



PO Box 32, Wekweètì NT X0E 1W0
Tel: 867-713-2500 Fax: 867-713-2502

#1-4905 48th Street, Yellowknife NT X1A 3S3
Tel: 867-765-4592 Fax: 867-765-4593
www.wlwb.ca

December 10, 2024

File: W2020L8-0003

Melanie Williams

Project Manager

Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division

P.O. Box 1500 4923-52nd St

Yellowknife, Northwest Territories, X1A 2R3

Sent by e-mail

Dear Melanie,

Re: Rayrock (Kwetłłᔨᔨ) Remediation Project – Licence Amendment Application – Information Request

On December 3, 2024, the Wek'èezhì Land and Water (Board) received Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division's (CIRNAC-CARD's) Response to Intervention¹ submitted as part of the Water Licence W2020L8-0003 (Licence) Amendment Application proceeding. GNWT-ECC was the only Party to submit an Intervention through this proceeding.²

In the Response to Intervention, CIRNAC-CARD has proposed an alternative option for the Total Suspended Solids (TSS) Effluent Quality Criteria (EQC). Rule 61 of the Mackenzie Valley Land and Water Boards' Rules of Procedure states that the Board may issue an Information Request to any Party at any stage of any Proceeding.³ Board staff have determined that additional information is necessary to help Parties and the Board better understand the alternative option for TSS EQC proposed by CIRNAC-CARD and help Parties in their consideration of EQC options for TSS as part of the Draft Water Licence Public Review.

The additional information requirements are set out below. The Board requests that CIRNAC-CARD submit a response by 12 p.m. MST on December 12, 2024.

¹ See WLWB Online Registry for [Rayrock – Licence Amendment – Response to Intervention – Dec 3 24.](#)

² See WLWB Online Registry for [Rayrock – Licence Amendment – GNWT-ECC Intervention Nov 26 24.](#)

³ See www.wlwb.ca for [Rules of Procedure](#) under the Resources tab

Information Request to CIRNAC-CARD:

In the Response to Intervention, CIRNAC-CARD has proposed the following:

...[i]f the absence of a defined MAC for the project remains an obstacle, CIRNAC-CARD would consider using the July 2024 amendment to the Metals and Diamond Mining Effluent Regulations (MDMER) and adopt a MAC in a composite sample of 22.50 mg/L TSS and a MGC of 30 mg/L TSS. This approach represents the most current application of MDMER TSS guidelines, and these guidelines are also intended for operational mines and are highly conservative. This approach also aligns with the GNWT-ECC preference for the inclusion of MAC that extends beyond a single sample and considers TSS concentrations achievable using the current treatment facility.

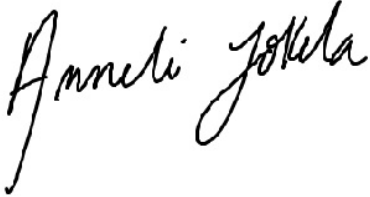
Board staff note that the MDMER include a TSS value of 22.50 mg/L as a “Maximum Authorized Concentration in a Composite Sample” and that the MDMER define a composite sample as consisting of equal volumes or collected at equal rates over a period of not less than 7 hours and not more than 24 hours. This is different from a Maximum Average Concentration, which is defined by the Board as “the arithmetic mean/discrete average of four consecutive analytical results”.

CIRNAC-CARD is requested to provide the following:

- a. Clarification if CIRNAC-CARD intended the use of “MAC” in relation to the composite sample to reflect the MDMER (i.e., applied as a maximum authorized concentration applied to a composite sample). If this is the case, can CIRNAC-CARD explain how the composite sample will be collected?
- b. Alternatively, was it CIRNAC-CARD's intention to apply this value as a maximum average concentration, calculated as a rolling average from four consecutive samples (i.e., to apply this as a maximum average value to a non-composite sample)? If so, please explain the appropriateness of applying it this way.
- c. Can CIRNAC-CARD confirm what differences, if any, would result in the receiving environment from the increase of the MGC from the originally proposed 25 mg/L to 30 mg/L?

Please contact Anneli Jokela via [email](#) or at (867) 765-45 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in black ink that reads "Anneli Jokela". The signature is written in a cursive style with a large initial 'A'.

Anneli Jokela
Regulatory Manager

BCC'd to: Rayrock (Kwetj̄ᗋàà) Distribution List
 Dawn Keim
 Ron Breadmore
 Orla Tobin
 Megan Larose
 Erica Nissen