



Environnement
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Environmental Protection Operations (EPO)
Prairie and Northern Region
5019 – 52nd St,
P.O. Box 2310
Yellowknife, NT X1A 2P7

December 15, 2014

EC File: 6100 000 011/004
NWB File: 2AM-MRY1325

Phyllis Beaulieu, Manager of Licensing
Nunavut Water Board
PO Box 119
Gjoa Haven, NU X0B 1J0

Via email: licensing@nunavutwaterboard.org

RE: Baffinland Mary River Project – Application of Metal Mining Effluent Regulations to ore stockpiles at Milne Port

Dear Ms. Beaulieu,

Environment Canada (EC) accepts the definition of “effluent” provided by Qikiqtani Inuit Association (QIA) as correct and agrees that the *Metal Mining Effluent Regulations* (MMER) apply to all effluent coming from ore that is stockpiled on the mine site. However, the Milne Port is not part of the mine site and, for that reason, the requirements of the MMER, which apply only to the mine site are not germane to the port operations. While the MMER does not apply to discharges from the ore stockpiles at the port, the marine environment is protected by the general prohibition of subsection 36(3) of the *Fisheries Act*, which prohibits the discharge of deleterious substances into waters frequented by fish.

With regard to regulation and monitoring of discharges to the marine environment at Milne Port: Marine monitoring at Milne Port is not required under any federal regulations; however, EC, the Department of Fisheries and Oceans and Baffinland are initiating discussions to determine how best to monitor the marine environment in Milne Inlet. In addition EC may conduct inspections and collect samples periodically to ensure compliance with the *Fisheries Act*. The NIRB Project Certificate also requires monitoring of the marine receiving environment, and EC will review the NIRB monitoring agent's reports.

To further protect the marine environment EC supports the establishment of an “end of pipe” Surveillance Network Program (SNP) station to monitor and regulate discharges prior to release into Milne Inlet. The establishment of this SNP station will formalize the discharge monitoring described in Baffinland's December 05, 2014 *Response to Agency Technical Comments* that indicated Baffinland will test discharges prior to release to ensure compliance with the subsection 36(3) of the *Fisheries Act*. In the interest of clarity EC highlights that subsection 36(3) of the *Fisheries Act* prohibits the release of “deleterious” rather than “acutely toxic” substances and that compliance testing should assess if the effluent is deleterious rather than acutely toxic. The use of bioassay testing is one measure of deleteriousness; however, it should be supported by chemical analysis of effluents prior to discharge.

Please contact me at (204) 983 4815 or at mark.dahl@ec.gc.ca if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'MDahl', with a stylized flourish at the end.

Mark Dahl
EA and Marine Programs Division

cc: Loretta Ransom A/Head Environmental Assessment North (NT & NU), EPO
EC Review Team