

Environmental Monitoring Advisory Board

FINAL Minutes – May 26, 2016

11:00 am – 12:15 pm

Conference Call, Yellowknife, NT

Present:

Arnold Enge, <i>Chair</i> (by phone)	North Slave Metis Alliance
Napoleon Mackenzie, <i>Director</i>	Yellowknives Dene First Nation
Jack Kaniak, <i>Director</i> (by phone)	Kitikmeot Inuit Association
Gord MacDonald, <i>Director</i>	Diavik Diamond Mine

Absent:

Sean Richardson, <i>Director</i>	Tlicho Government
Charlie Catholique, <i>Vice-Chair</i>	Lutsel K'e Dene First Nation
Julian Kanigan, <i>Secretary-Treasurer</i>	Government of the Northwest Territories

Guests:

Shelagh Montgomery	Arcadis Canada
Jennifer Kirk (phone)	Arcadis Canada
Barbara Hard (phone)	Arcadis Canada

Staff:

John McCullum, <i>Executive Director</i>	EMAB
Allison Rodvang <i>Environmental Specialist</i>	EMAB

On May 26, 2016 EMAB had a conference call with consultants from Arcadis Canada to discuss their review of the SSRBCC report. Jennifer Kirk went through each section of the review.

Minutes:

- Chair called meeting at 11:05.
- Jennifer presented report.
- Discussion

Main points: development of SSRBCC is appropriate however the approach to screening out parameters was not acceptable for closure criteria, a number of the TRV's (toxicity reference values) were not protective and there does not appear to have been enough consultation with affected Aboriginal communities about the types, amounts and frequencies of country food they eat.

Discussion:

Q: Are there contaminants of potential concern (COPCs) that may have fallen between the cracks?

A – Jennifer Kirk (JK): Inclination is to say yes, but has not done a detailed review. There are parameters that should have had closure criteria developed but didn't. Not to say they will have an adverse effect, but if mine has increased contaminants or exposed them, then they should be monitored in the future.

Q: What does it mean in your review [consultant's review] when it says it was not clear how areas of the mine were considered when identifying COPCs?

A – JK: It was not clear if Diavik looked at all activities that occur there. Did they bury waste? Fuel machinery? What activities were done there that could result in contamination? It was not clear that Diavik considered all potential activities to identify all COPCs. It is not transparent that all that has been considered.

Q: Were there any areas that were not considered?

A – JK: Organics, fueling machinery, repairing machinery were not considered, but they could have been out of scope. Diavik should provide rationale why they were not considered.

Q: What would restrict the scope?

A – JK: Diavik wasn't transparent on explaining this. Having it outside the scope wouldn't make it any less of a problem.

Q: Are the criteria conservative for human consumption parameters?

A – JK: They may not be sufficiently conservative. I don't know consumption patterns of First Nations in that area, so I don't know if they are conservative. It is important to do an active engagement with First Nations communities.

Q: Diavik's uncertainties section in their report says maximum concentrations used may be outliers. Did you look at the data to see if that claim was correct?

A – JK: I didn't look at distribution of data – just graphs. No data at sampling locations – hard to say if it is an anomaly. Most government agencies don't exclude outliers in development of SSRBCC. When assessing a site to determine if it meets regulatory requirements, gov. agencies have to use maximum concentrations, but some jurisdictions will allow you to use statistics if the data set is really good.

Q: Why did Diavik use a dilution factor for some COPCs going into Lac de Gras?

A – JK: Diavik took concentrations of parameters in seepage, and assumed those parameters weren't going to be consumed at that high a concentration so they applied a 50% dilution factor. Did not provide

a justification as to why 50% dilution factor is reasonable, why that would occur in the environment, or any uncertainty associated with this.

Q: Is this (dilution factor) acceptable?

A – JK: It needs to be supported by site specific data; Diavik may be able to support this assumption but that is not included in the report. We need to understand where they came up with 50%.

Q: How did Diavik consider exposure to organisms when developing toxicity reference values (TRVs)?

A – JK: A TRV is the amount of concentration per day that organisms can be exposed to without having an adverse effect. Diavik did not consider that organisms are being exposed to those parameters in the background ie. offsite. Diavik needs to explain how they are considering exposure to organisms when they are on site and offsite.

Discussion on next steps

Agreed that Diavik's approach was flawed. Noted that comment about consultation on Aboriginal consumption of country food should be directed at Diavik, ENR and WLWB as they all have an interest in good information about consumption of country foods.

Concern noted about lack of availability of caribou for harvesting for the next three years.

Recommended that EMAB accept report and comments, as amended, from Arcadis and forward them to the WLWB. Noted that quorum was no long present, so this will have to be done by email motion

Regarding the possible WLWB workshop on SSRBCC, it was agreed that if EMAB's recommendations are adopted there is no need for a workshop. If the workshop goes ahead, EMAB will attend.

Call ended at 12:15 pm.