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Ministry of Environment and Climate Change Strategy's Role in Regulating Mining Operations

The Ministry of Environment and Climate Change Strategy (ENV) plays a significant role in regulating the mining sector, along with other provincial and federal ministries. This document provides an overview of the roles and responsibilities of ENV and other agencies in that process.

What is the Ministry of Energy, Mines and Low Carbon Innovation's (EMLI) role?

All mining projects in British Columbia (BC) must be authorized under the *Mines Act* and must comply with requirements of the Health, Safety and Reclamation Code for Mines in BC. EMLI is the agency responsible for the overall regulation of mines and mining activity, from exploration through to mine development, operation, closure and reclamation. EMLI's regulatory approach ensures worker health and safety, and provides for protection and reclamation of lands and watercourses affected by mines. EMLI is also responsible for establishing and managing the financial security posted by the companies to ensure the province will not have to contribute to reclamation costs if a company defaults on its reclamation obligations.

Applications for *Mines Act* permits, including for exploration programs, are referred to other provincial agencies, such as ENV, and to Indigenous nations, for review and comment to inform the Chief Inspector of Mines when deciding whether or not to issue a permit.

What is the Ministry of Forests' (FOR) role?

While it is the Ministry of Land, Water and Resource Stewardship (LWRS) that holds

responsibility for policy and planning related to land and water, it is FOR that is operationally responsible for:

- licensing or approving water use, and water storage facilities or diversion channels, under the *Water Sustainability Act* and the Dam Safety Regulation;
- reviewing/authorizing any cutting or spoiling of crown trees under the *Forest Act*; and
- authorizing access roads, utility corridors, and other improvements related to mine operations on crown land outside of mine areas under the *Land Act* or *Forest Act*.

What is the Environmental Assessment Office's (EAO) role?

The EAO is responsible for conducting project reviews and issuing Environmental Assessment Certificates for projects that are triggered under the *Environmental Assessment Act* Reviewable Projects Regulation.

What is the federal government's role?

Fisheries and Oceans Canada and Environment and Climate Change Canada are responsible for the federal *Fisheries Act*. Other federal Acts and regulations may also apply to mines, such as the Metal and Diamond Mining Effluent Regulations under the *Fisheries Act*, and the *Species at Risk Act*.

What is the Ministry of Environment and Climate Change Strategy's role?

ENV is responsible for authorizing and regulating the discharge of waste into the environment from activities relating to mining/exploration of:

- metals,
- non-metals,
- coal,
- gemstones,
- industrial mineral ores (such as diamonds), and
- beneficiating mineral ores (e.g. custom milling).

Discharges can only occur in accordance with requirements in the *Environmental Management Act* (EMA), and its associated regulations including but not limited to the Waste Discharge Regulation (WDR), Placer Mining Waste Control Regulation, Hazardous Waste Regulation, Contaminated Sites Regulation, and Municipal Wastewater Regulation.

What authorizations does ENV issue?

In accordance with the WDR, discharges of air, effluent and refuse at a mine site are normally authorized through a site-specific permit or approval.

Permit – authorizes a discharge of waste to the environment in a manner that protects the environment and human health and safety. Some of the terms and conditions may include limiting the quantity and quality of waste discharge contaminants, monitoring the discharge and the receiving environment, and reporting information to ENV. Permits are ongoing authorizations and may be amended, transferred, suspended, or cancelled.

Approval – is similar to a permit except it only applies for short-term discharges up to a maximum of 15 months. An approval may be amended, suspended, cancelled, or transferred, and will automatically expire at the end of its term. If a discharge is expected to go beyond the maximum 15-month discharge period, a permit is required.

ENV's permit and approval application processes are described at:

gov.bc.ca/wastedischarge-authorizations

In addition to issuing permits and approvals, ENV can request information, or issue an order requiring a company to carry out activities or install additional works to protect the environment.

EMLI and ENV work together to ensure authorization requirements in *Mines Act* and EMA permits are coordinated and complementary.

When does ENV not get involved?

An authorization from ENV is not generally required for activities associated with the mining/exploration of:

- gravel,
- sand,
- crushed rock, and
- dimensional stone quarries.

Although a site-specific authorization may not be needed, any activity must not cause pollution, as per Section 6 (4) of EMA. The Ministry can also issue orders to prevent discharges to the environment when pollution is occurring or anticipated to occur. This can result in the requirement for an EMA authorization for the proposed activity.

What types of wastes discharges require an EMA authorization?

- Effluent discharges to the ground or surface water (such as neutral and acid rock drainage, tailings pond supernatant, process water, mine influenced run-off and sewage);
- Air emissions (such as refuse incinerator emissions, dust, emissions from large power generating plants, emissions from milling process); and
- Solid wastes (such as mill tailings, water treatment plant sludge, municipal and industrial refuse).

What phases of mine development require an EMA authorization?

The five phases of mining include:

1. Exploration

Methods include drilling and various types of surveys, which do not typically generate wastes that require ENV authorization, though ENV can issue an order to prevent discharges to the environment when pollution occurs or is anticipated. Proponents are recommended to have Erosion and Sediment Control Plans in place.

2. Advanced Exploration

Includes bulk samples, trial cargoes, test shipments, and bedrock excavation for the purpose of underground development. Section 65 of EMA contains further detail on advanced exploration.

Authorization from ENV is required for waste being introduced into the environment from advanced exploration activities.

3. Development/Construction

Includes road building, logging, land clearing/grubbing, buildings and infrastructure (including surface water/sediment controls), and other activities that could generate sediment.

Authorization from ENV is required for waste being introduced into the environment from mine construction activities.

4. Producing Mine, and

5. Past-producing Mine (in closure and post closure).

A site with a current *Mines Act* permit where minerals or coal are, or have been, produced. Section 65 of EMA contains more detail on producing/past-producing mines.

Authorization from ENV is required for waste discharge to the environment from producing and past producing mines.

In addition, requirements in Parts 4 and 5 of EMA and in the Contaminated Sites Regulation may be applicable during the construction, producing, and past-producing phases. Examples of requirements that may apply include submission of site profiles, issuance of notifications, and

requirements associated with soil relocation and other remediation-related activities.

What other guidance documents are available?

Proponents are encouraged to contact ENV's Mining Team early in the process when proposing an advanced exploration or mining project, and when planning for mine closure.

Proponents should review guidance documents available at: <http://www2.gov.bc.ca/gov/content/environment/waste-management/industrial-waste/mining-smelting/guidance-documents>, particularly the [Joint Mines Act/Environmental Management Act Permit Application Information Requirements](#), and contact ENV if they have any questions.

Additional information regarding contaminated sites and land remediation may also be relevant: <http://www2.gov.bc.ca/gov/content/environment/air-land-water/site-remediation/guidance-resources>

Who do I contact for further information?

EMA authorizations for mining are issued by ENV's Environmental Protection Division (EPD) Mining Team.

Contact information for EPD Mining Authorizations is available at: <https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/contact>

Contact information for the Land Remediation Section of ENV is available at: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/site-remediation/contact-us>