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ENVIRONMENTAL RIGHTS ACT

1991 and 1992 ANNUAL REPORT

Prepared By the Department of Renewable Resources

for

the Northwest Territories Legislative Assembly

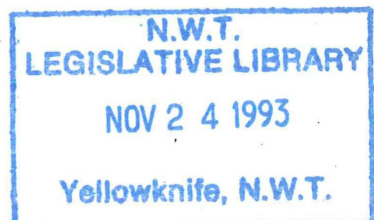


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INTRODUCTION

The Environmental Rights Act was passed by the Northwest Territories Legislative Assembly on November 11, 1990. Under the Act, the Minister of Renewable Resources is responsible for preparing an annual report describing all applications, prosecutions, actions and convictions pursuant to the Act.

The Environmental Rights Act sets out environmental rights for the residents of the Northwest Territories. These rights include access to information respecting environmental contaminants, the commencement of investigations into discharges of contaminants and the commencement of prosecutions of alleged statutory violations. The Act further provides for the protection of employees from the actions of employers when possible offenses under the Act have been reported.

To date, there have been three requests for action pursuant to the Environmental Rights Act:

- i) The Minister of Renewable Resources was requested to initiate an investigation into air emissions from the Yellowknife landfill site and the Royal Oak Giant Yellowknife Mine roaster stack;
- ii) The Minister of Renewable Resources received a request for an investigation into sulphur dioxide and arsenic emissions from the roaster stack at the Royal Oak Giant Yellowknife Mine; and
- iii) A request for access to information relating to the Yellowknife Forward Operating Location (FOL) was submitted to the Government Leader.

The Department of Renewable Resources was directed by the Executive Council to coordinate responses to the initial applications received by the Government of the Northwest Territories under the Act. The Department has since received direction from the Government Leader to provide a coordinating role for any applications that may arise under the Act. The Deputy Minister of Renewable Resources is responsible for contacting other affected departments when assistance is required.

REQUESTS FOR INVESTIGATIONS

On December 30, 1990, the Minister of Renewable Resources received a request to initiate an investigation into air emissions from the Yellowknife landfill site and the Royal Oak Giant Yellowknife Mine roaster stack. The application was not actioned as the request was not made in accordance with the requirements of the Act. The Department of Renewable Resources continues however, to review the management of solid wastes within Yellowknife.

On April 22, 1991, the Minister of Renewable Resources received a request to investigate the environmental impacts of the release of arsenic and sulphur dioxide from the roaster stack at the Royal Oak Giant Yellowknife Mine. An investigation was initiated by the Department's Pollution Control Division with the following specific objectives:

- i) Determine as closely as possible emission rates of arsenic and sulphur dioxide from the roaster stack;
- ii) Determine the fate of arsenic and sulphur dioxide dispersed to the environment and estimate the concentrations and total loading within the dispersal zone; and
- iii) Determine the cause of vegetation damage observed in the vicinity of the Royal Oak Giant Yellowknife Mine.

The Department of Renewable Resources continued to collect field information on arsenic and sulphur dioxide emissions from the roaster stack, to respond to the request received under the Environmental Rights Act, until November 1992. A final report of monitoring results is being prepared by the Department to be forwarded to the Minister for release to the applicants and Royal Oak Giant Yellowknife Mines.

The Minister of Renewable Resources has provided progress reports to the applicants as well as to Royal Oak Giant Yellowknife Mines throughout the investigation.

REQUESTS FOR ACCESS TO INFORMATION

On April 22, 1991, the Government Leader received a request for access to information regarding the Yellowknife FOL. The request was then forwarded to the Department of Renewable Resources.

The Department of Renewable Resources, in conjunction with the Departments of Municipal and Community Affairs and Justice, coordinated a response to the request. The departments collected all pertinent information required under the Act and provided it to the applicant on November 15, 1991.

PROSECUTIONS, CONVICTIONS AND OTHER ACTIONS UNDER THE ACT

There were no requirements for action under these sections of the Act.

SUMMARY

During the first two years following implementation of the Environmental Rights Act, the Government of the Northwest Territories has received one request for access to information and two requests for investigations.

The Department of Renewable Resources, in cooperation with all other GNWT departments, coordinated the development of procedures for the implementation of the Act. The procedures clarify the steps in applying for and administering access to information and/or investigation requests.

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