

Annual Progress Update on Actions to Address Recommendations from the Chief Auditor Fiscal Year 2021/22

Ministry of Energy, Mines and Low Carbon Innovation

The Ministry of Energy, Mines and Low Carbon Innovation (EMLI) is committed to continuous improvement of the mining regulatory framework, and related policies and practices. The work of the Chief Auditor and their team is a key program area designed to highlight areas for improvement and make recommendations. EMLI takes the results of these audits seriously and is committed to responding accordingly. Additionally, EMLI has formally committed to providing the Chief Auditor with annual written progress updates on any actions taken to address previous audit recommendations until those recommendations have been implemented.¹

EMLI has prepared this progress update for fiscal year 2021/22. This update includes progress on actions related to audits released prior to March 31, 2022. As such, this progress update will report out on actions related to the following audits:

- Code requirements for tailings storage facilities (June 2021)

For more information about the work of Chief Auditor and EMLI's responses to audits, see the [Mine Audits Unit website](#).

List of Abbreviations:

CRC	Code Review Committee
Code	Health, Safety and Reclamation Code for Mines in British Columbia
EMLI	Ministry of Energy, Mines and Low Carbon Innovation
ENV	Ministry of Environment and Climate Change Strategy
FOR	Ministry of Forests, Lands, Natural Resource Operations and Rural Development/ Ministry of Forests
MOU	Memorandum of Understanding
OCIM	Office of the Chief Inspector of Mines
QA/QC	Quality Assurance/Quality Control
TSF	Tailing storage facilities

¹ For more information, see the Memorandum of Understanding Between the Chief Auditor and the Ministry of Energy, Mines and Low Carbon Innovation on the Mine Audits Unit website: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/mine-audits-and-effectiveness-unit/emli_chief_auditor_memorandum_of_understanding.pdf

Code requirements for tailings storage facilities, 2021

Rec #	Chief Auditor Recommendation	Action Planned	Target Date	Assessment of Progress	Action Taken
1	<p>The Ministry of Energy, Mines and Low Carbon Innovation (EMLI), in collaboration with the Ministry of Environment and Climate Change Strategy (ENV) and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (now Ministry of Forests, FOR), should revisit the Memorandum of Understanding (MOU) regarding the Dam Safety Regulation and its application to tailing storage facilities (TSF) and other structures on mine sites to create a common understanding between Government, TSF operators, and TSF Engineers of Record regarding the regulatory roles of the Ministry, FOR and ENV and the application of existing regulatory requirements to TSFs in B.C.</p>	<p>EMLI will work with ENV and FOR to review and update the “Memorandum of Understanding for Regulation of Impoundments and Diversions on a Mine Site.”</p>	<p>September 30, 2022</p>	<p>On-schedule</p>	<p>EMLI has been meeting with ENV and FOR to clarify oversight responsibilities for dams on mine sites. These discussions are progressing, and the parties are on track to meet the target completion date for updating the MOU.</p>
2	<p>EMLI should develop and document a change management process for determining when and how B.C.’s regulatory framework for TSFs (including the Code and the Code Guidance Document) will be updated to reflect new management programs, guidelines, standards, external regulations and other sources that inform or seek to inform industry best practice or regulation relating to TSFs.</p>	<p>EMLI will establish a Review and Update Policy for the Regulatory Framework for TSFs.</p>	<p>March 31, 2022</p>	<p>Completed</p>	<p>EMLI completed a preliminary version of a Policy Management Framework. This policy establishes timelines and triggers for reviewing operational policies, guidance, templates and procedures. EMLI will continually review this policy and update as necessary for the first year to ensure that it is meeting the needs of the program areas and the intended outcome of the Chief Auditor’s recommendation. Following the first year, this policy will be reviewed and updated as necessary on regularly scheduled intervals.</p>

Code requirements for tailings storage facilities, 2021

Rec #	Chief Auditor Recommendation	Action Planned	Target Date	Assessment of Progress	Action Taken
3	EMLI should develop a list of and rationale for priority revisions to TSF provisions in the Code to improve clarity, including but not limited to definitions, consistency of terms and the use of vague language.	EMLI has asked the standing Code Review Committee (CRC) to establish a sub-committee to review the audit findings and recommendations and propose changes to tailings related parts of the Code. The CRC has confirmed that they will take this work on.	September 30, 2021	Completed	The CRC accepted EMLI's formal request to review the Code in consideration of the audit findings and recommendations. Subsequently, the CRC struck a sub-committee to review and propose revisions as necessary to Part 10 of the Code. Part 10 includes reference to TSFs with respect to Permitting, Reclamation and Closure. The sub-committee is reviewing the audit findings and recommendations and will make revision recommendations in due course.
4	EMLI should revise the Code Guidance Document to be consistent with the Code, to supply EMLI's interpretation of ambiguous Code requirements and to reference the most current sources of external guidance that EMLI considers significant.	The standing CRC has confirmed to EMLI they will include a review of the Code Guidance Document in the work of the tailings sub-committee, outlined in Action 3.	September 30, 2021	Completed	As noted for Action 3, the CRC struck a sub-committee to review and recommend revisions to Part 10 of the Code. The guidance document will be revised in conjunction with these revisions.

Code requirements for tailings storage facilities, 2021

Rec #	Chief Auditor Recommendation	Action Planned	Target Date	Assessment of Progress	Action Taken
5	EMLI should review its current practices respecting TSFs for consistency with the Code and document its interpretations of and expectations regarding compliance with Code requirements to ensure that EMLI staff and regulated parties have a common understanding of EMLI's compliance verification and enforcement approach.	a. Work is underway to review and understand the purpose and use of Code-required reports. Once complete, the CRC will consider this work when making recommendations to revise the Code to improve clarity.	September 30, 2022	On-schedule	The CRC received an EMLI-created tool to aid in analyzing the different Code-required reports. The review of Code-required reports is on the 2022 workplan for the CRC, with specific attention on TSF-related reports. As noted for Action 3, the CRC struck a sub-committee to review Part 10 of the Code. A review of Code-required reports in Part 10 will occur as part of this work. EMLI is developing a process to track, monitor and assess compliance with Code-required reports for Major Mines. Any relevant changes made to Part 10 of the Code will be reflected in this process.
		b. EMLI will update operational policies as required for consistency with the Code.	On-going	On-going	As noted for Action 2, a Policy Management Framework is complete. EMLI will use this policy to guide updates to mining-related operational policies and ensure consistency with the Code. EMLI will continually review and update this policy as part of the implementation plan.
		c. EMLI will develop and implement communications plans for changes to the regulatory framework.	Timing will align with timing of changes	On-schedule	This action is related to Action 3. The communications plan will be implemented once the CRC has had the opportunity to review the revisions put forward by the Part 10 sub-committee and is ready for external engagement.

Code requirements for tailings storage facilities, 2021

Rec #	Chief Auditor Recommendation	Action Planned	Target Date	Assessment of Progress	Action Taken
6	EMLI should develop written policies and procedures governing expectations for the geotechnical group regarding prioritization of work across the lifecycle of a mine, including TSF document review and inspections, to support the systematic verification and enforcement of regulatory requirements for TSFs at mines in B.C.	a. EMLI will continue implementation of the Risk-based Inspection Planning Tool to the technical disciplines.	June 30, 2021	Complete	The Risked-based Inspection Planning Tool has been developed to outline the process for identifying and targeting the highest risk sites for regular inspections. It is currently being implemented for geotechnical inspection planning. The Risk-based Inspection Planning Tool will be updated on a minimum of an annual basis.
		b. EMLI will complete a Role of the Technical Reviewer Policy.	March 31, 2022	In Progress	EMLI has created a draft of the policy that outlines the role of the technical reviewer, and it is currently under review internally.
7	EMLI should ensure that data systems are used in a manner that is in accordance with policies and procedures, including the Compliance and Enforcement Policy (2020) and the Mine Inspection Procedure (2018). Data systems should be used consistently across the inspectorate to support systematic compliance verification and enforcement of regulatory requirements for TSFs at mines in B.C.	a. EMLI will continue implementation of IT training and support, including regular training sessions, and helpdesk functions.	On-going	On-going	The EMLI Mines Digital Service team provides on-going training and support including monthly office hours, recurring database training sessions (approximately once a month), and internal feature demonstrations and instructional videos.
		b. EMLI will continue quality assurance checks to confirm appropriate system usage and inform ongoing staff training.	On-going	On-going	Current quality assurance/quality control (QA/QC) work includes retrospective reviews of all <i>Mines Act</i> orders under sections 35, 15(4.1), 15(5), and a random selection of 15(4) orders. This QA/QC work will be used to identify and implement training opportunities related to writing orders for the inspectorate.