

## Calvin Sandborn: In making mines safe, B.C. deserves an F

CALVIN SANDBORN / TIMES COLONIST  
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The muddy torrent that ripped down the Mount Polley dam and turned gentle Hazeltine Creek into a toxic canyon did something else. It swept away a decade of empty government boasts about environmental stewardship.

The recent auditor-general report on compliance and enforcement of the mining sector pulls no punches:

The ministry is deficient in carrying out most of the expected regulatory activities. On several occasions in the past 10 years, ministry staff told higher-level management that inadequate monitoring and inspection, due to insufficient staffing levels, was putting the province at risk.

And risk became reality at Mount Polley. Auditor general Carol Bellringer was particularly damning on government's regulation of Mount Polley, stating: "We noted the same issues in the Mount Polley file as we did throughout the audit — that is, too few resources, infrequent inspections and lack of enforcement."

Perhaps most important, the auditor general team concluded that at Mount Polley:

- Government failed to conduct the required geotechnical inspections of the dam every year, and
- If inspections had been done, inspectors could well have identified problems and avoided the disaster.

The auditor general's highest priority recommendation was that the Ministry of Energy and Mines needs to get out of the enforcement business — government should create a truly independent enforcement agency to enforce the law vigorously.

Bellringer noted that the ministry can't do this because of the inherent conflict in its dual role of promoting and regulating industry. Bellringer specifically noted that the ministry is "at risk of regulatory capture," of serving industry interests instead of the public interest.

One key example of industry interests trumping the public interest is the government's failure to make companies post enough security to pay for future mine cleanups. This leaves taxpayers at risk to pay the cleanup bill (like the \$700-million bill that Yukon taxpayers are paying at the Faro Mine).

Alaska and Quebec handle this better. They require companies to put up security for 100 per cent of potential cleanup costs. They believe that companies — not taxpayers — should clean up their own mess.

As a result, the Teck Resources mine in northern Alaska is fully bonded for \$560 million in reclamation costs — and Alaska taxpayers are protected. But British Columbia doesn't require the same company to protect B.C. taxpayers. Across the province, Teck mines have unsecured reclamation costs of more than \$700 million.

This policy flaw could cost you dearly. The auditor general has warned that the growing unfunded taxpayer liability for mine cleanups across B.C. exceeds \$1.2 billion.

Where to go from here?

The ramshackle regulatory system the government has long touted as “world-leading” is clearly a dysfunctional mess. It cannot be relied upon to safeguard our lakes and rivers from an industry that can permanently poison entire watersheds.

Fortunately, both the auditor general and the government’s expert panel on Mount Polley warn that “business as usual cannot continue,” and have called for dramatic reform. Faced with mounting evidence of overwhelming government neglect and bumbling, the politicians are making the right noises about implementing change.

But there is a real question about whether government will take the steps necessary.

After all, the auditor general warned in 2003 about the serious risk of unfunded mining liability — and the government responded by quadrupling the financial risk to taxpayers over the past decade.

It is particularly troubling that the government has refused to embrace the central recommendations of both the auditor general and the expert engineering panel:

- The government rejected the most important auditor-general recommendation — to move enforcement out of the mines ministry to a truly independent enforcement agency.
- It has not committed to the expert panel’s most significant recommendation — that the province systematically transition from building large tailings ponds to the safer technology of “dry stack” tailings. Despite the panel’s warning that two tailings dams will likely fail every decade, the minister has finessed commitment to this recommendation, and shuffled it off for extended review.

Nevertheless, our broken regulatory system can be fixed, and two expert bodies have pointed out how. Now, politicians just need to implement the recommendations made. If we do it right, we will some day be able truly to boast that we have the most sustainable mining in the world.

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- See more at: <http://www.timescolonist.com/opinion/columnists/calvin-sandborn-in-making-mines-safe-b-c-deserves-an-f-1.2265275#sthash.boWuanoF.dpuf>