

February 15, 2018

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Waste Resource Strategy,
Environment Division,
Environment and Natural Resources,
Government of the Northwest Territories
Box 1390, Yellowknife NT X1A 2L9

To Whom it May Concern:

Re: Waste Resource Management Strategy

Thank you for the work done thus far toward the development of this important and much needed strategy. We agree that education, incentives, interventions, and clear policy and legislative responsibilities are key to the successful management of hazardous waste but these efforts must be properly resourced.

We believe that the principles, goals, and priorities identified thus far are appropriate elements of this strategy. That said, we would want the strategy to recognize the health and environmental impacts associated with improperly stored, discarded, and/or accumulated toxic and hazardous materials lying about in and around communities and landfill sites. We realize that this situation results from many factors including lack of education, capacity, protocols, and enforcement but the reality is that these materials create a significant threat to public and environmental safety including to community drinking water sources/watersheds. Further, it is shocking that these materials are not listed in the GNWT liabilities in the Public Accounts or anywhere else to our knowledge, unlike for example, the thousands of abandoned mineral exploration sites that are properly inventoried. We are aware that ENR has done some exploratory work to inventory hazardous sites and materials in NWT communities but funding to deal with these situations remains almost non-existent particularly given the volume of these materials. This must be addressed in the strategy.

We also suggest that the strategy require the capture of all mercury sources including heating thermostats given that a minute amount of this substance has the potential to contaminate millions of litres of water.

In addition to properly inventorying and resourcing the clean-up and capture of hazardous waste, we recommend that all actions in the strategy be linked to NWT legislation and/or policy in order to give them the necessary force. This recommendation is supported by the following experiences.

In October 2013, concern for the safety of surface and ground water and public health caused the NWT Chapter of the Council of Canadians to file a request for an investigation under the NWT *Environmental Rights Act*. We requested full disclosure of the name and quantity of all chemicals released or likely to be released in the ConocoPhillips hydraulic fracturing program in the Sahtu Region. The GNWT denied our request as it did not have the authority to conduct such a review and thus, protect the public trust and the

environment. We understand that the *NWT Environmental Rights Act* will be revamped in the near future. There is a need to ensure that GNWT legislation honours the public's right to a safe environment, especially when hazardous materials such as those used in fracking or any other industrial or commercial application are brought into play. The Waste Resource Management Strategy must be linked to this legislation and made to supercede legislative claims to confidentiality on the basis of proprietary corporate information.

In March 2016, the NWT Chapter expressed concern to ENR that the *NWT Water Stewardship Strategy Action Plan 2016-2020* made no commitment to strengthen the *Waters Act* even though the 18th Legislative Assembly is mandated to address this legislation. This is a particular concern given the 2014 repeal of the *NWT Waters Act*, lack of oversight of toxic wastewater storage, and federal legislative loopholes that allow rivers and lakes to be used as toxic dump sites. We expressed these concerns again to the Sahtu Land and Water Board in September 2016 in their development of guidelines for a surface and groundwater monitoring program for unconventional oil and gas exploration. To our knowledge, our concerns have yet to be addressed. The Waste Resource Management Strategy must be linked to the *Waters Act* to protect our waters from hazardous waste contamination.

In September 2017, several NWT Chapter supporters attended a GNWT Committee meeting about amendments to the *NWT Environmental Protection Act*. We were astounded by the lack of rigour of the Committee's review of the Act, particularly with respect to the management of industrial toxic materials such as hydraulic fracturing chemicals. We expressed our concern that this legislation potentially increases the ability of industry to contaminate and hide information on the use and management of hazardous materials. Given currently available public documentation, a similar statement might also be made about the regulation of the mining industry through the imminent *Mineral Resources Act*. As such, it is important that case studies be developed that actually test the ability of proposed legislation and policy to responsibly manage hazardous materials and keep our environment and the public safe. In other words, linking the Waste Resource Management Strategy to empty legislation or policy serves no good purpose.

The Waste Resource Management Strategy provides the opportunity to advance progressive environmental protections with respect to the management of hazardous materials in post-devolution land and resource legislation. We hope that the team working on the Waste Resource Management Strategy pushes the GNWT to capitalize on this opportunity.

Finally, we note that the GNWT must give life to the aspirations for reconciliation by recognizing prior rights in all new legislative initiatives. As such, any legislation developed by the GNWT must meet the tests and requirements for the free, prior and informed consent of Indigenous people as guaranteed by Canada's adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Thank you for your consideration of these comments and recommendations.

Sincerely,



Lois Little,
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Council of Canadians,
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