

## **Important Recommendations Missing in the Changes to the Health, Safety and Reclamation Code for Mining in British Columbia**

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There are a number of important recommendations to the BC Government that have not been implemented in BC Code changes of July, 2016, (Code 2016, and, Guidance Document 2016) resulting from the tailings dam failure at the Mt Polley mine.

The most important of the recommendations that have not been implemented come from the Mt Polley Expert Panel (Expert Panel 2015), and are:

1. *“The goal of BAT for tailings management is to assure physical stability of the tailings deposit.”* (Expert Panel 2015, p. 121)

This is accomplished by:

- a. *Eliminat(ing) surface water from the impoundment.*
- b. *Promot(ing) unsaturated conditions in the tailings with drainage provisions.*
- c. *Achiev(ing) dilatant conditions throughout the tailings deposit by compaction.*

and;

2. *“The overarching goal of BAT is to reduce the number of tailings dams subject to failure.”* (Expert Panel 2015, p. 122)

*“Reducing the current inventory of active tailings dams can be brought about from attrition by eliminating surface water at closure. Restricting future growth of the inventory can be achieved through tailings technologies that avoid water storage in the first place.”* (Expert Panel 2015, Appendix I)

Instead of “*eliminate(ing) water from the impoundment*” as recommended by the Mount Polley Expert Panel, the Code requires only making an “*Effort to reduce and remove water …*” (Guidance Document 2016, 3.1 Alternatives Assessment)

The Expert Panel cautions that it “*… firmly rejects any notion that business as usual can continue.*” (Expert Panel 2015, p. 118). Removing water from impoundments during and after operation, and reducing the number of tailings dams, both represent significant departures from business-as-usual. By failing to address these issues in its responses, the BC Government is furthering business-as-usual.

Also important were recommendations coming from the BC Auditor General audit, conducted in May, 2016, to determine whether regulatory compliance and enforcement activities of the Ministry of Energy and Mines (MEM) and the Ministry of Environment (MoE), pertaining to mining, are protecting the province from significant environmental risks.

*“We found almost every one of our expectations for a robust compliance and enforcement program within the MEM and the MoE were not met.”* (Auditor General 2016, p. 3)

Most importantly, the Auditor General report recommends:

1. *“… that the Government of British Columbia create an integrated and independent compliance and enforcement unit for mining activities, with a mandate to ensure the protection of the environment.”* (Code Review Committee 2016, p. 13)

and;

2. *“... that government safeguard taxpayers by ensuring the reclamation liability estimate is accurate and that the security held by government is sufficient to cover potential costs.” (Code Review Committee 2016, p. 17)*

The BC Government responded by saying that it:

*“... does not see the need for a reorganization of the ministries...” (Code Review Committee 2016, p. 13),*

and that;

*“In the past few years, the value of security deposits has increased to reflect more closely the true costs of reclamation.” (Code Review Committee 2016, p. 17).*

The responses by the Code Review Committee/MEM only skirt the intent of the Auditor General recommendations.

Little comfort can be gained when the BC Government seemingly fails to recognize the recommendations of the Mt Polley Expert Panel with regard to management of water in mine operation, and superficially responds to recommendations from the Auditor General. If the public is to be protected from future tailings dam failures, tough changes will need to be implemented in order to transform business-as-usual for mining in British Columbia.

#### References

Auditor General 2016. “An Audit of Compliance and Enforcement of the Mining Sector,” Auditor General of British Columbia, May 2016.

Code 2016. “Health, Safety and Reclamation Code for Mines in British Columbia for Mines Act, Revisions to Part 10 Effective as of July 20, 2016.”

Code Review Committee 2016. “Update on Implementation of Recommendations from the Expert Panel Report, the Chief Inspector of Mines Investigation Report and Auditor General’s Report on Mining,” British Columbia Code Review Committee, July 19, 2016.

Expert Panel 2015. “Report on Mount Polley Tailings Storage Facility Breach, Independent Expert Engineering Investigation and Review Panel,” Province of British Columbia, January 30, 2015.

Guidance Document 2016. “Guidance Document,” Health, Safety and Reclamation Code for Mines in British Columbia, Version 1.0, Updated July 2016.