

Section 12.0

Compliance Reporting

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12.0 COMPLIANCE REPORTING

Potential environmental effects and associated mitigation related to the proposed Kitsault Mine Project (proposed Project) are discussed in Section 6.0 of Avanti Kitsault Mine Ltd.'s (proponent) Application for an Environmental Assessment Certificate for the proposed Project, made under section 16 of the British Columbia *Environmental Assessment Act* (Application). Section 11.0 describes the components of the Environmental Management System (EMS) and Environmental Management Plans (EMPs) that would be developed to mitigate and manage potential effects related to the proposed Project. Section 12.0 details anticipated compliance monitoring and reporting obligations associated with permits, authorisations, and licenses issued, as well as the reporting structure.

12.1 Introduction

The Environmental Assessment (EA) has identified potential environmental, economic, social, heritage, and health effects of the proposed Project. A variety of compliance monitoring and follow-up programs will be necessary to inspect, evaluate, and report on the environmental protection measures. As stated by the Canadian Environmental Assessment Agency (Agency) (2007), there are two different types of monitoring: compliance monitoring; and follow-up programs. Compliance monitoring and reporting is necessary to verify whether required mitigation measures were implemented; follow-up programs determine the effectiveness of the mitigation measures (Agency 2007), based on requirements outlined in the *Canadian Environmental Assessment Act (CEA Act)* (Government of Canada 1992). This section provides a brief description and overview of potential compliance monitoring and reporting obligations associated with permits, authorisations and licences, as well as the reporting structure. Section 22.3 provides an overview of monitoring in relation to potential environmental effects monitoring and follow-up programs. Although discussed separately in this EA, the development and implementation of compliance monitoring and follow-up program requirements would be consolidated under discipline-specific environmental effects monitoring and follow-up programs for completeness and simplicity (see Section 22.3).

12.2 Compliance Monitoring and Reporting

The proponent will hold and maintain necessary permits for any work that takes place in, on, or about the mine and will comply with all provisions of provincial and federal legislation, the regulations, conditions of permits issued, and "Health, Safety and Reclamation Code for Mines in British Columbia" (British Columbia Ministry of Energy, Mines and Petroleum Resources (BC MEMPR) BC 2008). A preliminary list of anticipated compliance monitoring and reporting obligations associated with necessary permits, authorisations, licences, regulations and the Health, Safety and Reclamation Code is provided in Table 12.2-1. This list is not comprehensive, since it only includes monitoring and reporting requirements that are stipulated within the regulation, legislation, or the Health, Safety and Reclamation Code. It is understood that there are additional permit approvals and authorisations necessary for proposed Project commencement (see Table 2.8-1 and 2.8-2) that may have their own compliance monitoring, follow-up program conditions, and requirements that are specific to the legislation under which the authorisation was issued, which has not been covered under

this section or Section 22.3 Follow-up Program. Planned environmental monitoring and follow-up programs to determine the effectiveness of mitigation measures or to verify predictions of potential environmental effects are outlined in Section 22.3 Follow-up Programs.

Table 12.2-1: Preliminary List of Anticipated Compliance Monitoring and Reporting Obligations

Legislation	Responsible Authority	Permit / Authorisation / Program	Discipline	Anticipated Compliance Monitoring and Reporting Obligations
Mines Act	BC MEM	Mines Act Permit; "Health, Safety and Reclamation Code for Mines in British Columbia"	Health and Safety	<p>Develop and implement Occupational Health and Safety Plan (outlined in Section 11.2.13).</p> <p>Develop and implement Environmental Management System (11.1).</p> <p>Establish and maintain a joint management-worker Occupational Health and Safety Committee.</p> <p>By 31 January of each year, forward the chief inspector a report for the previous calendar year outlining work place conditions as per section 1.9.3 of the Health, Safety and Reclamation Code.</p> <p>Establish a written program (as per section 2.1.3 of the Health, Safety and Reclamation Code) to monitor workplace contaminants to ensure employees shall not be exposed to airborne concentrations of chemical agents or noise in excess of the levels specified in section 2.1.1 of the Health, Safety and Reclamation Code.</p> <p>Develop and implement an effective housekeeping program as per section 2.2.1 of the Health, Safety and Reclamation Code.</p> <p>Develop and file with the chief inspector, a Mine Emergency Response Plan, which shall be kept up to date as per section 3.7.1 of the Health, Safety and Reclamation Code.</p>
Sections 46-53 CEPA	EC	NPRI	Atmospheric	<p>Develop and maintain an annual inventory of releases, disposals and transfers for recycling as defined by NPRI.</p> <p>For those calendar years that the proposed Project meets the NPRI reporting requirements (per the NPRI Notice published in the Canada Gazette): create, certify and submit an NPRI inventory report by 1 June (or whichever deadline the Notice states) the following year.</p>

Legislation	Responsible Authority	Permit / Authorisation / Program	Discipline	Anticipated Compliance Monitoring and Reporting Obligations
Section 46 <i>CEPA</i>	EC	GHGRP	Atmospheric	Develop and maintain an annual inventory of GHG emissions as defined by the GHGRP.
				For those calendar years that the proposed Project meets the GHG emissions mandatory reporting criteria specified in the annual notice published in the Canada Gazette: prepare and submit a GHG emissions report by 1 June (or whichever deadline the Notice states) the following year.
Mines Act	BC MEM	Mines Act Permit; "Health, Safety and Reclamation Code for Mines in British Columbia"	Reclamation and Environmental Monitoring	As specified in section 10.1.4(5) of the Health, Safety and Reclamation Code, submit an annual report of reclamation and environmental monitoring work performed under section 10.1.4(4) by 31 March of the following year.
<i>Mines Act</i>	BC MEM	Permit to operate tailings or water management facility per section 10.5.1 of the "Health, Safety and Reclamation Code for Mines in British Columbia"	Geotechnical	Submit an "as-built" report to the chief inspector certifying that the facility was designed and constructed according to section 10.1.5 of the Health, Safety and Reclamation Code.
				Develop and implement an Operation, Maintenance and Surveillance manual prior to commissioning the impoundment as per section 10.5.2 of the Health, Safety and Reclamation Code.
				Submit annual dam safety inspection report on the Operation, Maintenance and Surveillance of the tailings and water management facility and associated dams to the chief inspector (section 10.5.3 of the Health, Safety and Reclamation Code).
Fisheries Act	EC	MMER	MMER Environmental Effects Monitoring (post-closure)	Once the proposed Project becomes subject to section 7 of the MMER:
				Develop and complete an Emergency Response Plan per section 30 of MMER, to describe the measures to be taken in respect to the occurrence of a deposit of a deleterious substance that is out of the normal course of events.
				Quarterly monitoring of effluent characterisation and water quality.
				Bi-annual sublethal toxicity testing for one species of fish, invertebrate, plant, and algae.
				Biological monitoring study including site characterisation, fish population, fish tissue, and benthic invertebrate

Legislation	Responsible Authority	Permit / Authorisation / Program	Discipline	Anticipated Compliance Monitoring and Reporting Obligations
				<p>community studies starting 12 or 24 months after the proposed Project becomes subject to section 7 of <i>MMER</i>.</p> <p>As per section 21 of <i>MMER</i>, submit effluent monitoring report each calendar quarter.</p> <p>As per section 22 of <i>MMER</i>, submit an annual effluent monitoring report on 31 March for the previous calendar year.</p>
Mines Act	BC MEM	<i>Mines Act Permit; "Health, Safety and Reclamation Code for Mines in British Columbia"</i>	Closure and Reclamation	<p>Upon closure or declared closure of a major impoundment, submit a report to the chief inspector in accordance with section 10.6.10 of the <i>Health, Safety and Reclamation Code</i>.</p> <p>Implement reclamation monitoring programs, as required by the chief inspector, to demonstrate that reclamation and environmental protection objectives including land use, productivity, water quality and stability of structures are being achieved.</p>

Note: BC MEM - British Columbia Ministry of Energy and Mines; CEPA - Canadian Environmental Protection Act, 1999; EC - Environment Canada; GHG - greenhouse gas; GHGRP - Greenhouse Gas Emissions Reporting Program; MMER - Metal Mining Effluent Regulations; NPRI - National Pollutant Release Inventory

12.3 Reporting Structure

The proponent will further develop compliance reporting details for both provincial and federal agencies during the permitting stage of the proposed Project. Final reporting commitments will include requirements for the process, as well as the provisions of written reports detailing compliance with permit stipulations.

Once construction commences, the proponent will prepare an annual consolidated environmental report on the proposed Project, unless otherwise directed by regulatory agencies or permit stipulations, which addresses outcomes of the monitoring and follow-up programs (see Section 22.3). This annual report would summarise how the proponent has implemented mitigation measures and would include comment on the effectiveness of these measures in reducing adverse environmental effects. In addition, every five years, the proponent will prepare a more detailed report outlining trends observed in the environmental monitoring and follow-up programs (see Section 22.3). This report would assess trends in the predicted effects of the proposed Project, as outlined in this Application, and determine the success of mitigation measures or alternative measures to reduce the effects on the environment.

It would be through the EMS that reporting, documentation, communication, and training would be undertaken to achieve the necessary compliance reporting. Section 11.1 provides some insight into this process. Conformance monitoring and reporting requirements of the EMS, including internal and external EMS audits and senior management review, are also described in Section 11.1.