

**IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT S.B.C. 2002, c.43
(ACT)
AND
NON-COMPLIANCES
WITH ENVIRONMENTAL ASSESSMENT CERTIFICATE M02-01
ORDER UNDER SECTION 34(1)**

WHEREAS:

- A. On December 12, 2002, Environmental Assessment (EA) Certificate M02-01(Certificate) was issued to Chieftain Metals (Certificate Holder) for the Tulsequah Chief Mine Project (Project). Condition 1 of the Certificate requires the Certificate Holder to cause the Project to be designed, located, constructed, operated and/or abandoned in accordance with the documents and correspondence listed in Schedule A to the Certificate. Schedule A of the Certificate, as amended, includes "Tulsequah Chief Project Report – Volume IV Environmental Management, Redfern Resources Ltd., July 1997", which includes a commitment concerning a Spill Contingency Plan for the Project (Spill Plan).
- B. On July 14, 2015, in his role as EA Compliance Officer, the undersigned conducted an inspection of the Project. Based on observations during the inspection and review of information following the inspection, the undersigned has determined that the Certificate Holder is not compliant with Condition 1 of the Certificate due to a failure to construct and operate the Project in accordance with the Spill Plan and that non-compliance with this condition has resulted in hydrocarbons spilling into the environment.
- C. On July 14, 2015, the undersigned verbally advised the Mine Manager representing the Certificate Holder of the alleged non-compliances so that the Certificate Holder could begin to remedy the hydrocarbon spillage while the occurrence of non-compliances was being confirmed by the undersigned.
- D. The undersigned has received written delegation of the Minister's powers under Section 34 of the Act.

DEFINITIONS:

In this Order,

- (a) "four non-compliant locations" means the four locations at or near the Tulsequah Chief Shazzah Camp maintenance yard identified in the undersigned's report for the July 14, 2015 inspection as being non-compliant with the Spill Plan required by the Certificate; and

(b) “to the satisfaction” means, in relation to a provision of this Order that requires the Certificate Holder develop a plan to the satisfaction of the Environmental Assessment Office (EAO). After submitting a draft of the plan to EAO, the Certificate Holder will not need to make further revisions to, or obtain further approval of, such plan unless EAO communicates to the Certificate Holder that further revisions to such plan are required. However, any such required changes or approval must be pursued by the Certificate Holder in accordance with the timelines and in a manner that are acceptable to EAO.

NOW THEREFORE:

Pursuant to Section 34(1) of the Act, I order that the Certificate Holder:

- 1) immediately implement spill prevention measures that are adequate to ensure that hydrocarbons are not spilled or otherwise release into the environment from any equipment or hydrocarbon storage located on the Project site;
- 2) by November 30, 2015, develop a plan to:
 - o remove the hydrocarbons that have been spilled at the four-non compliant locations into the receiving environment; and
 - o prevent future spills or other releases of hydrocarbons into the receiving environment at the Project site; and
- 3) develop and implement the plan identified in clause 2 to the satisfaction of the Environmental Assessment Office.



Drew Milne,
EA Compliance Officer
Environmental Assessment Office

Dated November 10, 2015