



***INDEPENDENT ENVIRONMENTAL MONITORING AGENCY***

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September 24, 2012

Kathy Racher  
Technical Director  
Wek'eezhii Land and Water Board  
#1-4905 48th Street  
Yellowknife NT  
X1A 3S3

Dear Kathy

**Re: Agency Comments on the Ekati Water Licence Renewal Application W2012L2-0001**

The Agency is pleased to submit the following comments on the BHP Billiton (BHPB) Ekati water licence renewal application W2012L2-0001.

General Comments

We commend BHPB for the amount of work that went into the application. Clearly, BHPB has provided much more information and a rationale for changes it wishes in a new water licence compared to the last renewal application. We recognize the value of the updated water quality model in particular as a very useful planning tool in predicting downstream changes in water quality.

The Agency is of the view that an eight-year term for a water licence renewal is reasonable, provided the proposed scope of the licence is accepted by the Board. We support a thorough review of all the aquatic monitoring data collected to date at Ekati and their use in setting appropriate effluent discharge limits. We generally support BHPB's approach as set out in its "Review of Protection Measures for the Aquatic Receiving Environment at the Ekati Mine", although we are likely to differ on the appropriate level for protection associated with several variables. We do have some concerns with the overall use-protection approach. We are of the view that the contaminants of potential concern, with some possible additions, should be regulated as Effluent Quality Criteria (EQC) in the licence in addition to more specific measures identified under the Response Framework. We are also concerned that the proposed one-year warning period for low and high action levels may not provide sufficient early warning for actions. We suggest that contaminant-specific actions should be identified in advance, where possible.

The Agency appreciates the work of BHPB in conducting site-specific water quality objective assessments for a number of contaminants of concern. The Agency has not yet completed its review of these assessments or the other benchmarks used by BHPBH in its Review of Protection Measures. The Agency is interested in seeing the work of the WLWB consultants in this regard and will reserve further comment until after the technical meeting.

#### Specific Comments

Please refer to the attached comment table for the Agency's specific comments on the water licence renewal application. Our comments are organized around the wording of the licence as proposed by BHPB.

We look forward to BHPB's responses to our comments and the opportunity to further discuss the water licence renewal in the upcoming technical session scheduled for October 23-25, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "W.A. Ross". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Bill Ross  
Chairperson

cc. Society Members  
Bruce Hanna, Fisheries and Oceans  
Lisa Lowman, Environment Canada