only discharge effluent through final discharge point(s) (FDP), whether or not water quality criteria are exceeded.

Table 2: ECCC Comments to IR-54

IR#	Information Request
54	Provide feedback on proposed revised Workplan and Hearing dates
<b>ECCC Response</b>	
<p>ECCC appreciates and supports the opportunity for a two-week review period for the Technical Session response to IR's.</p> <p>ECCC does not support rescheduling the Public Hearing to November 22-25, 2021, as the Mackenzie Valley Land and Water Board (MVLWB) is holding the scheduled CanZinc - Prairie Creek Public Hearing that week, which will create a conflict with ECCC's ability to attend and participate in the regulatory process. ECCC suggests the Ekati-Point Lake Public Hearing be rescheduled for the week of November 30<sup>th</sup> – December 3, 2021.</p>	