

Section	Reviewer	Reviewer Comment	Reviewer Recommendation	LWB Response
Light Green - Comments and Recommendations from Second Public Review				
White - Comments and Recommendations from First Public Review				
General	Tlicho Government - Brett Wheler	cover letter	Cover Letter	N/A
General	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Cover Letter	Cover Letter	N/A
General	Environment and Climate Change Canada (ECCC) - Jennifer Sabourin	Cover Letter		N/A
General	Independent Environmental Monitoring Agency - Jamie Mistry	The Agency would like to thank the Board for their responsiveness and consideration of our comments on the February 2022 draft. The Agency appreciates the opportunity to review the second draft but has no further comments or recommendations at this time.		N/A
General	Independent Environmental Monitoring Agency - Jamie Mistry	The Agency's cover letter	Please see attached	N/A
General	Arctic Canadian Diamond Company Ltd. - Ms. Kendra McGreish	See attached letter	See attached letter	N/A
General	Tlicho Government - Brett Wheler	The new draft policy appears to be longer than the existing policy.	In final publishing the Board should make efforts to enhance readability - of the document overall and in the longer sections such as 'discharge criteria'.	The Policy is longer because the scope is broader than the previous version, and there is more to cover than when the Policy was first developed. The Policy has been reviewed overall and revised in some sections (including the discharge criteria section) for better flow of information and to reduce duplication.
General - Title and definition of 'waste'	CanZinc Corporation (CZN) - david harpley	In renaming the policy to only 'waste' because the scope has been expanded, the Board is leading to confusion as to what this policy is about. In our opinion, when most people think about 'waste', they are thinking it is garbage, or solid waste in general. This is not what this policy is about, it's about waste water, as explained in Section 1.1 - purpose of this policy. 'Waste' is not specifically defined in the policy. I didn't see any reference to 'waste' including solid waste.	We recommend changing the title to Waste Water Management Policy, and include a definition as to what this is.	Waste is defined in the Definitions and Acronyms section of the Policy - this definition is from the legislation and includes both solid waste and wastewater. The recommended title is not appropriate, because the Policy does not address water management. Although it is not technically necessary based on the definition of waste, the title has been revised to <i>Waste and Wastewater Management Policy</i> to reduce confusion.
General - Land Use Permits	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	There are several references to land use permits related to deposit of waste (e.g. Sections 1.1 and 1.4). ENR notes that a Land Use Permit cannot authorize the deposit of waste to the receiving environment, though land use permit conditions could be aimed at preventing the potential for a certain type of deposit. As such, the references to land use permits should be qualified accordingly.	ENR recommends that the policy be updated to ensure that references to land use permits be qualified to note that land use permits cannot authorize the deposit of waste to the receiving environment.	The definition of receiving environment is not limited to water, but in general, the LWBs agree with this comment. Based on the definition of 'deposit of waste' and the licensing criteria in the legislation, land use permits cannot authorize the deposit of waste. Many land use permit conditions do, however, relate to managing waste and preventing waste from entering water. The Policy has been reviewed and revised to ensure this distinction is clear and to ensure that references to regulating the deposit of waste are used only in relation to licences. Otherwise, the Policy now refers to regulating waste management, which encompasses the broader scope of conditions that may be included in licences and permits. An explanatory footnote has also been added in section 1.1, where this distinction is first relevant to the text.
General - Other Comments	Independent Environmental Monitoring Agency - Jamie Mistry	The Agency agrees with the inclusion of the MVLWB/AANDC <i>Guidelines for Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories</i> (page 4) as a means of indicating the Policy applies to the entire life of a project, including planning, operation and closure. The Agency notes the Policy suggests the inclusion of proposed contingency and site closure plans as part of the application information package (page 15). Whether management plans should or should not be included and approved as part of the land use permit and water licence application processes, or whether the submission and approval of these plans should be a condition of the approved permits and licences, has been a long-standing topic of discussion in regulatory processes the Agency has participated in. The Agency is concerned the inclusion of this suggestion in the Policy, in the absence of further direction, may cause greater uncertainty and confusion.	Clarify whether the requirement for applicants to provide contingency and site closure plans as part of the land use permitting and water licencing application processes is for information purposes or whether the plans are expected to be reviewed for approval as part of the processes.	Clarification on approval of plans at issuance has been added to section 4.2. It should be noted that the Policy is not a procedural guidance document and does not stand alone - it is supported by other LWB guidance documents as noted in section 1.1. The requirements for core management plans (engagement, waste management, spill contingency, and closure and reclamation) in applications are already set out in the Application Forms and the <i>Guides to the Water Licensing and Land Use Permitting Processes</i> . As explained in the Standard Licence Conditions, the core plans that are required for a complete application are typically reviewed for decision as part of the licensing and permitting processes. Adequate engagement, waste management, and spill contingency plans must typically be in place before project activities commence, so a determination on these required plans is usually needed when the licence or permit is issued. The Board's decisions on these plans can include requirements to submit revised plans, and can also indicate that project activities may not commence until these plans are approved. The Board will usually also consider the closure and reclamation plan at this time; however, depending on the complexity and lifespan of a project, the closure plan is often conceptual and may or may not be approved by the Board when the licence and/or permit is issued.
General Comment	CIRNAC (Yellowknife) - Megan Larose	Somewhere at the beginning of the document (or wherever relevant) should be some wording that requests licencees to refer to applicable land use plans for conformity requirements, zoning restrictions, and the identification of culturally important areas/values, prior to submitting applications.	Consider including reference to applicable land use plans early on in the process.	This is primarily addressed in the LWBs' <i>Guides to the Water Licensing and Land Use Permitting Processes</i> since Land Use Plan requirements are not limited to waste management. A summary statement about meeting the requirements of Land Use Plans has been added to section 5.1.
Definitions - Applicant and Permittee	Imperial Oil Resources - Benjamin Fraser	Definition of "Applicant" and "Permittee" does not include a company or organization.	Application forms and licences may be issued to a company or organization if applicable. Can these definitions be updated to reflect that an organization can be the applicant or authorized licenced holder?	The current definitions for 'applicant,' 'licensee,' and 'permittee' are consistent with the definitions in the LWBs' <i>Rules of Procedure</i> and with the way the prohibitions (licencing and permitting criteria) are written in the legislation, which states that "no person shall," without a licence/permit (as the case may be), carry out the activities listed. The legislation does not define licensee or permittee, but it is obviously not intended to limit the term 'person' to individuals, so this distinction is not necessary, and this definition has not been revised.
Definitions - Deposit of Waste	Tlicho Government - Brett Wheler	We note that the many of the proposed revisions involve some important words. For example, the revised Policy uses several different words to refer to waste, including waste, wastewater, discharge, deposit, effluent, potential effluent, direct effluent, indirect effluent, etc. Similarly, the words disposal, deposit, and discharge are all used and each are modified at times with the words direct and indirect. The Policy has served an important role in guiding many proceedings, supporting good regulation, and protecting water quality. The TG has relied on the Policy to guide our input on important water quality decisions. To continue to do so, it is very important that terminology is concise, clear, and does not create unanticipated problems.	We trust the Board will take great care in ensuring that words used in the policy are carefully defined and used throughout the Policy. We recommend that the Board rely as much as possible on words that are already legally defined in regulations and legislation. To be clear, we are not recommending that more definitions be developed. Writing new definitions can sometimes create more problems than it solves.	The main legislated defined terms included in the Policy are 'waste,' 'wastewater,' and 'deposit of waste.' The other defined waste terms included in the Policy are not legislated definitions, but they are terms that are already used and defined in various LWB guidance documents and standard conditions, not new terms. In recent years, through the development of standard conditions and additional guidance documents, the LWBs have noted that these terms have not always been defined and/or used consistently or correctly. Rather than revoking several key terms that parties have already been familiar with for many years, and potentially creating a lot of confusion between existing and new authorizations, the LWBs have been reviewing and revising these terms and their use to improve clarity, consistency, and linkages to legislated definitions, while maintaining as much continuity as possible. The revisions proposed to these definitions in the draft Policy reflect this process. Additional information related to specific defined terms is provided below.

Section	Reviewer	Reviewer Comment	Reviewer Recommendation	LWB Response
Definitions - Disposal	Tlicho Government - Brett Wheler	Disposal is not defined... It is not clear why this term is being used when there are 3 similar terms already defined (which, arguably, may be too many already).	This is one example of the type of thing the comment above is referring to. We recommend the Board thoroughly consider ways to simplify and/or rebuild the logic structure around the words that are being used in the Policy.	As recommended, these definitions have been reviewed again, and some minor revisions have been made, primarily to reflect revisions to the 'receiving environment' definition. The Standard Licence and Permit Conditions Templates will be reviewed to ensure these terms are used correctly and consistent with the Policy.
Definitions - Discharge/Deposit of Waste	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	"Discharge" is defined in the list of terms as "A direct or indirect deposit or release of any water or waste to the receiving environment". It is also mentioned that "Although 'discharge' is defined here, both 'discharge' and 'deposit of waste' are used in this Policy, because the legislation refers to 'deposit of waste,' while LWB guidance documents and standard conditions often use both terms. While there may be a general perception that 'discharge' refers to wastewater and 'deposit' refers to solid waste, the LWBs do not define these terms in this way, and the legislation encompasses both in the definition of 'deposit of waste.'" ENR advises that a single term should be used throughout the Policy. It would be preferred if the policy used the term "deposit" as it is the term used in that the Waters Act and regulations. However, regardless of which term is used, it should be used throughout, including in the definition of any other term that includes a reference to deposit or discharge.	ENR recommends that the policy be updated to use a single term for "deposit" or "discharge of waste", preferably the former.	Deposit of Waste: Legislated definition added to the Policy for clarity. Very broad definition, which includes both solid and liquid waste. Discharge: Revised existing definition to be limited to wastewater and water (discharge of water can have environmental impacts, but doesn't qualify as a waste under the legislation). The revised definition no longer duplicates 'deposit of waste,' but instead refers to a specific type of deposit of waste and is more consistent with how this term is used in several other LWB guidance documents, the Standard Water Licence Conditions, and other relevant guidance documents and legislation (e.g., the MDMER). Although it could possibly be used in a general sense in licence conditions without a definition, maintaining the definition adds clarity when considered in the context of the LWBs' Standard Water Licence Conditions. Disposal: The introduction of this general, undefined term is necessary to account for differences in the scope of the LWBs' legal authority in permits and licences. Unfortunately, 'deposit' has historically been used in permits, but as per GNWT-ENR-EAM's comments, it should not be, because a licence is required for 'deposit of waste,' which has a specific legislated definition. Permits (and licences that do not authorize the deposit of waste), however, can still include conditions regarding waste management, from production through to disposal, even if there is no authorized 'deposit of waste' to water. Accordingly, the LWBs need an appropriate term to differentiate these conditions from conditions related to authorized deposits of waste. 'Disposal' is a general term that is actually used in both the land and water regulations, but does not have a
Definitions - Discharge and Receiving Environment	Independent Environmental Monitoring Agency - Jamie Mistry	Several key definitions have been updated in the Policy. Of note are the definitions of 'discharge' and 'receiving environment'. Discharge : A direct or indirect (emphasis added) deposit or release of any water or waste to the receiving environment. Receiving Environment : The natural environment that, directly or indirectly(emphasis added), receives any deposit of waste from a project. While each of the proposed definitions contain the term 'indirect', clarity and guidance as to what this term refers to and how it is to be applied is not provided by the Policy. For example, fugitive dust from unpaved mine haul roads and aerodromes or stack emissions from solid waste incinerators would reasonably be expected to be deposited to the natural environment either through sedimentation or dissolution in precipitation. Further, each of these examples would be expected to fall within the definition of 'waste' as contained in the Waters Act and the Mackenzie Valley Resource Management Act. Is it the intent of the Policy that these types of waste, along with other indirect discharges to the receiving environment, be captured within its scope?	Clarify the use and scope of the term 'indirect' (i.e., 'indirect deposit or release of any water or waste to the receiving environment' and 'indirectly receives any deposit of waste from a project') as used in the definitions of 'discharge' and 'receiving environment'.	It is the intent of the Policy to capture all types of potential direct and indirect deposits of waste that are within the LWBs' jurisdiction; however, it is not the LWBs' intent to identify all specific types of waste deposits that might be considered. On a case-by-case basis, the LWBs must determine whether a proposed waste deposit falls within both the legislated definition of 'waste' and the legislated definition of a 'deposit of waste.' The definition of 'deposit of waste' in the MVRMA includes deposit of waste directly "to waters" and also "in any other place under conditions in which the waste, or any other waste that results from the deposit of that waste, may enter any waters." The definition of 'waste' is already included in the Policy; however, the definition of 'deposit of waste' has been added to the Policy to add some clarity about what is considered an indirect deposit of waste. It should be noted that for some types of potential indirect waste deposits like the examples provided in the review comment, it is not possible to make a general statement on whether they are considered 'waste' as defined in the legislation, because in most cases, it is difficult to predict what the concentrations of these potential wastes might be in receiving waters as a result of these indirect deposits. Accordingly, the LWBs may consider setting conditions or requiring management plans that set out how the licensee or permittee will minimize, mitigate, and/or monitor these potential waste deposits, but it is typically not possible for the LWBs to set specific compliance limits for these types of indirect deposits.
Definitions - Discharge Criteria	DIAND-GIANT - Candace DeCoste	The document refers to an updated term "discharge criteria", that may be included in licences to regulate the deposit of waste, with EQC as only one type. There is no definition for discharge criteria included in the Definitions and Acronyms table.	It is recommended that a definition for discharge criteria be provided, and clarity be provided on the types of waste that discharge criteria would apply to.	The definition of 'discharge' has been revised, which provides some clarity about what types of wastes these criteria would apply to, and section 4.3 (Waste Management Criteria) has been revised to clarify what the term 'discharge criteria' applies to and includes. This term would no longer be included in permits.
Definitions - Discharge Criteria	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	In section 1.1, the LWBs (or Boards) propose the term "discharge criteria" to "capture a broader range of options for conditions related to discharge requirements, rather than focusing specifically on effluent quality criteria (EQC)." ENR notes that the release of waste must be authorized by the water licence and in the past has been authorized via maximum and average grab concentrations, loading limits, toxicity testing, etc. ENR notes that it is unclear if the LWBs are considering other types of "discharge criteria." ENR would caution that in doing so, the LWB should consider enforceability and whether alternate options would stand up in the courts.	ENR recommends that the Boards provide additional detail on the types of discharge criteria that it may consider and whether those criteria would be enforceable and would stand up in the court of law.	This term is intended to encompass discharge limitations and/or specifications that the LWBs already include in licences, but which are not typically referred to as EQC. Although the definition of EQC technically includes both qualitative and quantitative limits, in practice, this term typically only refers to water quality criteria. The loading limits referred to in this review comment are quantitative, but they are still specific to water quality parameters. On a project-specific basis, the LWBs also consider setting other discharge specifications that are necessary to meet the WQOs or prevent other impacts, such as erosion. This could include maximum volumes, rates, and timing for discharge, or certain conditions in the receiving waters (such as a minimum flow or water level) that must be met. Section 4.3 has been updated to include the additional examples described above.
Definitions - Effluent	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	The proposed definition of effluent is "a wastewater discharge". ENR believes it would be more accurate to characterize effluent as "wastewater being discharged", or something similar, since effluent is not the act of discharge.	ENR recommends the definition of effluent be changed to define that it is the wastewater being discharged or something similar.	The definition has not been revised, because the proposed revision does not change the meaning or use of the term. The current definition already describes effluent as a noun, not as an act.
Definitions - Receiving Environment	Tlicho Government - Brett Wheler	In the comments on the first draft of the policy and in recent proceedings, there have been important conversations around the definition of receiving environment. This term is used many times in the policy and in water licences. However it is not used in supporting legislation and regulations. The word "environment" is defined in the MVRMA to include water, land, and air, and all living and non-living things, whereas the Policy uses the word environment to mean only water. Further, waters and watercourse are already defined in legislation and regulations and should be used where possible since their definitions are fixed and would override any inconsistencies in definitions created in a policy. Also, the Policy uses the terms "receiving water course" and "receiving environment" without explaining the difference.	The Board should satisfy itself that the term "receiving environment" is a useful term that can't be better expressed using existing legislated or regulatory definitions (waters, watercourse, environment, etc.). It's also not clear that both "receiving watercourse" and "receiving environment" are necessary. In addition, it may also be useful to briefly describe how the Policy addresses groundwater protection.	This is a term that has been used by the LWBs for quite some time, and is used in various guidance documents and licence conditions. This term is often linked to establishing where different levels of impacts are expected. The receiving environment is typically considered to be outside of a project boundary. Within the project boundary, more impacts and disturbance are usually considered acceptable, at least temporarily, while the acceptable impacts in the receiving environment are typically smaller or lower. For better consistency with the legislated definition of 'environment' (which includes all of the components of the environment, not just water), the definition of 'receiving environment' was first specifically revised in the <i>Guidelines for Aquatic Effects Monitoring Programs</i> so that it is not limited to water. The definition has now been further revised in the Policy to 'the natural environment that, directly or indirectly, receives waste from a project.' This broader definition includes disposal of waste to land (e.g., under a permit or a water-use only licence) that has no potential to get into water, so is not a 'deposit of waste.' With respect to 'deposit of waste' to waters in the receiving environment, the Policy now also includes a definition for 'receiving waters,' which has been modified from the <i>Guidelines for Effluent Mixing Zones</i> . Although the receiving waters are typically a watercourse, the legislated definition of watercourse is limited to 'natural' watercourses, while the legislated definition of waters is not, so this definition can include receiving waters in previously disturbed areas. Additionally, the legislated definition of 'deposit of waste' is to water, not watercourses, so 'receiving waters' is more consistent with the legislation in this context, and also reflects the recommendation from the TG to rely on legislated definitions as much as possible. These changes allow differentiation between the broader receiving environment and the specific waters that receive an authorized deposit of waste to water, and also better reflect the legislated definitions of 'environment' and 'waters.' Further, these changes make the definition of 'receiving environment' more applicable to both permits and licences, and to the broader scope of the Policy.

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Definitions - Receiving Environment	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	<p>The Board has added a footnote regarding the definition of "receiving environment" which reads "Where a project is located in a previously disturbed area, a licence and/or permit may include a project-specific definition of 'receiving environment.'".</p> <p>The Board has not outlined how this definition aligns with the other definitions noted from legislation as the GNWT does not believe this to be reflected in the MVRMA or Waters Act.</p> <p>The GNWT recognizes that previous disturbances could be relevant in determining the level of protection when determining applicable site-specific water quality objectives (SSWQO) and effluent quality criteria (EQC). However, the GNWT does not agree that defining 'receiving environment' should occur during any water licence proceeding. The receiving environment should be clearly defined to be beyond the last point of control of the waste at the project site.</p>	<p>The GNWT recommends that the Board remove the caveat that receiving environment be redefined during a water licence proceeding. The location of the receiving environment must be established in relation to the last point of control. If there is seepage, the collection of seepage that has the potential to harm the environment must occur if any regulations under s. 36(5) of the Fisheries Act apply and have the potential to be exceeded. The outlet or release from the collection would be considered the last point of control, regardless of whether the area is considered to be greenfield (undisturbed) or brownfield (previously disturbed).</p> <p>The GNWT recommends that the Board consider legislation such as the Environmental Protection Act, Canadian Environmental Protection Act, and Fisheries Act and associated regulations when considering how to define the receiving environment or refer to it in this Policy.</p>	<p>The footnote text for 'receiving environment' has been revised, because the intent of this footnote is to allow project-specific modifications to the definition, not to entirely redefine this term for a given project as suggested in this comment. For example, in some cases, defining the receiving environment as the 'natural' environment is not appropriate - this is the primary reason for including this footnote. Additionally, for some deposits of waste, the receiving waters may be within the project boundary, so it can be necessary in some cases to specify that these are considered part of the receiving environment.</p> <p>The LWBs do, and will continue to, consider definitions and requirements in other legislation as applicable. Not all projects will have a point-source discharge and final point of control, however, nor will the <i>Fisheries Act</i> and MDMER apply to all projects. Accordingly, it is too limiting to base this standard definition on the final discharge point definition in the MDMER.</p> <p>In any case, regardless of the footnote, 'receiving environment' is not defined in the LWBs' guiding legislation, so the LWBs can modify the standard definition in any licence to reflect the evidence for a given project. Arguably, in order to determine where different degrees of impacts are acceptable, and if applicable, to authorize discharges, the LWBs must essentially define the receiving environment for each project even if the standard definition is not modified for each project.</p>
Definitions - Receiving Environment	Independent Environmental Monitoring Agency - Jamie Mistry	The Agency also notes the removal of the term 'aquatic' from the definition of 'receiving environment'. This change, along with the addition of a definition for 'watercourse' (a natural watercourse, body of water or water supply, whether usually containing water or not, and includes groundwater, springs, swamps and gulches) brings much needed clarity to the term 'receiving environment' and is generally supported by the Agency. It is noted however, that the term 'wetland', which is commonly used and may or may not be synonymous with the term 'swamp', has not been included in the definition.	For clarity, revise the definition of 'watercourse' to include "... including groundwater, springs, gulches and wetlands."	<p>The definition used comes from the definition of watercourse set out in the MVRMA and the Waters Act. Given the definition as a whole, the LWBs do not believe that the intent is to limit the definition to the listed watercourse types. There are a number of other types of watercourses that are not listed, so rather than attempting to modify the definition to specifically capture all types of watercourses, the definition has been modified to clarify that it is not limited to the listed watercourse types.</p> <p>In reviewing this definition, it was also noted that the definition of watercourses in the MVLUR does not include groundwater, so this difference has been clarified in the definition, and a footnote with the legislated definitions has been added for reference.</p>
Definitions - Receiving Environment	DIAND-GIANT - Candace DeCoste	The definition for receiving environment includes an ambiguous term "natural environment".	Please define 'natural environment', e.g., aquatic environments, wetlands etc. and clarify if natural environments include disturbed areas at a site that have become naturalized.	<p>The definition of 'environment' in the MVRMA is quite broad and is not actually limited to watercourses as implied by this review comment. This is one reason why 'aquatic' was removed from the definition of 'receiving environment,' though it is also noted that the definition of environment in the MVRMA is not limited to the LWBs' jurisdiction.</p> <p>The LWBs' acknowledge that this definition may not be suitable for projects located in previously disturbed areas, and in these cases, the LWBs may consider setting a project specific definition for 'receiving environment' in the licence and/or permit.</p> <p>Footnotes have been added to this definition to reflect the above.</p> <p>Please also refer to the responses to comments above regarding the definitions of receiving environment.</p>
Definitions - Receiving Environment, and Section 3.0 Objectives for Regulating the Deposit of Waste (page 8)	DIAND-GIANT - Candace DeCoste	A definition is provided for receiving environment that is consistent with the LWBs' Standard Water Licence Conditions (i.e., the natural environment that, directly or indirectly, receives any deposit of waste from a project). However, in the WQO definition and in Objective 1, the text references the terms "aquatic receiving environment" and "receiving environment". These two terms could be interpreted differently, particularly as they relate to where WQOs should apply. The use of the word 'aquatic' is specific to water that supports aquatic life (assume this could mean evidence of fish and invertebrate communities). A natural environment, on the other hand, could encompass any natural (or naturalized) area, including wildlife and terrestrial habitat.	It is recommended that the LWBs review the use of receiving environment and aquatic receiving environment through the Policy and provide clarity on what is meant by each term. It is recommended that the LWBs provide clarity on what is considered the "aquatic receiving environment" vs "receiving environment".	<p>The original intent was to specify the water component of the broader receiving environment in parts of Policy, since some waste management approaches discussed in the Policy are only relevant to the water component - for example, WQOs do not apply to land. Although the dictionary definition of 'aquatic' is not strictly limited to water that supports aquatic life as suggested in the review comment, it is not the LWBs' intention to exclude groundwater and/or other watercourses that don't support aquatic life. This is too specific for the purposes of the Policy, since the protection of aquatic life is not the only consideration when establishing WQOs, so this terminology has been removed.</p> <p>Further, as noted in a comment from GNWT-ENR, the legislated definition of water is very broad and encompasses water in both liquid and solid form. Subsequently, the scope of what is considered a deposit of waste is also very broad.</p>
Definitions - Receiving Environment	Independent Environmental Monitoring Agency - Jamie Mistry	The Agency notes the inconsistent use of the term 'receiving environment' in the Policy. In some cases, the term is preceded by 'aquatic' (first paragraph on page 8, last paragraph on page 10, first paragraph on page 12) while in other cases 'aquatic' does not precede the term. Since the definition of 'receiving environment' has been updated to be consistent with the Land Water Boards' <i>Standard Licence Conditions and Schedules</i> and the MVLWB/GNWT <i>Guidelines for Aquatic Effects Monitoring Programs</i> , this inconsistency may cause confusion for the reader.	Review the Policy to ensure consistent use of the defined term 'receiving environment'.	In reviewing the use of this terminology in the Policy as recommended, the definition of 'receiving environment' was revised and a definition for 'receiving waters' was added as noted in the responses to comments above. Where appropriate, the Policy refers to 'receiving watercourse' if the information is specifically relevant to a scenario with an authorized deposit or discharge to a watercourse.
1.1 - Purpose of the Policy	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Section 1.1 still refers to the document as the "Waste Management Policy". The title of the policy should be updated throughout the document.	The GNWT recommends that the title of the policy be updated to Waste and Wastewater Management Policy throughout the document.	This was the only instance that was missed, and it has been corrected.
1.1 - Purpose of the Policy	Tilcho Government - Brett Wheeler	The purpose of the approved Policy is "to describe the Boards' approach to managing the deposit of waste to the receiving environment through enforceable terms and conditions set in water licences." The purpose in the second draft of the Policy now reads as follows: "The purpose of the Waste Management Policy (the Policy) is to describe the LWBs' approach to regulating waste management through enforceable conditions set in water licences and land use permits". This newly proposed purpose may not be concise enough as it has no mention of the receiving environment and would broadly apply to waste management that doesn't impact water.	The Board should ensure the stated purpose of the policy is clear.	Because the deposit of waste cannot be authorized in permits, the purpose was revised to reflect the broader scope of the Policy. By considering waste management from waste generation through to waste disposal, this revised purpose captures the range of conditions and/or criteria that LWBs use to regulate waste management related to the mitigation of impacts and prevention of unauthorized deposits of waste, and to regulate authorized deposits of waste. The purpose of the Policy is therefore appropriate to the current scope of the Policy and does not require further revision.
1.1 - "Purpose", first paragraph, 2nd sentence.	Member of the Public - Aleta Fowler	MVLWB has the ability to plan for implementation of future best practices that might not be available or practical now, but which would be valuable as they do become more implementable. By acknowledging this under "purpose", it lays the basis for requiring applicants to look for these upcoming opportunities, plan for them & for MVLWB to incentivize or disincentivize paths for implementation of future available best practices	Include "ways to move toward future best practices" in the second sentence. This can be linked to section 2.0 "Guiding Principles" and section 5.1 "Information required"	Please refer to the response to review comments on section 2.0 - Guiding Principles.
1.3 - Effective Date of the Policy	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Section 1.3 states that the Policy has been in effect since March 31, 2011, however, there have been revisions and additions to the new policy being reviewed.	ENR recommends that this statement be clarified with respect to the LWBs release of the Water and Effluent Quality Management Policy on March 31, 2011. This statement should indicate that the Policy has been updated based on other LWB policies, standards and guidelines and public review comments.	This section has been clarified as recommended.
1.3 How this Policy Was Developed	Arctic Canadian Diamond Company Ltd. - Ms. Kendra McGreish	"Under the authority outlined above in section 1.2, the LWBs may establish working groups from time to time to address specific policy, technical, or scientific matters related to effluent and water quality management and the water licensing process, including the development of guidelines."	Consider providing proponents an opportunity to participate in working groups. There are associated guideline development benefits with allowing proponents to participate in working groups. Such as commentary on operational feasibility or applicability. Guidelines are only useful if they can be functionally implemented.	The LWBs establish working groups for policy and guideline development or updates on a case-by-case basis, but do not establish working groups in all cases. The Policy is being updated to reflect existing LWB practices and other LWB guidance documents, and does not introduce new requirements that are not already reflected in other guidance, so although a working group was established for the initial development of the Policy, a written public review process was considered appropriate for this update. A second public review of the Policy was conducted in consideration of the significant number of revisions proposed following the first public review. This decision also takes into account review capacity and the other initiatives underway at this time.

Section	Reviewer	Reviewer Comment	Reviewer Recommendation	LWB Response
1.3 - Public Review of Policy	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Section 1.3 states that "This Policy is based on input from LWB staff and consultants, public review comments, and other LWB policies, standards, and guidelines, and is consistent with past and present practices of the LWBs." ENR notes that this sentence suggests that updates to the policy will be made based on feedback received from the public comment period.	ENR recommends that the Boards circulate a revised policy based on comments received prior to finalizing and approving the updated version.	A second public review of the Policy was conducted as recommended in consideration of the significant number of revisions proposed following the first public review.
1.4 - Inclusion of EA/EIR Decisions	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Section 1.4 states that the LWBs will set the conditions based on the evidence presented during the regulatory process for the application. In the comments included from the LWBs, it is also stated this is related to "Updated terminology to reflect broader scope of the revised Policy, and to include consideration of evidence from the EA/EIR if applicable." ENR notes that this should be clarified in the text and that it should reference "all evidence in the regulatory process, which can include that presented in the EA/EIR if applicable" to add clarity to those not familiar with regulatory terminology or proceedings in the NWT and specify the "requirements" (measures and commitments) resulting from the EA/EIR process that would be relevant for the LWBs to take into account.	ENR recommends that the LWBs clarify that all evidence in the regulatory process, which can include requirements from EA/EIR processes, if applicable, will be considered.	Added as recommended.
1.4 - Application of Policy to Existing Authorizations	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Section 1.4 states that "In the case of existing authorizations, this Policy 'may' be applied if there is a proposal to amend any conditions of a licence or permit." ENR notes that it is not clear how a decision would be made to apply this policy and why the policy may not be applicable to projects undergoing amendment at some point in the future. Procedural fairness should also be considered.	ENR recommends that the LWBs clarify why the Board would not apply the updated policy when existing authorizations undergo amendments.	This Policy may not be applicable to all amendments. For example, this Policy would not be relevant to an amendment to change the water use volume or source in a licence. This statement has been revised for clarity.
1.5 - Policy Objectives	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Section 1.5 references "the Policy objectives articulated above." ENR notes that the objectives appear to be listed below this section, unless there were meant to be additional objectives listed above this section.	ENR recommends that the section be updated.	This section was relocated from the end of the document, and this update was missed. This section has been corrected as recommended.
1.5 - Reviewing the Policy	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Section 1.5 states "This Policy will be reviewed and amended as necessary within that framework." ENR notes that it is not clear if the Policy will be reviewed with each new Board decision, or annually, or some other timeframe.	ENR recommends that the LWBs provide additional detail on the frequency that the Policy will be reviewed and amended. A standard timeframe seems to make sense (e.g. 5 years).	The LWBs recognize that this framework has been referenced in all LWB guidance documents over the last several years, but it has never been officially developed. Section 1.5 has been revised to reflect the LWBs' current practice with regard to reviewing and revising policy and guidance documents.
1.5 - Reviewing the Policy	Arctic Canadian Diamond Company Ltd. - Ms. Kendra McGreish	"Mechanisms will be required to monitor and measure performance and to evaluate the effectiveness in achieving the Policy objectives articulated above. In accordance with the principles of a management systems approach (i.e., plan-do-check-act), the LWBs will develop a performance measurement framework that specifies reporting requirements against the Policy objectives including indicators, sources of information, and frequency of reporting. This Policy will be reviewed and amended as necessary within that framework. The framework will also describe how interested parties will be involved in the Policy review process."	When can we expect to see these mechanisms and the performance monitoring framework?	
2.0 - Guiding Principles	Tlicho Government - Brett Wheler	As set out at s. 22.3.9 of the Tjichq Agreement, "[t]he objective of the Wek'ezhii Land and Water Board is to provide for conservation, development and utilization of the land and water resources of Wek'ezhii in a manner that will provide the optimum benefit therefrom generally for all Canadians but in particular for present and future residents of Wek'ezhii." There are various guiding principles and objectives, some of these were in the previous version of the guidelines and some new words have been added. But it is not clear how the boards are linking them and nesting them beneath the overarching objectives set out in the modern treaties and the mvrma.	1. Need to take care to ensure that policy contents do not overshadow or potentially lead to narrow or limited interpretations of the clearly-stated, constitutionally-protected objectives set out in the modern treaties. 2. The objectives of the boards should be stated at the beginning of the policy objectives section or the guiding principles section, or at minimum referenced. The Board may also wish to consider referencing the requirement to consider well-being and way of life, and the modern treaty principle that recognizes the right to have waters remain substantially unaltered in quality, quantity, and rate of flow.	The objectives of the LWBs as stated in the MVRMA have been added to the top of section 2.0, Guiding Principles as recommended. The LWBs believe that the modern treaty principle is already reflected in the Policy, particularly with respect to water quality, but specific provisions from modern treaties and land claims, which differ between agreements, do not need to be specifically duplicated in the Policy. Additionally, the Policy needs to be inclusive of areas and nations that do not currently have settlements/agreements. Instead, a broader reminder that the Policy does not supersede legislation (in which treaty and Indigenous rights are embedded) has been added to section 1.2. The LWBs also note the LWBs' responsibilities under the MVRMA, land claims, and treaties are reflected in the requirements for engagement during project planning and over the life a project, as well as the requirement to demonstrate conformity with applicable land use plans, both of which are identified in the Policy and other LWB guidance documents. The LWBs expect parties to identify potential impacts to rights through these processes, and/or through Crown consultation.
2.0 - Guiding Principle 1	Arctic Canadian Diamond Company Ltd. - Ms. Kendra McGreish	"1. Sustainable Development: Meeting the needs of the present without compromising the ability of future generations to meet their own needs."	Sustainable Development is a broad term; a refined definition would be helpful for proponents when applying this guiding principle.	The description in this principle is from the International Institute for Sustainable Development, with the addition of climate change and cumulative effects considerations. The principle is appropriate as currently written, because it requires identifying the current and expected future uses and priorities without making general statements or creating limitations, since they will vary depending on the project area. The needs and priorities of affected parties will define what is considered sustainable development in the project area and must be determined through reviewing land use plans, where applicable, and conducting engagement during the project planning phase, both of which are standard requirements for an application.
2.0 - Guiding Principle 1	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	One of the guiding principles of the draft Waste Management Policy (Policy) is sustainable development, which the draft Policy defines as "Meeting the needs of the present without compromising the ability of future generations to meet their own needs, taking both the potential effects of climate change and potential cumulative effects into account." The potential effects of climate change are vast and vary depending on the scientific models and scenarios employed. The term potential is unclear and could suggest development be considered in the context of the maximum potential effect of climate instead of the expected derived from the mean predicted, by using a mean of scientifically accepted models. A similar comment applies to cumulative effects, where the potential effects are vast and vary depending on the analysis and knowledge system.	ENR recommends replacing the term "potential" with "expected" or similar in the definition of sustainable development when referring to the effects of climate change and cumulative effects.	Potential has been replaced with 'projected' to better reflect the scope of what is expected in project planning. Although it is not the intent of the Policy to provide detailed guidance on climate change in project planning, it is unclear why using a predicted mean is recommended. The LWBs are not aware of any climate change guidance available in the NWT to support this recommendation. It is noted, however, that available general guidance on incorporating climate change into project planning suggests considering a range of climate change scenarios and modeling outcomes rather than a mean. This reflects the limitations of climate change modeling and the variability in predicted effects on different project components and vulnerabilities under different climate change scenarios.
2.0 - Guiding Principle 5	Tlicho Government - Brett Wheler	It is not entirely clear what "in a watershed context" means in guiding principle 5. The word "regional" should not be removed - it recognizes that there are other contexts besides the watershed context. For example - people and caribou and other wildlife move across watersheds and so for the objective of "use protection" to be achieved, other regions besides watersheds need to be considered. Different scales of regions also need to be considered - the regional boards operate in areas defined in modern treaties. These areas are important in and of themselves, but they are not the only important areas to consider.	1. the word "regional" should not be removed. 2. Need to recognize the need for consistency and coordination, while respecting regional differences. For example the Tlicho Agreement speaks to the need for coordination between Wek'ezhii and adjacent areas, while at the same time setting the objective of the WLWB as "providing for the optimum benefit of... residents of Wek'ezhii" 3. Policy should refer to "optimum benefit", not "greatest benefit". When using phrases from legislation or treaties the wording should be consistent unless it is being deliberately and carefully elaborated on or 'plain-language' and is accompanied by a footnote or some reference to the precise wording.	The LWBs agree with the TG's recommendation, since the Policy is no longer specific to licences and water. Further, this is reflective of the general concept of considering transboundary effects. The title of the principle has also been revised to 'Integrated Management' for congruity with the revised scope of the principle. Watersheds are still specifically mentioned in the principle, because they remain key to the consideration of potential impacts from deposits of waste in particular. 'Greatest' has been revised to 'optimum' benefit as recommended.

Section	Reviewer	Reviewer Comment	Reviewer Recommendation	LWB Response
2.0 - Guiding Principle 5	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	The draft Policy proposes to expand the concept of integrated watershed management beyond the watershed to unknown regions by adding "... and regional" so the definition reads "Integrated Watershed Management: The cooperative and coordinated stewardship of shared land and water resources where decisions are made in a watershed and regional context and for the greatest collective benefit for all Canadians and, in particular, for residents of the Mackenzie Valley." Outside of the watershed, it is unclear what level of geopolitical or geographic region or other is proposed to be considered when conducting integrated watershed management.	ENR recommends that the Policy clarify how a regional context will be applied and specify the intended level of "region" outside of a watershed to be considered with conducting integrated watershed management using a more specific description and/or a map.	
2.0 - Guiding Principle 5	CIRNAC (Yellowknife) - Megan Larose	The word "regional" has been added to the description provided for the Integrated Watershed Management guiding principle. Does the addition of this terminology also include the integration of existing land use plans and interim measures agreements in place for those regions where land use planning is still in progress?	Clarify how applicable land use plans or interim measures agreements will be considered into integrated watershed management.	This recommendation was not incorporated, because complying with Land Use Plans is a legislative requirement, not a guiding principle established by the LWBs. Applicants are required to demonstrate that they have met any applicable Land Use Planning requirements with their application, and the LWBs will not process an application until this requirement has been met, so the recommended principle is already inherently incorporated into the LWBs' decisions. The application requirements have been reflected in revisions to section 5.0.
2.0 - Guiding Principle 6	Tlilcho Government - Brett Wheler	We do not have concerns with the phrase added to guiding principle 6 ("and consider the cumulative effects of multiple uses and waste deposits").	However, in our view the existing wording already captures the intent of cumulative effects and the additional phrase is redundant.	The LWBs agree that the original wording implies consideration of cumulative effects; however, the LWBs believe that specifically identifying cumulative effects as a consideration in this principle makes it more clear that this principle is not strictly focused on the capacity of water resources to support multiple uses.
2.0 - Guiding Principle 8	Arctic Canadian Diamond Company Ltd. - Ms. Kendra McGreish	"8. Jurisdiction Best-Placed: Although policy development should take place at all jurisdictional levels, policy implementation should be the responsibility of the level most appropriate to resolving the issue at hand."	Does this give any one board the authority to make decisions or rulings outside of these policies? If so, this policy doesn't provide any added comfort to proponents to invest in NWT.	The LWBs' process is evidence-driven, and to reflect the evidence before it, a Board may, on occasion, need to make decisions or rulings that are not entirely consistent with LWB policies and guidelines. These decisions must still be within the LWBs' jurisdiction and authority as set out in the legislation, and the Board will explain its rationale for such exceptions in its Reasons for Decision. This review comment implies that these exceptions are limited to more stringent requirements for the applicant, but this is not accurate - where the applicant provides adequate rationale, and the evidence indicates it is appropriate to do so, the LWBs can, and do, make project-specific decisions that impose less stringent requirements on applicants.
2.0 - Guiding Principals	Member of the Public - Aleta Fowler	Being aware that there are and will be better technologies and best practices available in the future, it should be acknowledged now that MVLWB and applicants need to be working toward implementation of these tools that make items #1 through #8 in section 2.0 possible.	Add a #9 "Lay the Groundwork for Future Best Practices"	The proposed new principle has not been added, since it would be difficult to apply within the regulatory framework. The third objective in section 3.0 has been revised instead to reflect this recommendation to some extent; however, as noted in the Review Board's <i>Guidelines for Preliminary Screeners</i> , "developments applying new or unproven technology are more likely to be subject to a higher level of scrutiny," because supporting information may be limited. In conducting a preliminary screening, a Board also cannot account for unknown changes to waste management over the course of a project's life. Following issuance, proposing changes to waste management systems generally requires, at minimum, submitting revised plans for Board approval, and may require an amendment process and/or preliminary screening. This is not intended to discourage licensees and permittees from proposing such changes, but to provide the opportunity to evaluate the potential benefits, impacts, and mitigations associated with the proposed changes based on adequate information and on input from affected parties. Further, for short-term projects, the recommended principle would have limited application. It should be noted that the LWBs do consider this in setting the term of a licence for longer-term projects, since a renewal is an opportunity to review a project's performance and consider the need for different or better technologies or methods. Additionally, management plans often require action levels and a response framework, which can lead to identifying a need to reconsider waste management practices and technologies as part of adaptive management.
3.0 - Objectives	Tlilcho Government - Brett Wheler	Intro to objectives section includes the phrase "such that the following three objectives are met"	recommend replacing with "to meet the following three objectives"	Revised as recommended.
3.0 - Objective 1	Tlilcho Government - Brett Wheler	Water quality in the receiving environment is maintained at a level that allows for <u>safe and sustainable</u> current and future uses	The addition of safe and sustainable is redundant and unnecessary. If there is a need to add clarity perhaps consider using examples (Cultural value and cultural water quality criteria could be one example). Otherwise, we recommend keeping the wording from the existing policy. "Current and future uses" is plain language and it is clear. Spiritual, cultural, wildlife harvesting, transportation, recreational, natural/ecosystemic, other human/industrial, etc are all types of water uses. It is possible that for some uses to occur, other uses may not be possible (for example if proposed industrial uses are not compatible with other uses). In other cases, some uses may be affected by proposed human or industrial uses, and with mitigation, compensation, and/or other measures, the proposed human uses may be approved where it serves the overall "optimum benefit" objective of the Boards. In any case, sustainable development is already a guiding principle in the policy and this objective already says "current and future". Safety is already implied and covered by "allows for" because if a use cannot be carried out safely then it is not 'allowed for'. These new words are unnecessary and should not be added.	The LWBs have considered both of these recommendations. The LWBs agree with the TG's analysis and so have not accepted ADKFN's recommendation. The intent behind the recommendation is understood but is already reflected in the Policy as noted by the TG. Additionally, the proposed revisions may be interpreted in ways that are too limiting in some cases - use priorities and acceptable water quality will be determined by the LWBs on a case-by-case basis to reflect the evidence and engagement with affected parties. Further, a text box highlighting water quality criteria for cultural and other higher water quality uses is proposed (see the response to the TG's comments on Cultural Use Criteria below).
3.0 - Objective 1	Acho Dene Koe First Nation (ADKFN) - Scott Mackay	Objective #1 states that "Water quality in the aquatic receiving environment is maintained at a level that allows for current and future uses." This objective is limited in that it does not include a qualifier that the range of uses should be maintained in a <i>safe and sustainable way</i> by maintaining water quality standards. Some uses, such as fish harvesting, require greater water quality standards than other uses, and their sustainability therefore depends on higher water quality standards.	Water quality objectives should be inclusive of all current and future uses, and the language used to define the "level" of water quality should clearly encompass all uses, even those with higher water quality needs. Objective #1 should be rephrased to: "Water quality in the aquatic receiving environment is maintained at a level that allows for <i>safe and sustainable</i> current use and in a manner that does not jeopardize future use."	
3.0 - Objective 1	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	The first objective of the policy has been changed to be that "water quality in the aquatic receiving environment is maintained at a level that allows for current and future uses". In the previous version of the policy, the term aquatic was not included. ENR notes a definition of aquatic is not included in the policy and it is therefore unclear when this objective would take effect. Further, the Waters Act regulates the direct or indirect deposit of waste to waters and the term "waters" is defined as water under the administration and control of the Commissioner, whether in a liquid or frozen state, on or below the surface of land. Therefore, to be consistent with the legislation, ENR believes the objective should remain as in the current policy, without the term aquatic.	ENR recommends the term aquatic be removed from objective 1 of the policy.	The objective has been revised as recommended. See the responses to comments on the definition of receiving environment for additional information.
3.0 - Objective 1	DIAND-GIANT - Candace DeCoste	The statement that WQOs "have been set site-specifically for the aquatic receiving environment in question" implies that WQOs are required to be site-specific but in practice, WQOs are often based on generic water quality guidelines that are considered protective for all aquatic life in all Canadian waters.	It is recommended that the LWBs clarify that WQOs should be adopted that are appropriate for each site, but they are not necessarily set site-specifically, to align with the description provided at the bottom of page 15.	The language throughout the Policy has been revised to refer to WQOs established for the project site/receiving environment, which allows for the possibility that WQOs may be adopted and/or developed specifically for the site.

Section	Reviewer	Reviewer Comment	Reviewer Recommendation	LWB Response
3.0 - Objective 1	DIAND-GIANT - Candace DeCoste	Using the term 'ensure' could imply a guarantee of meeting WQOs everywhere and/or all the time; such a guarantee is not possible and may not be warranted.	It is recommended that the LWBs review each instance of the term 'ensure' as it relates to meeting WQOs in the Policy to be confident that it is used in manner that is relevant and intended by the LWBs.	The use of this term has been reviewed and revised as appropriate. The conditions and criteria are intended to ensure that WQOs are met, but this is not a guarantee and must be confirmed through monitoring.
3.0 - Objective 1	DIAND-GIANT - Candace DeCoste	Waste deposits can sometimes include discharges with the potential for thermal impacts to receiving waters. It's not clear in the statement "Water quality in the aquatic receiving environment is maintained at a level that allows for current and future uses." whether temperature is included in water quality.	It is recommended that the LWBs clarify whether temperature is considered a component of water quality.	The legislated definition of 'waste,' as set out in the Policy and the legislation, clearly contemplates temperature as a component of water quality. There are many components to water quality, however, and it is not the LWBs' intent to list or describe them in the Policy. The parameters for which WQOs need to be established will be determined on a project-specific basis.
3.0 - Objective 2	Tlicho Government - Brett Wheler	In objective two the word impact is used	recommend replacing with "affect"	Revised as recommended.
3.0 - Objectives 2 and 3	Tlicho Government - Brett Wheler	In their comments on the first draft, IEMA recommended that the Policy say that, when considering waste minimization, the Boards will consider trade-offs. We agree. For example, the Board should weigh the benefits of waste treatment against the negative aspects (e.g., fuel use, worker safety, sludge generation, etc.). This is an important consideration for rigorous and holistic decision-making related to waste management.	The Policy should mention that the Boards will consider trade-offs when evaluating waste minimization and best waste management practices.	To reduce duplication, some of the text from text boxes for objectives 2 and 3 has been removed to a summary paragraph below objective 3. This paragraph also more clearly reflects the possibility of considering 'trade-offs.' More general language is used, however, allow for the possibility that the best approach for a given site may need to account for various factors and priorities, which may not always reflect, or be identified as, a specific trade-off.
3.0 - Objective 2	DIAND-GIANT - Candace DeCoste	The second objective for regulating the deposit of waste states that the amount of waste to be deposited to the receiving environment is minimized. The text box states that the LWBs expect applicants, licensees, and permittees to identify and implement waste prevention and/or minimization measures, whenever feasible.	Can the LWBs clarify if they will consider the environmental and other trade-offs when assessing overall waste minimization for the project (e.g., treatment for a waste stream may be a feasible option, but the GHG, power use, and logistics of shipping a by-product off-site may offset the benefit).	Further, in order for the Board to consider 'trade-offs,' supporting information must be provided through the evidence (e.g., the rationale provided by the applicant for the proposed method(s), and any subsequent recommendations made by parties), so the additional revisions reflect this perspective.
3.0 - Objective 3	Tlicho Government - Brett Wheler	Objective 3 is not really an objective. It is an approach to supporting/achieving objectives 1 and 2. In addition, objective 3 is very similar and mostly duplicative of objective 2.	While we certainly see the value of the policy referring to the concept of best practices, we do not see this as an 'objective' in its own right and certainly not on the level of objectives 1 and 2. Other options include mentioning 'best practices' in the wording of objective 2, discussing best practices in text elsewhere in the policy, discussing best practices in guidelines related to the policy. We see objective 1 as the most important and objective 2 as being supportive. "Objective 3" does not add significant value as an objective, is misplaced as an objective, and in partially duplicating objective 2 it even threatens to dilute the value of objective 1. Each objective should be distinct, clear, and add significant value. We do not support the addition of this 3rd objective.	While it is true that there is some overlap between these two objectives, together they more completely capture the entire hierarchy of preferred waste management options, as set out in the LWBs' <i>Guidelines for Developing a Waste Management Plan</i> . Instead of removing the third objective, Objectives 2 and 3 have been revised to better reflect the waste management hierarchy in the Guidelines. The best practices objective has been revised to a waste prevention and minimization objective (now Objective 2), which relates primarily to the source reduction, reduce/reuse, recycle, and treat steps in the waste management hierarchy, and the disposal/deposit objective has been moved to Objective 3, since it relates primarily to the final two steps (treatment and disposal) in the waste management hierarchy. Best practices are linked to both objectives as noted in the accompanying text boxes, and additional information about expectations and considerations that apply to both objectives has been added in a summary paragraph below the objectives. Keeping these two objectives separate supports the revision of the Policy to include waste management in permits, since many small permit-only projects do not have a detailed Waste Management Plan, and instead, the permit may include several conditions regarding general best practices intended to prevent the potential deposit of waste into water.
3.0 - Objective 3	Arctic Canadian Diamond Company Ltd. - Ms. Kendra McGreish	"3. Waste management in accordance with best practices."	Technology, processes, true "best practices" are continuously evolving. A more suitable objective would be "current best practices."	
3.0 - Objective 3	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	ENR notes that the blue text box which appears to correspond to objective 3 has been placed above the text for objective 3.	ENR recommends that the LWBs revise as necessary.	The text boxes for the objectives are placed correctly.
3.0 - Objectives	Arctic Canadian Diamond Company Ltd. - Ms. Kendra McGreish	"In keeping with the concept of adaptive management, the LWBs acknowledge that revisions to management plans and/or amendments to conditions may be necessary as more information becomes available over the life of a project."	As noted in Section 4.5, the policy needs to acknowledge the possibility of these revisions and amendments to conditions can work both ways, not just becoming more stringent.	As written, this statement is not restricted to a particular nature of revisions or amendments and allows for a variety of potential outcomes, so this section has not been revised. Section 4.5 has been revised as noted in the response to the parallel recommendation for this section below.
4.1 - Waste Management Practices	Environment and Climate Change Canada (ECCC) - Jennifer Sabourin	There are two sections which reference stipulating or prescribing specific practices: Section 3.0 states "Implementation of such practices may be stipulated in the licence or permit conditions, particularly through requirements for management or operation and maintenance plans." Section 4.1 states "In all cases, the intent of prescribing specific management practices is to achieve the objectives listed in section 3." Stipulating specific practices rather than the end result may be a cause of officially induced error if the practices lead to problems. If possible, include a caveat here that the implementation of the practices is predicated on the proponent's representations and that it is their responsibility to track, correct, and report any unexpected outcomes.	ECCC recommends consideration of the potential for officially induced error with prescribing specific practices.	The Policy already notes in several places, including the top of section 4.0, that the Board will set the licence and/or permit conditions based on the evidence provided during the regulatory proceeding, and the text boxes for Objectives 2 and 3 now more clearly identify the expectation to provide rationale for proposed measures and practices. Additionally, monitoring/observations and adaptive management are also directly addressed in sections 4.4 and 4.5 of the Policy. Accordingly, the recommended caveat is not necessary; however, an additional note linking waste management direction to the project-specific evidence has been added to the quoted sentence in section 4.1. The LWBs note that the inclusion of conditions that directly prescribe waste management practices is mostly applicable to smaller projects (often stand-alone permits with no associated licence), where the potential for and risk associated with impacts is lower, and accordingly, the applicant often does not have a detailed Waste Management Plan. In these cases, this approach will often consist primarily of including various standard conditions in the permit (as appropriate for the project based on the evidence), which mostly reflect very general best practices, so officially-induced error is not likely to be a significant concern. When project-specific conditions are required for these smaller projects, they will reflect a particular concern and be based on more detailed evidence. Where issues are observed by the permittee or the Inspector following implementation, and adaptive management is required, there may be some allowance in the permit and/or legislation for the Inspector to make exceptions or provide direction, or amendments to the permit could be required. For larger projects with more complex waste management needs, it is less likely that the Board would include conditions that directly prescribe waste management practices, and more likely that the Board might require that certain plans be developed in accordance with specific guidance and be approved by the Board prior to implementation. Such plans typically require a public review prior to being considered by the Board, and it is the applicant's responsibility to explain whether and how the proposed practices in the plans are consistent with the specified guidance (or best practices if no guidance is available or specified) or provide rationale for why they are not.
4.1 - Waste Management Practices	DIAND-GIANT - Candace DeCoste	Additional guidance on how LWBs will interpret and determine what 'best practices' are would be helpful.	It is recommended that the LWBs provide more clarification on how 'best practices' will be determined. For instance, will energy use/carbon footprints be considered in the determination of 'best practices' when assessing the most suitable treatment options?	The LWBs' process is evidence-driven, and as outlined in the <i>Guidelines for Developing a Waste Management Plan</i> , applicants are expected to provide rationale for proposed waste management methods. Applicants should refer to relevant guidance and industry standards; however, as noted in the Guidelines, rationale can include consideration of various factors and should also reflect engagement discussions and recommendations. In determining what is acceptable for a particular project, the Board will consider the information and rationale provided by the applicant, as well as the evidence provided by all parties. In section 5.1, the bullet regarding waste management information provided by the applicant has been revised to reflect the expectation to provide rationale. Refer also the response to review comments regarding trade-offs and revisions for section 3, objectives 2 and 3.

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4.2 - Management Plans	Tlicho Government - Brett Wheler	Management plans are a good tool for the Board to ensure the Policy objectives are met. Management plans can compliment numeric effluent quality criteria, or support narrative criteria.	We support the use of management plans as a tool for meeting the objectives in the revised Policy. For clarity, the TG's interest is not in any specific approach to regulating the deposit of waste to waters. As noted above, the Board has broad discretion about how to regulate the deposit of waste and could use any number of approaches to achieve the overarching objective set in the modern treaties and the mvrma, and the objectives in this Policy.	The LWBs agree with this comment.
4.2 - Management Plans	Tlicho Government - Brett Wheler	The policy briefly discusses management plans and schedules.	We agree with the Board that the Policy does not set Board procedure for reviewing and deciding on licence or permit applications. 1. Schedules are part of the licence. 2. The timing of management plan approvals may reasonably vary depending on the facts and circumstances - including engagement with affected parties, requests from applicants, direction from the Board, etc. Many of these plans describe how the applicant proposes to carry out the proposed operation, and a management plan may simply be used as a way to logically organize information about different parts of the operation, including management and mitigation approaches. The policy should explain how the Boards approach questions of waste management, it should not limit the Boards' options for how to do that.	The LWBs agree with this recommendation. No changes are proposed to the text regarding schedules or management plan decisions.
4.2 - Management Plans	Tlicho Government - Brett Wheler	Engagement plan: "The information provided in these plans should reflect engagement"	Recommend revising to say "The information provided in these plans and the entire application should reflect engagement..."	Revised as recommended.
4.2 - Management Plans	Acho Dene Koe First Nation (ADKFN) - Scott Mackay	Section 4.2 states that "All applicants must submit waste management, spill contingency, and closure and reclamation planning information." Additional plans may be required depending on the scope and nature of the project. The requirements for project Management Plans do not, however, include standard expectations for Indigenous engagement plans. In contrast, Section 5.1 specifically mentions the inclusion of Traditional Knowledge, uses, and cultural significance of the receiving environment. The inclusion of Engagement Plans as a standard practice in management planning is necessary to ensure that local Indigenous perspectives and concerns are central to managing and controlling waste discharge into the environment that Indigenous communities depend on.	Section 4.2 should be updated to include Engagement Plans as a required project management plan. Engagement Plans are a required component of all new Land Use Permits and Water Licence application and it is important to take the opportunity for emphasize to applicants to seek Indigenous perspectives on the project and waste discharge as early as possible in a project. Further, where a project does not require a licence application, Indigenous engagement is necessary to achieve the information requirements in Section 5.1, specifically on Traditional Knowledge, uses, and cultural significance of the receiving environment.	The Engagement Plan requirement, and its relationship to engagement during project planning and to the other plans discussed in this section, has been added to section 4.2 as recommended.
4.2 - Plan requirements	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Section 4.2 states that "the Board will set out any plan requirements for a project in the licence and/or permit conditions." ENR supports this statement but notes that typically, plan requirements are set out in schedules. It may be prudent to clarify where the requirements for plans will be located. For example, the requirements for plans are outlined in the licence and the requirements for items to be included in the plan are included in schedules.	ENR recommends that the LWBs consider clarifying the location of plan requirements in Section 4.2.	This recommendation has not been incorporated. It is not necessary to make this differentiation, since any schedules (and the requirements therein) are part of the licence. Adding this information would likely be confusing to some readers. Additionally, some plans do not require detailed schedules with lists of information requirements (for example, plans that have applicable guidelines that set out information requirements).
4.3 - Waste Management Criteria	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	The GNWT notes the addition of the following revised paragraph: When a proposed project includes effluent, the Board will review the evidence and set discharge criteria as necessary to prevent or minimize impacts and, if applicable, to meet water quality objectives. Discharge criteria could include maximum discharge rates and/or volumes, seasonal or other timing restrictions, effluent quality criteria (EQC) or other wastewater quality criteria, and/or other discharge requirements, such as specific conditions in the receiving watercourse (e.g., minimum flow rates or water levels). The GNWT is in agreement with this statement regarding the necessity of reviewing specific evidence to determine if discharge criteria are necessary for a deposit of 'waste'. The GNWT also notes that the Board has authority under Section 25 of the MVRMA to obtain the necessary evidence it is required to make an informed decision. The section could also note that the Board will ensure that sufficient evidence is required during the proceeding to make a determination on whether certain discharge criteria are required.	The GNWT recommends that the Board include a reference to inform parties that the Board has the authority to obtain additional evidence during the proceeding and will ensure all necessary evidence is obtained to assist it in making final decisions related to any deposit of waste.	This procedural point is already clear in the LWBs' <i>Rules of Procedure</i> (Rules 61 and 63), and section 5.1 of the Policy states that the Board (or other parties) may request additional information during the proceeding. For clarity, a footnote referencing the Rules has been added to this statement.
4.3 - Waste Management Criteria	Tlicho Government - Brett Wheler	The TG strongly supports the use of cultural use criteria, which have already been included in environmental assessment measures and licence conditions. Cultural use criteria include narrative statements about water quality and can also incorporate scientific criteria. Cultural use criteria are an important way of ensuring the policy objective to protect water uses is upheld. Although the Policy mentions the possibility of narrative EQC, observational monitoring and adaptive management, it does not mention cultural use criteria.	The Policy would be strengthened by explicitly acknowledging the role cultural use criteria can play, and the associated monitoring and adaptive management that support cultural use criteria. If the Board believes this is already covered by the other possibilities listed, then an example or text-box to explicitly mention cultural water use criteria would be worthwhile.	This is relatively new term that has been used directly in only one licence to date, so it is not yet clear whether or how the concept of separate cultural use criteria will be incorporated into all or some licences - distinct from the consideration of these uses in other types of criteria as already reflected in the Policy - or if this will be the terminology all parties will agree on. In addition to other existing references in the Policy related to incorporating engagement, traditional knowledge, and cultural use into project planning and development of licence conditions, a text box has been added to section 4.3 to highlight the concept of cultural use guiding the development of criteria, and general linkages to monitoring and adaptive management have been incorporated into sections 4.4 and 4.5.
4.3 - Waste Management Criteria	Tlicho Government - Brett Wheler	The current Policy sets out the Board's approach to setting effluent quality criteria. The revised Policy has been expanded to include the more broad term "waste management criteria" which includes "criteria for waste management facilities" and "discharge criteria". Historically, effluent quality criteria are often based on concentrations, loading limits, toxicity testing, etc.	The TG supports the revised Policy's broader description of criteria. We are not aware of enforceability issues with this approach and do not think it will leave a gap in authorizing the deposit of waste. The Board can authorize the deposit of waste in the scope of the licence, as noted in the Boards' standard conditions list, and through other licence conditions that the Board writes, based, in part, on the evidence collected from all parties during the proceeding. We recommend that the Board not limit itself to numerical effluent quality criteria, toxicity testing, and loading limits when developing waste management criteria. The TG is not aware of any evidence or rationale that other kinds of criteria are unenforceable. The Board has broad discretion about how to regulate the deposit of waste and could use any number of approaches.	This recommendation is in line with the revisions to the Policy. Additionally, the LWBs note that the approaches described in the revised Policy are already used by the LWBs in various combinations as appropriate for a project. Please refer also to the response to GNWT-ENR's comments on discharge criteria.

Section	Reviewer	Reviewer Comment	Reviewer Recommendation	LWB Response
4.3 - Waste Management Criteria	Diavik Diamond Mines (2012) Inc. - Sean Sinclair	DDMI agrees that EQC are not always necessary to manage waste deposition for a project, particularly for passive long-term non-point source discharges post-closure. DDMI believes that requiring discharge closure criteria and a response framework in a closure plan is a more practical and effective method to manage a project after closure. DDMI expects that arbitrarily requiring EQC for uncontrolled non-point source discharged at a post-closure site without any permanent site presence or infrastructure would likely result in enforcement challenges and further could result in the need for additional Licence Amendment processes to adaptively manage EQC limits. DDMI does not expect that EQC would provide any additional level of protection to the environment beyond what can be achieved and more readily adapted in a closure plan and/or response framework. DDMI expects that once all reasonable measures have been taken to limit the amount of waste deposited after closure, and if significant evidence based concerns about contamination of the receiving environment no longer exist based on the quantity, concentration, and type of waste to be deposited, then EQC should not be required.	Allow flexibility to not require EQC for all discharges to the environment.	This recommendation is in line with the revisions to the Policy. The LWBs will continue to determine the need for EQC and other waste management criteria on a case-by-case basis based on the evidence provided for the project. Please refer also to the response to GNWT-ENR's comments on discharge criteria.
4.3 - Waste Management Criteria: Discharge Criteria	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	As noted in our previous comments, the release of 'waste' must be authorized by the water licence. There is precedent for the deposit of waste to be authorized via maximum and average grab concentrations, loading limits, toxicity testing, etc. This is consistent with other regulatory processes and legislation. The GNWT notes that it is unclear if the LWBs are considering other types of "discharge criteria" or "waste management criteria." The GNWT would caution that in doing so, the LWB should consider enforceability and whether alternate options would stand up in a court of law.	The GNWT cautions the Boards from deviating from precedent of prescribing waste limits as maximum average concentrations, maximum grab concentrations, loading limits, toxicity testing, etc. which have clear pass/fail assessments. The GNWT recommends that the Boards provide assessments of other types of discharge criteria or waste management criteria for a discharge of 'waste' which would include whether those criteria would be enforceable and would stand up in a court of law, prior to finalizing this Policy with any reference to other forms of regulating 'waste' discharges.	The LWBs agree that 'prescribing waste limits' typically consists of the types of criteria described in the recommendation (all of which are considered EQC in the context of LWB licences); however, the Policy does not define or describe discharge criteria as 'waste limits' because this is a very limited view of how waste can or should be regulated. The point of introducing this term/category is not to limit the LWBs' discretion by specifically defining it, but to clarify that EQC are not the only way to regulate discharge, and that various combinations of discharge criteria may be appropriate for project based on the evidence. Even when considering strictly numerical criteria, regulating waste only through 'waste limits' could actually be ineffective in meeting water quality objectives if used in isolation (for example, where a minimum flow rate is needed in the receiving watercourse to support an authorized mixing zone and achieve the WQOs). One of the main purposes of revising the Policy was to better reflect the LWBs' approach to regulating waste, which is not limited to EQC. Section 4.3 of the second draft of the Policy describes what is encompassed within the new umbrella term 'waste management criteria, and the 'criteria for waste management facilities' and 'discharge criteria' subcategories, and describes how and when different types of criteria may be considered. None of the additional detail in this section is acknowledged or specifically referenced as a concern in this recommendation, and the LWBs already use all of the described types of criteria in licences (and some in permits as noted in this section). It is important to note that the Policy is not introducing any actual new criteria – the types of discharge criteria described in the Policy are already used by the LWBs – so general enforceability is not considered questionable. If a Board were to consider a new type of criteria for a particular project, the Board would take appropriate steps to ensure the licence and/or permit conditions would be enforceable as per the Standard Process for New Conditions. Additionally, a clarification has been added to indicate that, where EQC are required, they will always be in the main body of a licence. The Policy has been reviewed and revised to improve clarity about what this term entails, and to emphasize the link between the evidence and a Board's decisions on how to best regulate discharge for a project.
4.3 - Waste Management Criteria: Discharge Criteria	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	The GNWT notes that several references to discharge/waste management criteria in management plans have still been included in the policy document. The GNWT has made its position clear regarding including waste discharge limits in a plan instead of a condition of a type A licence or type B licence if a public hearing is held for any phase of project development. Under legislation (i.e. Waters Act) the use of water, unless exempted, and deposit of waste in waters requires a water licence be issued. The Waters Regulations, established under the Waters Act, identify when a type A or type B water licence is required. As identified in s. 37 of the Waters Act, type A water licences, or type B licences if a public hearing is held and any amendment of such a licence must be approved by the Minister. Further to the above points, the legislation also indicates that there must be a call for a hearing for any amendment of a type A licence related to a change to the quality of waters (ss. 41(2) of the Waters Act). Amendment of plans does not require approval of the Minister or a call for a hearing. Inclusion of waste discharge limits in a plan is therefore not consistent with s. 37 or 41(2) of the Waters Act.	The GNWT recommends the Land and Water Boards of the Mackenzie Valley must ensure any Policy developed or amended aligns with legislation. The GNWT recommends that the Policy be revised to remove references to waste limits or EQC being placed in plans. The GNWT recommends that the Policy be revised to state that all discharge criteria/limits will be established directly through licence conditions.	EQC will be directly included in licence conditions, and a footnote has been added to this effect. Additionally, placing other types of discharge criteria in plans is not a standard approach and is not intended to be presented as such in the Policy, so section 4.3 has been revised for clarity; however, as explained in the notes for the second draft of the Policy, the LWBs require flexibility to determine the best approach to regulating waste deposits for a variety of different types of projects: <i>...requiring the development of wastewater quality or other discharge criteria through a management plan is not a preferential approach for the LWBs and is not outlined as such in the Policy. Non-point source effluents, however, can be complex and do not usually have a point of control where the licensee can instantly stop discharge if EQC or other discharge criteria are not met, so alternate approaches to regulating this type of effluent and responding to non-compliance scenarios are necessary.</i> <i>The Board's Reasons for Decision will explain the rationale for using this approach when taken, and where applicable, procedural expectations for proposing changes to the criteria in the plan. As noted in the LWBs' Guides to the Water Licensing and Land Use Permitting Processes, changes proposed through management plan submissions may require screening and/or an amendment process.</i>
4.3 - Waste Management Criteria: Discharge Criteria	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	The Board has included the following revised section regarding the regulation of non-point source discharge: In some cases, for non-point source effluent, discharge criteria may be established in a plan submitted for Board approval rather than directly through a licence condition. There is typically no distinct final discharge point where this type of effluent can be controlled before it enters the receiving environment, and the discharge pathway can also be variable over time, so establishing discharge criteria and a response framework in a plan may be more practical. The Board may also consider this approach for closure, particularly when passive, long-term discharge is an approved closure method and EQC are not determined to be necessary. Further, this approach may be appropriate when additional data collection is needed to establish appropriate discharge criteria and compliance locations – for example, for effluent from existing municipal landfills or abandoned contaminated sites. In all cases, the Board will establish discharge criteria for a project based on the evidence from the regulatory proceeding. The Board has requested that if parties feel that this approach is not acceptable, they should describe how this type of effluent should be regulated and how non-compliance should be addressed. The GNWT agrees with the points raised by the Board that non-point source effluents can be complex and do not usually have a point of control where the licensee can instantly stop discharge if EQC or other discharge criteria are not met. The GNWT also agrees that post-closure conditions are likely to result in passive discharge, however this is not necessarily non-point source (in many cases there is still one or more distinct points where wastewater enters the receiving environment). The GNWT notes that a few statements made in the above excerpt are not accurate and the GNWT provides the following clarification:	The GNWT recommends the Land and Water Boards of the Mackenzie Valley must ensure any Policy developed or amended aligns with legislation. The GNWT recommends that the Policy be revised to remove references to waste limits or EQC being placed in plans. The GNWT recommends that the Policy be revised to state that all discharge criteria/limits will be established directly through licence conditions. The GNWT recommends the Board clarify the type of discharge limits or restrictions that would be required in the situation "long-term discharge is an approved closure method and EQC are not determined to be necessary."	The LWBs are aware of the legislative requirements regarding mandatory hearings. Including discharge criteria in a plan does not preclude a Board from requiring an amendment (with a hearing, if required or determined to be necessary) for changes that affect water quality, quality, or flow, and/or that require a preliminary screening. With regard to closure, the Policy notes that setting discharge criteria in a plan may be considered for long-term passive discharge at closure when EQC are not determined to be necessary. This does not necessarily mean this will be applied for all projects, and it is not appropriate for the LWBs to be more specific in the Policy, since it will be determined on case-by-case basis based on the evidence and the closure goals, objectives, and criteria for a given site.

Section	Reviewer	Reviewer Comment	Reviewer Recommendation	LWB Response
4.3 - Discharge Criteria in a Plan	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Section 4.3 states that "In some cases, for non-point source effluent, discharge criteria may be established in a plan submitted for Board approval rather than directly through a licence condition." Later in this section, the Policy also states "For proposed non-point-source-effluents, the LWBs may consider setting EQC or requiring management or monitoring plans that include water and/or wastewater quality criteria that must be met at specific locations." ENR notes that under legislation (i.e. Waters Act) the use of water, unless exempted, and deposit of waste requires a water licence be issued. Further, under Waters Regulations which are established under the Waters Act, type A water licences that authorize the use of water or deposit of waste must be approved by the Minister. As well, there must be Ministerial approval and a call for a hearing for any amendment of a type A licence related to a change in discharge quality. Thus, including discharge criteria in a plan and not the water licence is not consistent with legislation. The Land and Water Boards of the Mackenzie Valley as quasi-judicial bodies should ensure any policy developed or amended aligns with legislation.	ENR recommends that the policy be revised to state that all discharge criteria be established directly through licence conditions, or amended licence conditions in the case of closure, as outlined in legislation.	
4.3 - Waste Management Criteria	Environment and Climate Change Canada (ECCC) - Jennifer Sabourin	Setting objectives or criteria for uncontrolled, non-point source effluent is discussed in Section 4.3, and the approach proposed is to include any effluent criteria and the response framework in a management plan. This is reasonable to some extent for the examples provided (historic municipal landfills, abandoned contaminated sites) but in many cases there would be the option to implement measures to control and manage seepage or runoff. For example, landfills should be designed to capture and manage leachate; mining operations can manage surface drainage and seepage/runoff with channels and ponds. For mining operations that are under the <i>Metal and Diamond Mining Effluent Regulations</i> , seepage/runoff is considered an effluent which must be managed through a controlled final discharge point and meet effluent quality standards. The approach of managing this discharge type through a management plan is reasonable for some but not all circumstances, and this should be qualified.	ECCC recommends revisiting the wording for management of non-point source effluents to clarify that this is not an alternative to actively managing non-point source effluents where possible or required by regulations.	Section 4.3 has been reviewed, reorganized, and revised for clarity. The recommended clarification has been included. Refer also to the response to GNWT-ENR-EAM's comments on discharge criteria in plans.
4.3 - Discharge Criteria in Licences	DIAND-GIANT - Candace DeCoste	The text in Section 4.3 states that the licence will set out the specific location where the discharge criteria must be met, and that for non-point source discharge, this may be at one or more locations where runoff, seepage, groundwater, etc. is monitored. Also on page 10, it states that "In all cases, the licensee must ensure that the waste discharged meets all discharge criteria at any specified locations to remain in compliance with the licence." Non-point sources are often diffuse and complex (water quality can be a lagging indicator) and may not subject to the same instantaneous operational control as say an effluent from a water treatment plant (shutoff valve, sump containment).	It is recommended that the LWB consider the type of discharge when deciding whether to include non-point source criteria in the Water Licences vs management plans. It is reasonable to expect discharge criteria compliance from a project; however, if water quality of a non-point source input is unexpectedly demonstrated to be non-compliant, it may take time to address the issue and the licensee could be out of compliance with their Water licence for a period of time. The LWBs should consider preferentially including discharge criteria for non-point inputs in management plans rather than the Water Licence, accompanied with reasonable actions and timeframes.	Establishing criteria in management plans for any type of effluent is not the LWBs' preferred approach, but it has been, and will be, used in some circumstances. Refer also to the response to GNWT-ENR's comments on discharge criteria in plans. The LWBs are aware of the considerations noted in this review comment and take these into account in setting licence conditions for a project. The expectations for responding to a non-compliance with approved criteria (whether set out in the licence or an approved management plan) will reflect the project details. For example, in the EQC - EXCEEDANCE Condition, the requirement to 'cease discharge' would not be included for an effluent that cannot be controlled, such as a lagoon or wetland. Additionally, in this Condition, there is an option to specify a plan that sets out the expected response actions beyond the basic initial response actions set out in the Condition. Finally, the intent of requiring action levels and response frameworks in various management plans is to provide early warning, so that non-compliance scenarios such as this can be avoided.
4.3 - Discharge Criteria in Licences	DIAND-GIANT - Candace DeCoste	Often in the North, the timing of discharge is critical due to different mixing conditions (e.g., under-ice versus open-water).	The LWBs should consider including the timing of discharge, where relevant, as part of criteria in licences.	Added as recommended.
4.3 - Discharge Criteria in Licences	Imperial Oil Resources - Benjamin Fraser	Section 4.3 states: "Section 5 outlines the information the LWBs will consider when setting site-specific WQOs, whether narrative or numeric, and the LWBs' Standard Process for Setting Effluent Quality Criteria summarizes the LWBs' information requirements and standard process for establishing numeric WQOs and related EQC when appropriate."	Suggest the "narrative or numeric" addition be removed from this paragraph as it is included in the WQO definition and is better clarified in Section 3.0, #1 in greater detail. The following examples provided in section 4.3 are numeric.	This recommendation has not been incorporated. The text is included to remind the reader that both types of WQO are possible, since WQOs are commonly thought of as numeric.
4.3 - Discharge Criteria in Licences	DIAND-GIANT - Candace DeCoste	The text in Section 4.3 states that "Section 5 outlines the information the LWBs will consider when setting site-specific WQOs, whether narrative or numeric, and the LWBs' Standard Process for Setting Effluent Quality Criteria summarizes the LWBs' information requirements and standard process for establishing numeric WQOs and related EQC when appropriate. While this process is described for EQC in particular, it may also be used to develop wastewater quality criteria in a plan."	It is recommended that the LWBs provide a definition for wastewater quality criteria. Alternatively, the term wastewater quality criteria could be replaced with discharge criteria if the intention of the statement is to simply say that Standard process for setting EQC could be used as a guide for other types of discharges, if appropriate.	The term 'discharge criteria' as proposed in the Policy is described more broadly and is not limited to water quality parameters. Additionally, the statement in question is not intended to differentiate between types of discharge, but to differentiate where the criteria are set out. EQC are set out directly in the licence conditions, so a different term is preferred for similar criteria when they will be developed and approved through a plan. It must be noted that the LWBs only take this approach in very limited circumstances, and different terminology may be used to reflect the specific circumstances, so 'wastewater quality criteria' is used as a general common description rather than as a defined term. This distinction has been moved to a footnote to improve the flow of the document.
4.3 - Discharge Criteria in Licences - Figure 1	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Figure 1 illustrates the relationship between EQC and WQOs. Although the text discusses a scenario with a mixing zone, ENR notes that Figure 1 does not include an illustration to specifically demonstrate that, in the case of a mixing zone, the WQOs must be met at the edge of the mixing zone. Having such an addition to Figure 1 would be helpful to support the text with respect to the locations that EQC and WQOs apply when a mixing zone is used.	ENR recommends that Figure 1 be expanded to include an example of the relationship between EQC and WQOs in the case of a point-source effluent example with a mixing zone.	Mixing zones examples are illustrated in the <i>Guidelines for Effluent Mixing Zones</i> , which is a more appropriate location for these illustrations, since the supporting text is more detailed. These figures have not been copied or re-iterated in the Policy. The figure has been updated to include a non-point source effluent example instead, since this is more generally relevant to the Policy.
4.3 - Discharge Criteria in Licences	Independent Environmental Monitoring Agency - Jamie Mistry	The Policy states "... the LWBs may set EQC that are more stringent than what is necessary to meet WQOs in the aquatic receiving environment. When making this determination, the Board will ensure that EQC are set at levels that the licensee can reasonably and consistently achieve." (page 12). While setting discharge criteria that can be reasonably and consistently achieved is an important objective, Land and Water Boards must also ensure the EQC (Effluent Quality Criteria) are adequately protective of the users, flora and fauna associated with the receiving environment, and in some cases may need to consider allocation of assimilative capacity in the receiving environment.	All major objectives associated with EQCs (i.e., being consistently and reasonably achievable, being protective of the receiving environment, and considering allocation of assimilative capacity) should be reflected in the Policy. Alternatively, text describing the need for EQC to be consistently and reasonably achievable should be removed.	These objectives are already adequately represented in the Policy. The text that IEMA is recommending be removed is relevant and appropriate and has not been removed. The paragraph that includes this statement relates to setting EQC that are more stringent than necessary to meet the WQOs. It is unreasonable to set EQC that the licensee cannot meet if such EQC are not necessary to meet the WQOs that have been selected for the receiving environment. Additionally, EQC will be set for a project based on the evidence provided by parties during the regulatory proceeding, which may include considering the implications of setting EQC that will effectively require the licensee to use more complex or expensive treatment.
4.3 - Discharge Criteria in Licences	DIAND-GIANT - Candace DeCoste	The text states that the LWBs may set EQC that are more stringent than what is necessary to meet WQOs in the aquatic receiving environment. When making this determination, the Board will ensure that EQC are set at levels that the licensee can reasonably and consistently achieve.	The consideration of achievability is important, and the inclusion of this statement is appreciated. WQOs are developed/selected to be protective of water uses (e.g., supporting aquatic life). Rationale for setting EQC to be more stringent than required to meet WQOs should be clearly outlined, and must consider the licensee's ability to consistently achieve the lowered EQC.	Rationale for setting EQC is always included in the Reasons for Decision that accompany a Board's decision on a licence. The Policy already notes that the Board will consider the licensee's ability to meet EQC.
4.4 - Monitoring Requirements	DIAND-GIANT - Candace DeCoste	Monitoring required by Metal and Diamond Mining Regulations is a relatively common monitoring program but it is not included in the list of 'common monitoring programs'.	It is recommended that the LWBs either clarify that the monitoring programs listed are those that are required by the LWBs, include MDMER-related monitoring in the list or acknowledge that there may be other overlapping monitoring programs beyond those required by the LWBs.	The monitoring requirements described in this section are limited to those that may be included in authorizations issued by the LWBs. Clarification to this effect has been added as recommended.
4.4 - Monitoring Requirements	DIAND-GIANT - Candace DeCoste	Closure monitoring is not discussed in the list of monitoring programs.	If appropriate, the LWBs should include closure monitoring in the list of monitoring programs.	The introduction to this subsection notes that monitoring may be required for all phases of a project, including closure; however, to improve clarity, closure and reclamation plans have been added to the list of plans that may include monitoring (item 2).

Section	Reviewer	Reviewer Comment	Reviewer Recommendation	LWB Response
4.5 - Adaptive Management	Arctic Canadian Diamond Company Ltd. - Ms. Kendra McGreish	"For example, if results show the effects of a project on the environment are different or worse than predicted, further mitigation measures may be prescribed or changes to discharge criteria or other conditions may be considered. For a permit, for example, additional erosion control measures may need to be installed or implemented if erosion is observed despite existing erosion control measures. For a licence with monitoring requirements, for example, seepage from a waste management facility may need to be collected and treated prior to discharge if the seepage quality is not as good as predicted.	All examples given are showing justification for more stringent measures or actions, but it should also be mentioned that Adaptive Management does not always mean adding more restrictions. There should be an "Alternatively" example that illustrates the possibility where impacts have been over-predicted. Adaptive Management can allow for the relaxation of overly stringent conditions to enable re-deployment of proponent resources in areas requiring increased resource allocation.	The sentence has been revised as recommended to better reflect the range of possible monitoring results and adaptive management outcomes. Additional examples have been added.
4.5 - Adaptive Management	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Section 4.5 includes the new addition of "observing" effects of actions, in addition to monitoring. The LWBs rationale for this is that it allows for qualitative monitoring to be captured, in addition to quantitative monitoring. ENR notes however that the example of seepage monitoring from a waste management facility is more of a quantitative than qualitative example. Further, the erosion example could apply to Water Licences and Land Use Permits as there are Sediment and Erosion Control Plans that include response frameworks	ENR recommends that Section 4.5 focus on qualitative examples of adaptive management such as sediment and erosion control.	This recommendation has not been incorporated. Although qualitative monitoring was added to this section, the intent was to expand the scope of adaptive management to include both quantitative and qualitative monitoring, not to shift it entirely to quantitative monitoring. Accordingly, the examples include both types.
4.5 - Adaptive Management	Independent Environmental Monitoring Agency - Jamie Mistry	Section 4.5 of the Policy, about adaptive management, proposes that "licence conditions will typically set out initial general response actions for EQC exceedance, if applicable." This seems to imply that exceedance of EQC is permissible, provided certain response actions are taken. Exceedance of EQC should be considered as non-compliance with the licence, leading to appropriate compliance and enforcement actions. Adaptive management, the topic of the policy section, should focus on setting thresholds and taking actions aimed at avoiding any non-compliance, not responding to non-compliance.	Provide additional information about the intent of licence conditions that would describe adaptive responses for release of effluent that exceeds EQC. Alternatively, the proposal for this type of licence condition should be removed.	The LWB <i>Standard Water Licence Conditions Template</i> includes conditions that are intended to both prevent and address non-compliance with EQC. Requirements for action levels and response frameworks are included in management plans; however, EQC exceedances do still occur in some cases, so standard licence conditions also set out requirements for key initial response actions, including ceasing discharge, notifying and reporting, and implementing applicable management/response plans. Both types of conditions are necessary to minimize potential impacts associated with EQC exceedance. Examples of typical initial response actions and a footnote with a reference to the Standard Conditions have been added for clarification.
5.1 - Information Required from Applicants	Member of the Public - Aleta Fowler	The potential to ask applicants to examine present or future alternative approaches, upcoming future practices and/or technologies should be included. Some practices and technologies may not be feasible now (or even not well known), but being aware that these are becoming available, and that MVLWB will be actively encouraging movement toward future better practices and implementation of better technologies has applicants both planning and budgeting for this potential implementation.	Add under "if applicable": Plan for introduction and implementation of future best practices and/or technologies	Please refer to the response to review comments on section 2.0 - Guiding Principles.
5.1 - Information Required from Applicants	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Section 5.1 references the Environmental Assessment Initiation Guidelines for Developers of Major Projects which is still in draft form. ENR notes that the policy should only reference Guidelines that have been finalized.	ENR recommends that this section encourage proponents to contact the Review Board regarding information requirements for project applications, rather than reference draft guidelines.	Rather than updating this Policy after the Review Board's Guidelines are finalized, the footnote has been updated to advise applicants to contact Review Board staff until the Guidelines are finalized.
5.1 - Information Required from Applicants	DIAND-GIANT - Candace DeCoste	The types of information from all Applicants are listed, but expectations for these submissions are not provided. Of potential concern are requirements for climate change and cumulative impact assessments, contingencies and closure plans.	The LWBs should provide guidance on submission requirements and level of detail, and also whether LWB approval of these submissions is required for Water Licence issuance.	In general, current expectations, including the requirements mentioned, are already set out in the LWBs' <i>Guides to the Land Use Permitting and Water Licensing Processes</i> . The LWBs' other guidance documents and <i>Standard Water Licence Conditions Template</i> also provide more detailed outlines for standard and common management plan requirements. Over time, the LWBs will further develop expectations for climate change and cumulative impacts through future updates to LWB guidance documents (e.g., the Guides noted above, the <i>Guidelines for Developing a Waste Management Plan</i> , the <i>Guidelines for Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories</i>) and/or adoption of relevant guidance developed by other organizations.
5.1 - Information Required from Applicants	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	In Section 5.1, it is not clear when the "if applicable" list of information that is to be provided is required. ENR notes that it would be helpful for proponents if this were clarified, and examples given of when certain information should be provided.	ENR recommends that the LWBs clarify when the "if applicable" list of information should be provided, and examples provided. Alternatively, a statement could be included that suggests applicants contact the Board staff to determine which items from the list will be applicable to their project application.	Some revisions have been made to increase clarity where possible, and the option to contact staff has been added as recommended. It is noted, however, that the Policy is not intended to provide the detailed application guidance that is available in the LWBs' <i>Guides to the Land Use Permitting and Water Licensing Processes</i> .
5.1 - Information Required from Applicants	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	Section 5.1 includes lists of information that should be included by all applicants, and information that should be provided, if applicable. ENR notes that an effluent quality criteria report has not been included in either list. While effluent quality criteria may not be required for all applications, EQC reports should be submitted for those applications where it is applicable to allow reviewers an opportunity to properly assess the environmental impacts of the project.	ENR recommends that the policy be updated to include an effluent quality criteria report in the list of "if applicable" information to be provided by applicants.	Proposed EQC has been added to the list of information with a link in the footnote to additional guidance. The EQC Report itself has not been specifically listed, because it is not the intent of the Policy to list the specific items that form an application package - those details are provided in the <i>Guides to the Water Licensing and Land Use Permitting Processes</i> .
5.2 - Consideration of Other Application Legislation	Tilcho Government - Brett Wheler	In the second draft of the Policy, there is a proposed revision stating: "Accordingly, where the Metal and Diamond Mining Effluent Regulations (MDMER) apply, and where the evidence before the Board indicates that parameters regulated under the MDMER require EQC for an effluent from a project, the Board will ensure that the EQC for those parameters are equivalent to, or lower than, the MDMER limits. The Board, however, will not necessarily include all EQC for all parameters with MDMER limits unless the evidence indicates that each of these parameters requires EQC."	The TG agrees that MDMER limits do not necessarily have to be repeated in a water licence. These limits are not designed with the objective of water use protection. They do not follow the Board's process for developing EQC. In most or all cases, they are less stringent than EQC developed under the Policy. In some cases they could even conflict with modern treaty requirements to maintain waters "substantially unaltered as to quality, quantity and rate of flow" because MDMER limits are not site specific. Unnecessarily repeating MDMER limits in a licence may also weaken other tools (e.g., management plans) the Board may use to regulate the deposit of waste. This could happen, for example, if inspection/enforcement focusses on the MDMER limits in a licence instead of on important water use protection requirements in a management plan, closure plan, or adaptive management response framework.	The LWBs agree with these recommendations; no changes are needed to reflect these recommendations.
5.2 - Consideration of Other Application Legislation	Diavik Diamond Mines (2012) Inc. - Sean Sinclair	DDMI agrees that MDMER limits do not need to be duplicated in a Licence, given they are already in law and apply to a project, and that it is logical that if there is no evidence of an MDMER parameter requiring an EQC to ensure proper management that it can be excluded from the EQC list in a Licence.	Do not require unnecessary duplication of MDMER limits in Licences.	

Section	Reviewer	Reviewer Comment	Reviewer Recommendation	LWB Response
5.2 - Consideration of Other Applicable Legislation	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	<p>Section 5.2 states, with respect to subsection 36(5) of the Fisheries Act, that "Accordingly, where the Metal and Diamond Mining Effluent Regulations (MDMER) apply, and where the evidence before the Board indicates that parameters regulated under the MDMER require EQC for an effluent from a project, the Board will ensure that the EQC for those parameters are equivalent to, or lower than, the MDMER limits. The Board, however, will not necessarily include all EQC for all parameters with MDMER limits unless the evidence indicates that each of these parameters requires EQC." The GNWT is in agreement with these statements.</p> <p>However, the GNWT notes that in order to comply with ss. 27(5) of the Waters Act and s. 5 of the Waters Regulations, it is the responsibility of the proponent to provide evidence that parameters regulated by MDMER are or are not needed. If uncertainty remains for any reason, then EQC for parameters regulated by MDMER should be included. This is consistent with the precautionary principle. Therefore, the text should indicate that the Board will include EQC for all parameters with MDMER limits unless the evidence indicates that for any parameter regulated by MDMER, it is not a parameter of potential concern (COPC) and does not require an EQC.</p>	<p>The GNWT recommends that the above-noted wording be revised to "Accordingly, as the Metal and Diamond Mining Effluent Regulations (MDMER) apply, the Board will include EQC for all parameters with MDMER limits unless the evidence indicates that any of these parameters do not require EQC. In rendering its decision, the Board will consider evidence regarding the deposit of waste to determine if parameters regulated under the MDMER do not require EQC. In accordance with ss. 27(5) of the Waters Act, the Board will ensure that the EQC for any MDMER parameters are equivalent to, or lower than, the MDMER limits."</p>	<p>The LWBs have not accepted the recommended revisions. The LWBs do not agree that including MDMER limits as default EQC is consistent with the precautionary principle, since these limits may actually be too high to be protective at a specific site, especially when considering the high level of water quality in many northern waters and/or which may be required to support specific water uses in a project area. Further, the LWBs note that the MDMER limits must be met, by law, where applicable, so it is unnecessary for the Board to include them in a licence where the evidence before the Board does not indicate that is appropriate to do so.</p> <p>Where uncertainties exist and cannot be resolved through the proceeding, the Board will consider the evidence provided by all parties to determine how best to address these uncertainties for the project in question.</p>
5.2 - Consideration of Other Applicable Legislation	DIAND-GIANT - Candace DeCoste	<p>The discussion around harmonization with MDMER requirements is very limited considering how much overlap there are in requirements and the ongoing discussions of equivalencies between MDMER and the LWBs requirements.</p>	<p>It is recommended that more discussion and acknowledgement of the intention to align MDMER and the LWBs requirements are provided in this section.</p>	<p>Additional information has been added and reflects the LWBs' legal interpretation of the legislative requirements. Refer also to the response to review comments from GNWT-ENR-EAM regarding MDMER limits.</p>
5.2 - Consideration of Other Applicable Legislation	GNWT-ENR - EAM (Environmental Assessment and Monitoring) - Erin Goose	<p>Section 5.2 speaks to consideration of other applicable legislation. Specifically:</p> <p>In addition to the information sources discussed above, the LWBs recognize that there is other legislation that must be complied with. For example, the LWBs may not include any conditions in licences relating to the deposit of waste that are less stringent than the provisions of applicable regulations made under subsection 36(5) of the Fisheries Act.</p> <p>Note that applicants, licensees, and permittees must comply with all legal requirements (e.g., Fisheries Act, Metal and Diamond Mining Effluent Regulations, Oil and Gas Operations Act, Migratory Birds Convention Act, Archaeological Sites Act and Regulations, etc.) relevant to their respective operation. It is the applicant, licensee, or permittee's responsibility to be aware of and comply with these requirements; however, in developing licence and permit conditions, the LWBs consider the evidence provided by other regulatory authorities regarding other regulatory requirements and attempt to minimize conflict and overlap.</p> <p>Given the shared interest to reduce regulatory duplication and redundancy, the GNWT would suggest that aligning regulatory requirements, where appropriate, would be a benefit and add clarity to operators in the NWT. To this end, options to avoid overlap and duplication should be fully investigated and, where possible, encouraged.</p>	<p>ENR recommends that the LWBs consider revising Section 5.2 to clarify that the Board will seek to assess and avoid regulatory duplication, where possible.</p>	<p>This section has been revised to improve clarity; however, the LWBs do rely on the respective regulatory authorities to provide adequate evidence to support the Board's assessment of overlap and duplication.</p>
5.2 - Consideration of Other Applicable Legislation	DIAND-GIANT - Candace DeCoste	<p>In the statement "For example, the LWBs may not include any conditions in licences relating to the deposit of waste that are less stringent than the provisions of applicable regulations made under subsection 36(5) of the Fisheries Act.", it's not clear what "may not" means. Does it mean that the LWB's won't include these conditions or maybe won't include these conditions?</p>	<p>It is recommended that the LWBs reword the sentence "For example, the LWBs may not include any conditions in licences relating to the deposit of waste that are less stringent than the provisions of applicable regulations made under subsection 36(5) of the Fisheries Act." to clarify its meaning.</p>	<p>This sentence has been revised to 'cannot include' to better reflect the legislation. (The footnote includes the specific legislative reference.)</p>



**ARCTIC CANADIAN
DIAMOND COMPANY**

Naturally Beautiful. Mined Right.

7 April, 2022

Mavis Cli-Michaud, Chair
Mackenzie Valley Land and Water Board
4922 – 48th Street
7th Floor YK Centre Mall
Yellowknife, NT, X1A 2P5

Dear Ms. Cli-Michaud:

Arctic Canadian Diamond Company Ltd. (Arctic Canadian) has reviewed the proposed Draft Waste Management Policy in response to the Mackenzie Valley Land and Water Board's invitation to submit recommendations, received February 28, 2022. Please see attached table for Arctic Canadian's comments and recommendations.

Sincerely,

Harry O'Keefe, Environment Superintendent

Enclosures: 1



Table 1. Comments compiled by Arctic Canadian Diamond Company employees for the Mackenzie Valley Land and Water Board Gwich'in Land and Water Board, Sahtu Land and Water Board Wek'èezhii Land and Water Board — Waste Management Policy (DRAFT) February-2022

Section Issue	Quote	Recommendations & Comments
1.3 How this Policy Was Developed	“Under the authority outlined above in section 1.2, the LWBs may establish working groups from time to time to address specific policy, technical, or scientific matters related to effluent and water quality management and the water licensing process, including the development of guidelines.”	Consider providing proponents an opportunity to participate in working groups. There are associated guideline development benefits with allowing proponents to participate in working groups. Such as commentary on operational feasibility or applicability. Guidelines are only useful if they can be functionally implemented.
1.5 Measuring Performance and Reviewing the Policy	“Mechanisms will be required to monitor and measure performance and to evaluate the effectiveness in achieving the Policy objectives articulated above. In accordance with the principles of a management systems approach (i.e., plan-do-check-act), the LWBs will develop a performance measurement framework that specifies reporting requirements against the Policy objectives including indicators, sources of information, and frequency of reporting. This Policy will be reviewed and amended as necessary within that framework. The framework will also describe how interested parties will be involved in the Policy review process.”	When can we expect to see these mechanisms and the performance monitoring framework?
2.0 Guiding Principles	“1. Sustainable Development: Meeting the needs of the present without compromising the ability of future generations to meet their own needs.”	Sustainable Development is a broad term; a refined definition would be helpful for proponents when applying this guiding principle.
2.0 Guiding Principles	“8. Jurisdiction Best-Placed: Although policy development should take place at all jurisdictional levels, policy implementation should be the responsibility of the level most appropriate to resolving the issue at hand.”	Does this give any one board the authority to make decisions or rulings outside of these policies? If so, this policy doesn't provide any added comfort to proponents to invest in NWT.



Section Issue	Quote	Recommendations & Comments
3.0 Objectives for Regulating the Deposit of Waste	“3. Waste management in accordance with best practices.”	Technology, processes, true “best practices” are continuously evolving. A more suitable objective would be “current best practices.”
3.0 Objectives for Regulating the Deposit of Waste	“In keeping with the concept of adaptive management, the LWBs acknowledge that revisions to management plans and/or amendments to conditions may be necessary as more information becomes available over the life of a project.”	As noted in Section 4.5, the policy needs to acknowledge the possibility of these revisions and amendments to conditions can work both ways, not just becoming more stringent.
4.5 Adaptive Management	<p>“For example, if results show the effects of a project on the environment are different or worse than predicted, further mitigation measures may be prescribed or changes to discharge criteria or other conditions may be considered¹.</p> <p>For a permit, for example, additional erosion control measures may need to be installed or implemented if erosion is observed despite existing erosion control measures. For a licence with monitoring requirements, for example, seepage from a waste management facility may need to be collected and treated prior to discharge if the seepage quality is not as good as predicted.</p>	<p>All examples given are showing justification for more stringent measures or actions, but it should also be mentioned that Adaptive Management does not always mean adding more restrictions. There should be an “Alternatively” example that illustrates the possibility where impacts have been over-predicted.</p> <p>Adaptive Management can allow for the relaxation of overly stringent conditions to enable re-deployment of proponent resources in areas requiring increased resource allocation.</p>

¹ In some cases, proposed response actions could require an amendment process and possibly, a preliminary screening.

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Prairie & Northern Region
5019 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

ECCC File: 5200 000 003/008
MVLWB File: LWB Policies



September 16, 2022

via online review system

Lindsey Cymbalisky
Senior Technical Advisor
Mackenzie Valley Land and Water Board
7th Floor, 4922 48th Street
P.O. Box 2130
Yellowknife, NT X1A 2P6

Dear Lindsey Cymbalisky:

RE: Draft Waste and Wastewater Management Policy (2nd Draft)

Environment and Climate Change Canada (ECCC) has reviewed the information submitted to the Mackenzie Valley Land and Water Board (MVLWB) regarding the above mentioned Policy.

ECCC is providing technical, science-based information and knowledge based on our mandate pursuant to the *Canadian Environmental Protection Act*, the pollution prevention provisions of the *Fisheries Act*. These comments are intended to inform the assessment of the proposed policies ability to mitigate potential effects in the receiving environment and on valued ecosystem components. Any comments received from ECCC in this context does not relieve any proponent of its obligations to respect all applicable federal legislation.

If you need more information, please contact Jennifer Sabourin at Jennifer.Sabourin@ec.gc.ca.

Sincerely,

Jennifer Sabourin
Environmental Assessment Officer

Attachment(s): ECCC Comments Excel Sheet

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





September 29, 2022

Lindsay Cymbalisky
Senior Technical Specialist
Mackenzie Valley Land and Water Board
P.O. Box 2130 4922-48th St.
7th Floor YK Centre Mall
YELLOWKNIFE, NT X1A 2P6

Dear Lindsay Cymbalisky,

LWB Waste and Wastewater Management Policy, Draft Waste and Wastewater Management Policy (2nd Draft)

The Department of Environment and Natural Resources, Government of the Northwest Territories based on its mandated responsibilities under the *Waters Act* has included comments and recommendations for the consideration of the Board at this time.

Should you have technical questions, please contact Bryana Matthews, Regulatory and Science Advisor, Water Management and Monitoring Division at email: Bryana.Matthews@gov.nt.ca.

If you have any general questions, please contact Erin Goose in the Environmental Assessment and Monitoring unit at email: gnwt_ea@gov.nt.ca.

Sincerely,

Erin Goose
Environmental Regulatory Analyst
Environmental Assessment and Monitoring Section
Environmental Stewardship and Climate Change Division
Department of Environment and Natural Resources
Government of the Northwest Territories



Independent Environmental Monitoring Agency

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April 07, 2022

Mavis Cli-Michaud
Chair MVLWB
Mackenzie Valley Land and Water Board
4922 - 48th Street
7th Floor YK Centre Mall
Yellowknife, NT. X1A 2P6

Dear Mavis Cli-Michaud,

RE: Waste Management Policy - Draft Document

The Independent Environmental Monitoring Agency (Agency) has reviewed the proposed draft Waste Management Policy dated February 2022 (the Policy). The Agency commends the Land and Water Boards of the Mackenzie Valley for your efforts to update and clarify the Boards' expectations with respect to managing the discharge or deposit of waste to the receiving environment. The comments we provide here are intended to assist in ensuring consistent, predictable and practical practices and measures are applied to this critical aspect of mine planning, operation and closure.

Definitions and Acronyms

Several key definitions have been updated in the Policy. Of note are the definitions of 'discharge' and 'receiving environment'.

Discharge: A direct or indirect (emphasis added) deposit or release of any water or waste to the receiving environment.

Receiving Environment: The natural environment that, directly or indirectly (emphasis added), receives any deposit of waste from a project.

While each of the proposed definitions contain the term 'indirect', clarity and guidance as to what this term refers to and how it is to be applied is not provided by the Policy. For example, fugitive dust from unpaved mine haul roads and aerodromes or stack emissions from solid waste incinerators would reasonably be expected to be deposited to the natural environment either through sedimentation or dissolution in precipitation. Further, each of these examples would be expected to fall within the definition of 'waste' as contained in the *Waters Act* and the *Mackenzie Valley Resource Management Act*. Is it the intent of the Policy that these types of waste, along with other indirect discharges to the receiving environment, be captured within its scope?

Recommendation:

Clarify the use and scope of the term 'indirect' (i.e., 'indirect deposit or release of any water or waste to the receiving environment' and 'indirectly receives any deposit of waste from a project') as used in the definitions of 'discharge' and 'receiving environment'.

The Agency also notes the removal of the term 'aquatic' from the definition of 'receiving environment'. This change, along with the addition of a definition for 'watercourse' (a natural watercourse, body of water or water supply, whether usually containing water or not, and includes groundwater, springs, swamps and gulches) brings much needed clarity to the term 'receiving environment' and is generally supported by the Agency. It is noted however, that the term 'wetland', which is commonly used and may or may not be synonymous with the term 'swamp', has not been included in the definition.

Recommendation:

For clarity, revise the definition of 'watercourse' to include "... including groundwater, springs, gulches and wetlands."

Inconsistent Use of the Term 'Receiving Environment'

The Agency notes the inconsistent use of the term 'receiving environment' in the Policy. In some cases, the term is preceded by 'aquatic' (first paragraph on page 8, last paragraph on page 10, first paragraph on page 12) while in other cases 'aquatic' does not precede the term. Since the definition of 'receiving environment' has been updated to be consistent with the Land Water Boards' *Standard Licence Conditions and Schedules* and the MVLWB/GNWT *Guidelines for Aquatic Effects Monitoring Programs*, this inconsistency may cause confusion for the reader.

Recommendation:

Review the Policy to ensure consistent use of the defined term 'receiving environment'.

Discharge Criteria in Licences

The Policy states "... the LWBs may set EQC that are more stringent than what is necessary to meet WQOs in the aquatic receiving environment. When making this determination, the Board will ensure that EQC are set at levels that the Licensee can reasonably and consistently achieve." (page 12). While setting discharge criteria that can be reasonably and consistently achieved is an important objective, Land and Water Boards must also ensure the EQC (Effluent Quality Criteria) are adequately protective of the users, flora and fauna associated with the receiving environment, and in some cases may need to consider allocation of assimilative capacity in the receiving environment.

Recommendation:

All major objectives associated with EQCs (i.e., being consistently and reasonably achievable, being protective of the receiving environment, and considering allocation of assimilative capacity) should be reflected in the Policy. Alternatively, text describing the need for EQC to be consistently and reasonably achievable should be removed.

Adaptive Management

Section 4.5 of the Policy, about adaptive management, proposes that "*licence conditions will typically set out initial general response actions for EQC exceedance, if applicable.*" This seems to imply that exceedance of EQC is permissible, provided certain response actions are taken. Exceedance of EQC should be considered as non-compliance with the licence, leading to appropriate compliance and enforcement actions. Adaptive management, the topic of the policy section, should focus on setting thresholds and taking actions aimed at avoiding any non-compliance, not responding to non-compliance.

Recommendation:

Provide additional information about the intent of licence conditions that would describe adaptive responses for release of effluent that exceeds EQC. Alternatively, the proposal for this type of licence condition should be removed.

Other Comments

The Agency agrees with the inclusion of the MVLWB/AANDC *Guidelines for Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories* (page 4) as a means of indicating the Policy applies to the entire life of a project, including planning, operation and closure.

The Agency notes the Policy suggests the inclusion of proposed contingency and site closure plans as part of the application information package (page 15). Whether management plans should or should not be included and approved as part of the land use permit and water licence application processes, or whether the submission and approval of these plans should be a condition of the approved permits and licences, has been a long-standing topic of discussion in regulatory processes the Agency has participated in. The Agency is concerned the inclusion of this suggestion in the Policy, in the absence of further direction, may cause greater uncertainty and confusion.

Recommendation:

Clarify whether the requirement for applicants to provide contingency and site closure plans as part of the land use permitting and water licencing application processes is for information purposes or whether the plans are expected to be reviewed for approval as part of the processes.

Should you have any questions concerning these comments, the Agency would be pleased to discuss these at your convenience.

Sincerely,



Emery Paquin
Chairperson

Cc: Arctic Diamond– Harry O’Keefe, Dustin Chaffee, Sheila Chernys
Tłıchq Government – Violet Camsell-Blondin, Brett Wheeler
Yellowknives Dene First Nation – Ryan Miller, Johanne Black
Łutsel K’e Dene First Nation – LKDFN Lands Manager
North Slave Metis Alliance – Jessica Hurtubise, Noah Johnson
Kitikmeot Inuit Association – Skye Lacroix
Government of the Northwest Territories – Laurie McGregor
Crown-Indigenous Relations and Northern Affairs Canada – Michael Roesch



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September 28, 2022

Mavis Cli-Michaud
Chairperson
Mackenzie Valley Land and Water Board
4922 - 48th Street
7th Floor YK Centre Mall
Yellowknife, NT. X1A 2P6

Dear Mavis Cli-Michaud,

RE: Waste & Wastewater Management Policy - Draft 2 Document

The Independent Environmental Monitoring Agency (Agency) has reviewed the second draft of the Waste and Wastewater Management Policy dated August 2022. The Agency would like to thank the Board for their responsiveness and consideration of our comments on the February 2022 draft. The Agency appreciates the opportunity to review the second draft but has no further comments or recommendations at this time.

Should you have any questions or comments, the Agency would be pleased to discuss these at your convenience.

Sincerely,

Emery Paquin
Chairperson

Cc: Arctic Diamond – Harry O’Keefe, Dustin Chaffee, Sheila Chernys
Tłı̨chǫ Government – Violet Camsell-Blondin, Brett Wheler
Yellowknives Dene First Nation – Ryan Miller, Johanne Black
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Tłıchǫ Government

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October 3, 2022

To: Land and Water Boards of the Mackenzie Valley

Re: Draft Waste and Wastewater Policy

Tłıchǫ Government Department of Culture and Lands Protection has submitted our comments and recommendations on the Land and Water Boards' draft Waste and Wastewater Management Policy using the online review system. We thank the boards for their diligence and efforts to continue developing clear and effective policies to regulate uses of land and water and deposits of waste in the Mackenzie Valley, to support the boards' overarching objectives set out in the Tłıchǫ Agreement and other modern treaties.

In Tłıchǫ Unity,

Tammy Steinwand-Deschambeault, Director
Department of Culture & Lands Protection
Tłıchǫ Government