

Mr. Mark Cliffe-Phillips
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
BOX 938, 5102-50TH AVE
YELLOWKNIFE NT X1A 2N7

Dear Mr. Cliffe-Phillips:

Re: Undertaking #17 Air Quality – GNWT Ambient Air Quality Guidelines

The Government of the Northwest Territories (GNWT) Department of Environment and Natural Resources (ENR) accepted an undertaking at the Mackenzie Valley Environmental Impact and Review Board (MVEIRB) Technical Sessions for the Jay Project EA1314-01, on April 24, 2015. The undertaking was for the GNWT to seek a legal opinion regarding its view on whether or not ENR's Guideline for Ambient Air Quality Standards (Guideline) is mandatory, and if they apply to the Jay Project.

After completing the analysis, the GNWT's view is as follows:

- The GNWT does have general regulation-making authority that would allow for the creation of legally enforceable air quality standards under the *Environmental Protection Act (EPA)*; however, the Guideline at present is not legally binding. Before environmental standards can become enforceable under the EPA, they must first be incorporated into regulations.
- The Guideline applies throughout the NWT and therefore applies to the Jay Project Site.

ENR notes that the Guideline was developed to provide standards for air quality that protect the environment, human health, and are in line with national standards. Although not legally binding, the Guideline is intended to provide ENR's expectations for air quality standards in the NWT.

Currently, ENR is developing a regulatory framework for air quality management that will apply throughout the NWT.

Sincerely,



for Lisa Dyer,
Director of Environment