

Leamy, Michelle T PREM:EX

From: Cadario, Michele PREM:EX
Sent: Thursday, November 19, 2015 11:57 AM
To: De Wit, Antoinette PREM:EX; Kapac de Frias, Martina E ENV:EX
Subject: FW: Correspondence from Mayor Walt Cobb re: Mount Polley Mine Water Discharge Permit
Attachments: 20151118162022937.pdf

Netty,

For response from the Premier.

Martina – FYI

Michele

*Michele Cadario
Deputy Chief of Staff to Premier Christy Clark*

From: Barnett, Donna [<mailto:D.Barnett@leg.bc.ca>]
Sent: Thursday, November 19, 2015 10:45 AM
To: Cadario, Michele PREM:EX
Subject: Fw: Correspondence from Mayor Walt Cobb re: Mount Polley Mine Water Discharge Permit

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Barnett.MLA, Donna <Donna.Barnett.MLA@leg.bc.ca>
Sent: Wednesday, November 18, 2015 4:36 PM
To: Barnett, Donna
Cc: Gavin, Bonnie
Subject: FW: Correspondence from Mayor Walt Cobb re: Mount Polley Mine Water Discharge Permit

Sent with Good (www.good.com)

From: Kim Dressler <kdressler@williamslake.ca>
Sent: November 18, 2015 4:19:48 PM
To: premier@gov.bc.ca; Steve Robertson; Bennett.MLA, Bill; Polak.MLA, Mary; Barnett.MLA, Donna; Oakes.MLA, Coralee
Cc: Tribune; rebecca@thegoatrock.ca
Subject: Correspondence from Mayor Walt Cobb re: Mount Polley Mine Water Discharge Permit

Please see attached correspondence from Mayor Walt Cobb.

Kim Dressler, BA, B.Ed.
Executive Assistant
City of Williams Lake
450 Mart St.

Williams Lake, BC V2G 1N3
Tel: 250-392-1775
Fax: 250-392-4408
Email: kdressler@williamslake.ca
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OFFICE OF THE MAYOR
CITY OF WILLIAMS LAKE

450 MART STREET, WILLIAMS LAKE, BRITISH COLUMBIA V2G 1N3
TELEPHONE 250-392-2311 FAX 250-392-4408

November 18, 2015

File No. 0530-08

VIA EMAIL:

The Honourable Christy Clark
Premier of British Columbia

Dear Premier Clark:

RE: Mount Polley Mine Water Discharge Permit

Council considered the above matter at its regular meeting held November 17, 2015. Quoted hereunder is Resolution No. 424/15 as passed at that meeting.

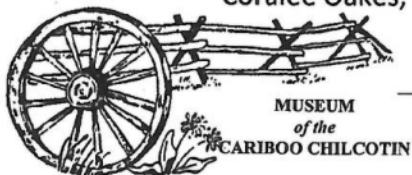
"That the Council of the City of Williams Lake stress to the Premier and Minister of Environment the importance of having the water discharge permit issued immediately to Mount Polley underlining the significant potential job losses to the Region as well as the undue stress and impacts being created on the employees, families and residents because of the development of a process that has created the inability for the government to provide a positive investment climate within these guidelines and resulting in further jeopardizing Mount Polley's ability to continue to invest in reclamation; and further, have created a potential environmental disaster by not issuing the water discharge permit in a timely manner."

I cannot state more emphatically that, unless the permit is issued immediately, Mount Polley Mine will experience another breach. Due to heavy snowfall, the water is rising at a significantly accelerated level; should the water discharge permit not be granted immediately, our region will suffer another environmental disaster. Further delay will be catastrophic - environmentally, economically, and socially. The blame for this will be solely with the Ministry.

Yours sincerely,

Walt Cobb, Mayor
City of Williams Lake

c: Steve Robertson, Imperial Metals Corporation
Hon. Bill Bennett, Minister of Energy & Mines
Hon. Mary Polak, Minister of Environment
Donna Barnett, MLA, Cariboo-Chilcotin
Coralee Oakes, MLA, Cariboo North



www.williamslake.ca



Leamy, Michelle T PREM:EX

From: Cadario, Michele PREM:EX
Sent: Thursday, November 19, 2015 11:58 AM
To: 'Barnett, Donna'
Subject: RE: Correspondence from Mayor Walt Cobb re: Mount Polley Mine Water Discharge Permit

Thanks Donna.

I will follow up.

Michele

Michele Cadario
Deputy Chief of Staff to Premier Christy Clark

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Sent: Thursday, November 19, 2015 10:45 AM
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Please see attached correspondence from Mayor Walt Cobb.

Kim Dressler, BA, B.Ed.
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Leamy, Michelle T PREM:EX

From: Cadario, Michele PREM:EX
Sent: Monday, November 30, 2015 10:39 AM
To: Mills, Shane LASS:EX; McPhee, Jordan PREM:EX
Subject: RE: Mt.Polley IB this afternoon

And Donna please

Michele Cadario
Deputy Chief of Staff to Premier Christy Clark

From: Mills, Shane [<mailto:Shane.Mills@leg.bc.ca>]
Sent: Monday, November 30, 2015 10:06 AM
To: McPhee, Jordan PREM:EX; Cadario, Michele PREM:EX
Subject: RE: Mt.Polley IB this afternoon

I'll make sure MCO also in loop.

From: McPhee, Jordan PREM:EX [<mailto:Jordan.McPhee@gov.bc.ca>]
Sent: Monday, November 30, 2015 10:05 AM
To: Mills, Shane <Shane.Mills@leg.bc.ca>; Cadario, Michele PREM:EX <Michele.Cadario@gov.bc.ca>
Subject: FW: Mt.Polley IB this afternoon

FYI

From: Kerr, Carleen GCPE:EX
Sent: Monday, November 30, 2015 9:25 AM
To: McPhee, Jordan PREM:EX
Cc: Safarik, Melissa GCPE:EX; Gleeson, Kelly T GCPE:EX; Gordon, Matt GCPE:EX; Woods, Emily GCPE:EX
Subject: Mt.Polley IB this afternoon

Hi Jordan - FYI – MEM will be putting out the attached IB mid-afternoon today around 3. The short-term discharge permit was signed yesterday by the statutory decision maker (Jennifer McGuire) and will be given to the company early this afternoon; First Nations will also be notified at that time. MEM MO is giving MLA Barnett a heads-up as well.

Mining Report

Report - Key Messages:

- We agree with the Expert Panel and the AG's office that 'business as usual' on mine sites in BC is not good enough.
- While the Mt. Polley accident had unprecedented circumstances – it is evidence that improvements in regulation are necessary to increase protection against the unforeseen.
- That's why we're acting on all combined 43 recommendations from the audit report, the Expert Panel, and the Chief Inspector of Mines - with the exception of one recommendation that we will seriously consider.
- Implementation of the report's 17 recommendations has already begun -- as well as the combined 26 recommendations from the Independent Expert Panel and the Chief Inspector of Mines.
- We take responsibility for the fact that the Ministry of Energy and Mines legislation and policies - at least in hindsight - has needed improvement for many years, and we are committed to make the necessary improvement.

Mining Report

Mining Report

If asked about ministry staff being at fault:

- I want to thank Auditor General Office for their evaluation of our legislation and policies.
- However, as confirmed by the independent panel of experts – staff in the Ministry of Energy and Mines fulfilled their duties in accordance with the rules in place at the time of the Mt. Polley accident.
- The AG's report seems to suggest that our rules in place at the time authorized ministry staff to do more than they did – and that the Mt. Polley accident could have been prevented.
- We respectfully disagree.
- The opinion of the independent panel of engineering experts and the Chief Inspector of Mines is clear on what caused the accident.
- Both of these reports concluded that the engineers and mining company had the opportunity to investigate subsurface soils when the tailings dam was built in the mid-1990's.
- However, the investigation done at the time – or any subsequent investigations – would not have uncovered the unstable clay that ultimately caused the accident.

Separate Compliance Board →

Mining Report

If asked about creating a separate compliance board:

- We have accepted all 17 recommendations in the AG audit report, with one partial exception.
- We agree with the AG that a separate board to deliver compliance and enforcement for mining should be created.
- We are already under way in doing that.
- However, we are not yet convinced that the board needs to be outside of the ministry.
- We recognize that the two ministries have not worked well enough together in the past, and that we need to get better at that.
- That's we have started to establish the mining compliance and enforcement board that will address the need for greater integration between the two ministries.
- We are also appointing a new deputy chief inspector of mines, who will be specifically responsible for compliance and enforcement.
- We take responsibility for the fact that the Ministry of Energy and Mines legislation and policies - at least in hindsight - has needed improvement for many years, and we are committed to make the necessary improvement.

Mount Polley

Value: Strengthening public confidence in BC's mining industry by improving safety and oversight.

Contrast: This should not be a political issue. The standards and methods applied to Mount Polley date back to 1990, and the mine was permitted in 1995.

Key Facts – Mount Polley Re-Start

There are three steps Imperial Metals needs to continue operations.

1. Currently, there is a restricted permit to re-start operations - this does not include the ability to discharge water off site into a tailing pond.
 2. In early fall, a second conditional permit to treat and discharge water.
 3. By June 30, 2016 the company must submit a long-term water treatment and discharge plan to government.
- The mine will not be authorized to continue operations if it fails to complete either of the last two steps.

Mount Polley

Mount Polley

Key Messaging - Mount Polley Re-Start

- The re-start of the Mount Polley Mine is a great moment for the families in the Cariboo that depend on the jobs the mine provides.
- This decision was made based on sound scientific evidence including input from experts, such as geotechnical engineers, geoscientists and hydrologists and after extensive public consultations.
- This conditional restricted permit to re-start operations is the first of three significant steps Imperial Metals needs to continue operations – this does not include the ability to discharge water off the site into a tailings pond.
- It has been a very difficult time for all in the communities.
- The re-opening marks a new start and provides confidence that the Mount Polley mine can operate without harming the environment.

Mount Polley

Key Facts – Independent Expert Panel Report

- The independent expert panel has attributed the tailing storage facility breach occurred to miscalculation of the strength of a layer of clay, silt and sand underneath the dam during the original design and construction.
- Government has acted on the recommendation to require all operating mines with tailing storage facilities to establish Independent Review Boards that will provide third-party advice on the design, construction, operation and closure of tailings storage facilities.
- Code review to implement remaining recommendations in consultation with unions, industry, First Nations and government.
- Fault-finding investigations by the Chief Inspector of Mines and Conservation Officers Service continue.
- MEM and MOE have received applications to resume operations at Mount Polley. Government will consult and work with First Nations and communities on the review of these applications. We want the mine to open, but we need to be sure it's done safely.

Mount Polley

Key Messages - Independent Expert Panel Report

- I would like to thank the independent panel for their hard work and for their report.
- The report makes clear that the breach at Mount Polley was caused by weak soils underneath the dam, not taken into account in the original design.
- Now we need to work together to make the mining industry even better, even safer.
- We accept all the recommendations, and are working to implement them.
- Investigations by the Chief Inspector of Mines and the Conservations Officers Service continue.
- We are pleased to see that dam safety inspections on all tailings storage facilities in BC are complete, and show them all to be in safe condition.
- And mines are now required to provide additional information on tailings management to the Environmental Assessment Office.
- We will continue to work with the people of Likely and neighbouring communities as they weather the outcome of this tragic incident.

Mount Polley

Key Facts – Inspections:

- In 2010/11, there was a drop off in the number of geotechnical inspections.
- This reduction was a result of declining revenues following the economic downturn and turnover of professional engineering and geotechnical staff.
- Since then, the number of geotechnical inspections has gone back up:
 - 26 in 2012;
 - 31 in 2013
 - 35 in 2014 – more than the NDP did in their last year in office (33 in 2000).
- The number of geotechnical inspectors has more than doubled (from 3 in 2011 to 7 today)
- Since 2001, there has been a total of 125 inspections at Mount Polley (including geotechnical, health/safety, electrical.)

Mount Polley

Key Messages – Inspections:

- Mining is a critical industry in BC, supporting dozens of communities and thousands of families.
- That's why we're going to work with First Nations, unions, and industry to apply the lessons of Mount Polley to mining across this province.
- Since 2011, we have more than doubled our inspectors on staff and increased geotechnical inspections.
 - Last year, government inspectors did 35 inspections – more than the NDP did in their last year in office (33).
- We have a significant opportunity to grow our mining industry in the years ahead – but we need to do it right.
- That's why we are increasing base funding to the Mines and Mineral Resources Division by \$6 million next year.
- Total Mining Division budget is now **\$20.1m** – the highest ever (2001: **\$16.2m**).
- Those resources will support more boots on the ground, making sure every mine operates safely and responsibly.

Mount Polley

OIPC Recommendations on Section 25 of FOIPPA

- I'd like to thank the Commissioner for the work done by her office.
- We are pleased that the Office of the Information and Privacy Commissioner's review found that the Province had followed current policy in relation to Mount Polley and Section 25.
- We will be accepting the recommendations made by the Commissioner respecting Section 25 of the Act.
- It will take some time for Ministry staff to determine the operational implications of these recommendations.
- It's important to recognize that much work has been done to date to ensure transparency in government operations; including availability of information on the Open Information and DataBC websites.
- Ministry staff will work closely with the OIPC on this recommendation and ensure the Province continues to have effective practices and policies in place.

Mount Polley – Validators

Quality of MEM inspection staff:

The independent panel reviewed the work of government inspectors and was clear in its conclusions saying inspectors were "well qualified" and "among the best the panel has encountered among agencies with similar duties". – Independent Panel Report, p. 116

"The panel was favourably impressed by the skill and commitment of MEM's geotechnical staff in carrying out their responsibilities."

– Independent Panel Report, p. 131

Additional inspections would not have prevented:

The independent panel was clear: "additional inspections of the TSF would not have prevented the failure." – Independent Panel Report, p. 116

Xat'sull (Soda Creek) First Nation:

"Last week I personally thanked the three panelists for their diligent efforts and want to ensure that all their recommendations are implemented. Our next step is to use our collective efforts to create a new mining industry that protects the environment while providing social and economic opportunities for everyone."

– Chief Bev Sellars, Feb 3/15

Mount Polley

Value: Strengthening public confidence in BC's mining industry by improving safety and oversight.

Contrast: This should not be a political issue. The standards and methods applied to Mount Polley date back to 1990, and the mine was permitted in 1995.

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There are three steps Imperial Metals needs to continue operations.

1. Currently, there is a restricted permit to re-start operations - this does not include the ability to discharge water off site into a tailing pond.
 2. In early fall, a second conditional permit to treat and discharge water.
 3. By June 30, 2016 the company must submit a long-term water treatment and discharge plan to government.
- The mine will not be authorized to continue operations if it fails to complete either of the last two steps.

Mount Polley

Dolan, Chelsea PREM:EX

From: Denniston, Tristan M MEM:EX
Sent: Wednesday, May 11, 2016 4:39 PM
To: Merrifield, Katy PREM:EX; Dolan, Chelsea PREM:EX
Cc: Wallace-Deering, Eric MEM:EX; Lewis, Ted MEM:EX; Haslam, David GCPE:EX
Subject: IN_Mt Polley Independent Panel Report_11 Feb 15_FINAL
Attachments: IN_Mt Polley Independent Panel Report_11 Feb 15_FINAL.doc

From when the panel was concluded

ADVICE TO MINISTER

<p>CONFIDENTIAL GCPE-MEM ISSUE NOTE</p> <p>Ministry of Energy and Mines Date: February 11, 2015 Minister Responsible: Bill Bennett</p>	<p>Response to Independent Panel Report on Mt. Polley</p>
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ADVICE AND RECOMMENDED RESPONSE:

- **Government accepts all of the recommendations.**
- **The Chief Inspector of Mines has now sent a letter requiring mines to provide information by June 30, 2015 that confirms whether foundation materials similar to those at Mount Polley exist below any of their dams and if so, whether sufficient testing has been completed and if the dams have been designed to account for those conditions.**
- **Government supports the recommendation that the Association of Professional Engineers and Geoscientists develop guidelines to improve site investigations when designing TSFs and the recommendation that mining companies enroll in the Mining Association of Canada's "Towards Sustainable Mining" program or develop similar practices.**
- **Government has also confirmed that Independent Tailings Dam Review Boards will become mandatory for operating mines.**
- **In the weeks ahead, government will initiate a code review to determine how to best implement the panel's recommendations regarding best available technology and practices, additional permit application requirements and safety standards that go beyond the Canadian Dam Association guidelines and are tailored to British Columbia.**
- **The panel recommended the adoption of best available technology including filtered tailings (dry stack) technology where appropriate. The panel also noted that there are circumstances where other technologies are more appropriate due to the need to neutralize chemicals in the tailings or challenges with dewatering the tailings.**
- **The code review will include a consultation process to determine how to implement best available technology and practices in British Columbia.**

SECONDARY:

- **The independent panel determined the strength and location of a layer of clay underneath the dam was not taken into account in its original design. As a result, this layer became overstressed, causing the portion of the dam on top of that layer, to collapse.**
- **The panel also determined that:**
 - **This was a sudden failure with no warning signs;**
 - **No amount of inspections would have detected the foundation issue;**
 - **The Ministry's geotechnical inspectors are well qualified and did their job as regulators.**
- **Now that we know the cause, we can devote all of our energy to taking a leadership role in Canada and internationally to learn from this and do everything we can to ensure it never happens again.**

KEY FACTS REGARDING THE ISSUE:

On August 18, 2014, an independent review panel of three geotechnical experts was established to investigate into and report on the breach of the tailings storage facility (TSF) at the Mount Polley Mine on August 4, 2014.

On January 30, 2015, the independent review panel delivered its final report and recommendations "Independent Expert Engineering Investigation and Review Mount Polley Tailings Storage Facility Breach" to the British Columbia Minister of Energy and Mines, the Williams Lake Indian Band and the Soda Creek Indian Band.

On February 3, 2015, the Union of BC Indian Chiefs, including Soda Creek Indian Band Chief Bev Sellars, urged government to implement all of the panel's recommendations. First Nations leaders said they wouldn't be supporting any future mine site, any mine development, if it didn't meet these new requirements and if it couldn't ensure that we wouldn't see another disaster like we saw at Mount Polley.

The Panel made seven recommendations to improve practice and reduce the potential for future failures. Recognizing that the path to zero failures involves a combination of best available technology (BAT) and best applicable practices (BAP), the Panel recommends the following:

1. Implement BAT using a phased approach:

- **For existing tailings impoundments.** Rely on best practices for the remaining active life.
- **For new tailings facilities.** BAT should be actively encouraged for new tailings facilities at existing and proposed mines.
- **For closure.** BAT principles should be applied to closure of active impoundments so that they are progressively removed from the inventory by attrition.

ADVICE TO MINISTER

2. Improve corporate governance:

- Corporations proposing to operate a tailings storage facility (TSF) should be required to be a member of the Mining Association of Canada (MAC) or be obliged to commit to an equivalent program for tailings management, including the audit function.

3. Expand corporate design commitments:

- Future permit applications for a new TSF should be based on a bankable feasibility that would have considered all technical, environmental, social and economic aspects of the project in sufficient detail to support an investment decision, which might have an accuracy of +/- 10-15%. More explicitly it should contain the following:
 - A detailed evaluation of all potential failure modes and a management scheme for all residual risk
 - Detailed cost/benefit analyses of BAT tailings and closure options so that economic effects can be understood, recognizing that the results of the cost/benefit analyses should not supersede BAT safety considerations
 - A detailed declaration of Quantitative Performance Objectives (QPOs).

4. Enhance validation of safety and regulation of all phases of a TSF:

- Increase utilization of Independent Tailings Review Boards.

5. Strengthen current regulatory operations:

- Utilize the recent inspections of TSFs in the province to ascertain whether they may be at risk due to the following potential failure modes and take appropriate actions
 - Filter adequacy
 - Water balance adequacy
 - Undrained shear failure of silt and clay foundations
- Utilize the concept of Quantitative Performance Objectives to improve regulator evaluation of ongoing facilities.

6. Improve professional practice:

- Encourage the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) to develop guidelines that would lead to improved site characterization for tailings dams with respect to the geological, geomorphological, hydrogeological and possibly seismotectonic characteristics.

7. Improve dam safety guidelines:

- Recognizing the limitations of the current Canadian Dam Association (CDA) guidelines incorporated as a statutory requirement, develop improved guidelines that are tailored to the conditions encountered with TSFs in British Columbia and that emphasize protecting public safety.

Government accepts all of the recommendations and is committed to working closely with First Nations and implementing the recommendations of the independent panel.

On February 5, 2015, the Chief Inspector of Mines sent a letter requiring mines to provide information by June 30, 2015 that confirms whether foundation materials similar to those at Mount Polley exist below any of their dams and if so, whether sufficient testing has been completed and if the dams have been designed to account for those conditions.

Government supports the recommendation that the Association of Professional Engineers and Geoscientists develop guidelines to improve site investigations when designing TSFs and the recommendation that mining companies enroll in the Mining Association of Canada's "Towards Sustainable Mining" program or develop similar practices.

Government has also confirmed that Independent Tailings Dam Review Boards will become mandatory for operating mines.

In the weeks ahead, government will initiate a code review to determine how to best implement the panel's recommendations regarding best available technology and practices, additional permit application requirements and safety standards that go beyond the Canadian Dam Association guidelines and are tailored to British Columbia.

Communications Contact: Glen Plummer
Program Area Contact: Al Hoffman
File Created: February 3, 2015
File Updated:
File Location:

250 952-0559
250 952-0494

Program Area	Comm. Director	Deputy	Minister's Office
AH	DH	DM	CS