

Energy, Mines and Low Carbon Innovation

Guidance on Approval of Imported

Materials on a Mine Site

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Guidance on Approval of Imported Materials on a Mine Site

Purpose

This guidance is intended to advise mine Permittees of the regulatory requirements for receiving, storing, and using imported materials on a mine site to support mining and reclamation activities. The Ministry of Energy Mines and Low Carbon Innovation (EMLI) is responsible for regulating mines in British Columbia (BC). As such, EMLI seeks to ensure that materials imported to mine sites do not increase site liabilities, and that the use of the imported material is consistent with an approved mine plan and reclamation activities.

The receipt, storage, treatment/processing and use of imported materials on a mine site requires the approval of the Chief Permitting Officer, or their delegate, through an amendment of the mine's *Mines Act* permit. Alternatively, it must be demonstrated that the import of materials is a 'non-substantial' departure from approval.

Where the use of imported material is not specifically included in an approved Mine Plan or Reclamation and Closure Plan, but where the Exception Criteria outlined in this guidance are met, then the importation and use of the material will be deemed to be a non-substantial departure from approval for the purposes of Part 10.1.18 of the Code. The importation and use of the material may proceed without written authorization from the Chief Permitting Officer.

This guidance relates to the receipt, storage, treatment/processing and use of imported materials, not previously authorized under the *Mines Act*.

This guidance does not relate to the importation of operational materials such as parts, equipment, fuel and lubricants, construction materials, or reclamation materials consistent with approved mine plans and reclamation programs.

Scope

This guidance applies to Permittees seeking to bring off-site material onto a mine, without explicit prior approval under the *Mines Act*. The intent of this document is to provide a clear and consistent regulatory approach to the approval of the receipt, storage, treatment, processing, and use of imported materials.

Regulatory Guidance

All activities on a mine site, including the receipt, storage, treatment, processing and use of imported materials require authorization under the *Mines Act*.

- (a) With the exception of criteria provided in the following section, the receipt, storage, treatment/processing and use of imported materials on a mine site requires the approval of the Chief Permitting Officer, or their delegate, through an amendment of the mine's *Mines Act*

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Act permit. Alternatively, it must be demonstrated that the import of materials is a 'non-substantial' departure from approval under Part 10.1.18 of the *Health, Safety and Reclamation Code for Mines in BC* (Code).

- i. **For Major Mines**, proponents are to use the process outlined in the [Departure from Approval Guidance for Major Mine Permit Holders \(PDF, 576KB\)](#).

For Regional Mines, proponents are encouraged to discuss the proposed project with a [Regional Permitting Mine Inspector](#) to determine whether the proposed changes qualify as a 'substantial' or 'non-substantial' departure from approval, fit within an administrative amendment process, or require a permit amendment.

- (b) To seek approval for the receipt, storage and use of imported materials where this activity is considered to be a substantial departure from approval, the Permittee must submit a notification to the Chief Permitting Officer in the form of a Notice of Departure to seek written authorization or an application to amend the permit (Major Mines), or an application for an administrative amendment through the EMLI region specific inbox (Regional Mines) that demonstrates consistency with all aspects of the approved Mine Plan and Reclamation and Closure Plan, as well as any operational, environmental, monitoring and management programs and policies.
- (c) The notification or application submitted to seek authorization for the receipt, storage, and use of imported materials must evaluate and provide plans for possible unused material, or depending on the nature of the material, account for potential remediation activities and costs.
- (d) The Chief Permitting Officer may require the provision of additional financial security in the form of an increase to the reclamation bond.

Where a decision to approve the receipt, storage, treatment/processing, and use of imported materials on a mine site is required, and where the decision may impact Aboriginal Interests, consultation with impacted Indigenous nations will be required. The Permittee is encouraged to engage early and often with local Indigenous nations prior to the submission of any *Mines Act* permit amendment applications or requests for written authorization under Part 10.1.18 of the Code.

Resource Tip: The Provincial Government has developed proponent resources for engaging Indigenous groups:

<https://www2.gov.bc.ca/gov/content/industry/mineral-exploration-mining/permitting/mines-indigenous-engagement>

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The types of imported materials requiring approval of the Chief Permitting Officer include, but are not limited to, the following:

- Ore;
- Potentially Acid Generating (PAG) materials (waste rock, tailings, overburden, etc.);
- Material for non-mine related storage, treatment, or processing;
- Contaminated soil;
- Biosolids;
- Compost;
- Concrete or demolition waste;
- Asphalt; and
- Treated wood.

Note to Regional Permittees: many regional permits include the following standard condition which is to be followed and which is in alignment with the guidance provided in this document:

"The receipt, storage, treatment/processing and or use of imported materials including but not limited to garbage, refuse, concrete, asphalt, asphalt shingles, biosolids and soils originating from off site is not permitted unless authorized in writing by an Inspector."

Reminder to all Permittees: while this guidance relates to the import of materials to a mine site, Permittees are reminded that unless otherwise approved in writing, soil and other suitable material for reclamation originating at the site must be retained on site for reclamation purposes.

Exception Criteria

Where the type, characteristics, amount, and intended use of the imported material is described in an approved Mine Plan or Reclamation and Closure Plan, no further authorization is required. All imported material must be characterized and deemed to be appropriate for its intended use by a Qualified Professional to ensure that it meets the approved end land use and permit conditions.

Where the use of imported material is not explicitly included in the Mine Plan or Reclamation and Closure Plan, but where:

- The material is required for an approved mining or reclamation purpose, and
- The material is classified as uncontaminated, as defined by the BC Contaminated Sites Regulation, on the basis of lab analysis and land use classification of the receiving site, and

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- Rock, sand, gravel, and/or overburden material has been confirmed to have geochemical characteristics suitable for the intended use , and
- The material has been confirmed to be free of invasive species and noxious weeds, and
- The importation, or use, of the material will not increase the reclamation liability for the mine site, and
- On private land, has the acceptance of the landowner, and
- Does not contradict an existing *Mines Act* permit condition; then

the importation and use of the material will be deemed to be a non-substantial departure from approval for the purposes of Part 10.1.18 of the Code. The importation and use of the material may proceed without written authorization from the Chief Permitting Officer.

Details with respect to the importation and use of the material must be documented, including the type of material, characterization results, and quantity of imported material, as well as an account of all usage locations on the mine site. This information, as well as analytical tables and quality assurance/quality control (QA/QC) data should be filed on-site and may be requested by EMLI during mine inspections.

Note to Major Mines Permittees: the information identified above must be reported in the Annual Reclamation Report. In addition, importation details should be included in a Notice of Departure (NoD) self assessment form and follow Departure from Approval guidance.

Resource Tip: Departures from Approval available at:
<https://www2.gov.bc.ca/gov/content?id=17155BB9A8F4472F886DE83E165FF6C9>

Other Regulatory Considerations

Importation of materials to a mine site may require authorization(s) from other government agencies in addition to EMLI. The Permittee is reminded of their obligation to obtain any required permits/authorizations from other agencies and to follow all applicable regulations.

Permittees are reminded that the relocation and handling of contaminated soils are regulated by the Ministry of Environment and Climate Change Strategy (ENV), under Section 55 of the *Environmental Management Act* and Part 8 of the Contaminated Sites regulation. However, when a mine is the intended recipient of contaminated soils, approval by the Chief Permitting Officer is also required. In general, the importation of contaminated soils, or other waste material, onto a

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mine site is not considered to be consistent with mining. Where the importation of contaminated soils, or other waste materials to a portion of the mine site is approved by another agency, the area in question will typically be removed from the permitted mine area so that the lead regulatory agency is clear.

Proponents considering the import of organic material such as compost or biosolids should be aware of requirements and quality criteria listed under the Organic Matter Recycling Regulations. On mine sites located within the Agricultural Land Reserve (ALR) proponents should be aware that a Notice made under Section 20.3(c) of the *Agricultural Land Commission Act* is required to place fill on ALR land or remove soil on ALR land.

Proponents are reminded that local municipal and regional zoning bylaws may also be applicable for the disposal of waste materials.

Resource Tip: *Environmental Management Act Contaminated Sites Regulation* available at:
https://www.bclaws.gov.bc.ca/civix/document/id/crbc/crbc/375_96_multi

Resource Tip: *Regulating Soil Relocation Intentions Paper* available at:
https://www2.gov.bc.ca/assets/gov/environment/air-land-water/site-remediation/docs/reports-and-presentations/regulating_soil_relocation_final_policy_direction.pdf

Resource Tip: *Organic Matter Recycling Regulation (OMRR)* available at:
https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18_2002

Resource Tip: *Agricultural Land Commission Soil and Fill Notice of Intent* available at:
[https://www.alc.gov.bc.ca/application-and-notice-process/soil-and-fill-notice-of-intent/Soil and Fill Notice of Intent - Provincial Agricultural Land Commission \(gov.bc.ca\)](https://www.alc.gov.bc.ca/application-and-notice-process/soil-and-fill-notice-of-intent/Soil%20and%20Fill%20Notice%20of%20Intent%20-%20Provincial%20Agricultural%20Land%20Commission%20(gov.bc.ca))