

## **Supporting Document Q2**

### **Legislation, Policies and Guidelines**

## Legislation, Policies and Guidelines

### Giant Mine Remediation

In 1999 Royal Oak Mines was assigned into bankruptcy. Since that time Indian and Northern Affairs Canada (INAC) has overseen care and maintenance of the Giant Mine site and has completed in depth investigative baseline studies of the site. Using this information, INAC developed a remediation plan for the site with the assistance of a Technical Advisor team and Independent Peer Review Panel. Implementation of the remediation plan will be managed by the Contaminants and Remediation Directorate. The remediation of Giant Mine is under the management of Indian Affairs and Northern Development. The Contaminants and Remediation Directorate (CARD) of the Northern Affairs Organization of Indian and Northern Affairs Canada (INAC) works within a broad management system for all northern contaminated sites. This being the case, the department must follow several guiding documents while managing and determining final remediation options for the Giant Mine, The following federal legislation, policies and guidance documents provide a broad context as to how remediation should be approached or considered:

- *Department of Indian Affairs and Northern Development Act*, R.S.C., 1985, c. I-6, s.4.
- *Northwest Territories Waters Act*, R.S.C. 1992, c. 39.
- *Mackenzie Valley Resource Management Act*, R.S.C., 1998 c.25.
- Federal Contaminated Sites Action Plan (FCSAP)
- A Federal Approach to Contaminated Sites (Contaminated Sites Management Working Group, 2000)
- Contaminated Sites Management Policy (INAC, 2002) & Northern Affairs Program Contaminated Sites Management Policy (INAC, 2002)
- Treasury Board Policy on Management of Real Property (Treasury Board Secretariat, 2006)
- Canadian Council of Ministers of the Environment (CCME) National Classification System for contaminated sites.

Furthermore, INAC and the Government of the Northwest Territories executed a Cooperation Agreement on March 15, 2005 respecting the Giant Mine Remediation Project to co-ordinate the surface and underground remediation work (Supporting Document \*\*). The agreement is specific to the Giant Mine Remediation Project and creates an arrangement between Canada and GNWT to co-operate and co-ordinate the care and maintenance of the mine site, the regulatory approvals of the remediation project and the subsequent implementation.

The parties also agree to coordinate activities related to the Giant Mine Remediation Project based on the following key goals:

- finalize and implement an effective care and maintenance plan;
- finalize and implement a remediation plan for the Giant mine site that is cost effective;
- protect human health, public safety, and the environment;
- maximize territorial economic opportunities; and,

- co-operate in the spirit of smart regulations to achieve a timely, efficient and cost-effective process based on accountability and performance.

The agreement does not transfer jurisdictional responsibilities or liabilities that each party otherwise may have with respect to the Giant mine site.

In consideration of the Cooperation Agreement, the following territorial legislation, policies and guidance documents provide further context as to how remediation should be approached or considered:

- *Environmental Protection Act*, R.S.N.W.T. 1988, C. e-7
- Environmental Guideline for Contaminated Site Remediation, (*GNWT 2003*)
- *Commissioner's Land Act*, R.S.N.W.T. 1988, c. C-11
- *Mine Health and safety Act*, R.S.N.W.T. 1994, c.25

In addition to the above federal and territorial legislation and policies, INAC must also follow specific federal and territorial legislation and guidelines that will pertain to the remediation work planned for Giant Mine. Codes, standards and regulations potentially applicable to the Giant Mine Remediation Plan are listed in Table 1.

Procurement must be compliant with applicable federal legislation and policies. Potential contractors will be encouraged to provide, to the greatest extent feasible, employment opportunities to Northerners, including First Nations, and to provide appropriate training of employees. It is the program view that achieving these secondary objectives can make a real and sustainable contribution to the northern economy, and to the long-term benefit of First Nations..

Contamination at the Giant mine site has been assessed against the Canadian Council of Ministers of Environment (CCME) National Classification System for contaminated sites and has been reviewed and assessed by the expert departments (Environment Canada, Fisheries and Oceans, and Health Canada) in support of the Federal Contaminated Sites Action Plan. In all cases, the Giant mine site has been ranked as one of the top priority sites in Canada requiring remediation.

Based on the above, certain principles or objectives that are relevant to the Giant site have been excerpted below and occasionally modified to be more site-specific. INAC will commit to the following principles, which are divided into categories of general principles/policies; partnerships with First Nations, and Remediation options and selection.

The intent of this project is to minimize health and safety and environmental risks associated with the Giant Mine site and implement a remediation plan that meets the needs and concerns of DIAND, GNWT, Aboriginal partners and all Northerners.

**General INAC principles/policies:**

- meet the overall departmental objective to contribute to a safer, healthier, sustainable environment for Aboriginal peoples and northern residents by striving to preserve and enhance the ecological integrity of the environment. (Contaminated Sites Management Policy, INAC 2002)

- immediate and reasonable action must be taken to protect the health and safety of persons and the environment. (Policy on Management of Real Property, November 2006)
- meet federal and departmental policy requirements and legal obligations regarding the management of contaminated sites; (Contaminated Sites Management Policy, INAC 2002)
- adopt solutions tailored to the northern environment and peoples wherever possible. This includes leveraging local knowledge and incorporating the unique needs of northerners and the environment they live in into the development and implementation of remediation; (NAP CSP Management Framework)

#### **INAC Relationships with First Nations:**

- promote Aboriginal and northern participation in the identification, assessment, decision-making and remediation/risk management processes relating to the Giant site (Contaminated Sites Management Policy, INAC 2002).
- promote respect and sharing of knowledge, experience and resources in partnerships/teamwork with clients and partners; (Northern Affairs Program Contaminated Sites Program Management Framework)
- promote the social and economic benefits that may accrue to First Nations, and northern communities (Contaminated Sites Management Policy, INAC 2002)
- plan, where appropriate, the scale and pace of remediation/risk management in keeping with northern and Aboriginal capacity to be involved. (Contaminated Sites Management Policy, INAC 2002)
- incorporate economic opportunities, to the extent possible, for northern and Aboriginal communities in the management and remediation of the site. (Contaminated Sites Management Policy, INAC 2002)

#### **Remediation options and selection:**

- provide a scientifically valid, risk management based framework for setting priorities, planning, implementing and reporting on the management of contaminated sites (Contaminated Sites Management Policy, INAC 2002)
- apply the following criteria in determining the priority for managing contaminated sites:
  - human and environmental health and safety;
  - legal and claims obligations;
  - significant impact on the environment; and concerns of Aboriginal people and other northerners. (Contaminated Sites Management Policy, INAC 2002)
  - apply overall cost-effectiveness considerations. (Contaminated Sites Management Policy, INAC 2002)
- risk management principles are applied to determine the most appropriate and cost-effective course of action for each site ... activities must be guided by standards endorsed by the Canadian Council of Ministers of the Environment (CCME) (Treasury Board Policy on Management of Real Property, November 2006) and the Government of the Northwest Territories.

Application of Legislation, Policies and Guidelines

Contractors working on the Giant Mine Remediation Project will be required to:

- Meet or exceed all codes, standards and regulations under the authority of the Government of Canada and the Government and the Northwest Territories (Table 1)
- Use the latest version of all specified standards, codes and referenced documents.
- Consider additional codes, standards and regulations not listed as a requirement of the Law of the Land and will form a part of the work.
- Comply with non-referenced relevant codes, standards, regulations and acts.

Table 1 Listing of the codes, standards and regulations potentially applicable to the Giant Mine Remediation Plan.

<b>Government of Canada governing codes, standards and guidelines, and regulations</b>	<b>Regulatory Authority</b>	<b>Applicable/ Not Sure / Not Applicable</b>
<ul style="list-style-type: none"> <li>• Canada occupational Health and Safety Regulations</li> </ul>	<b>Canada Labour Code</b> Part 11 – Occupational Health and Safety	<b>Applicable</b>
Mackenzie Valley Land Use Regulations	<b>Mackenzie Valley Resource Management Act</b>	<b>Applicable</b>
Northwest Territories Waters Regulations	<b>The Northwest Territories Waters Act</b>	<b>Applicable</b>
<ul style="list-style-type: none"> <li>• Inter-Provincial Movement of Hazardous Waste Regulations</li> <li>• Ozone Depleting Substances Regulations</li> </ul>	<b>Canadian Environmental Protection Act</b>	<b>Applicable</b>
Controlled Products Regulations	<b>Canada Labour Code</b> Part II Occupational Health and Safety Hazardous Materials Information Review Act	<b>Applicable</b>
National Fire Code of Canada	National Fire Code of Canada Canadian Commission on Building and Fire Codes Natural Resources Canada 1995 a. 2002	<b>Applicable</b>
<ul style="list-style-type: none"> <li>• Transportation of Dangerous Goods Regulations</li> </ul>	<b>Transportation of Dangerous Goods Act</b>	<b>Applicable</b>
Territorial Land Use Regulations	<b>Territorial Lands Act</b>	<b>Applicable</b>
<ul style="list-style-type: none"> <li>• Department of Fisheries and Oceans Regulations</li> <li>• (Environment Canada) Metal Mining and Effluent Regulations</li> </ul>	<b>Fisheries Act</b>	<b>Applicable</b>
BILL C-45 – Amendments to the Criminal Code Affecting the Criminal Liability of Organizations	<b>Criminal Code</b>	<b>Applicable</b>
<ul style="list-style-type: none"> <li>• Use of Electricity in Mines</li> <li>• Qualifying Permanent Connections in Substations Grounding</li> <li>• Bonding and Grounding of Electrical Equipment</li> <li>• Communications Cables</li> </ul>	<b>Canadian Electrical Code</b>	<b>Applicable</b>
Local bylaws and Regulations and Requirements of AHJ (authorities having jurisdiction over building, fire and plumbing regulation)		<b>Applicable</b>
<b>Government of the Northwest Territories governing codes, standards and guidelines and regulations</b>		

<ul style="list-style-type: none"> <li>• Spill Contingency Planning and Reporting Regulations</li> <li>• Used Oil and Waste Fuel Management Regulations</li> </ul>	<b>Environmental Protection Act,</b> R.S.N.W.T. 1988,C. e-	<b>Applicable</b>
<ul style="list-style-type: none"> <li>• Annual Vacations Regulations</li> <li>• Educational Work Experience Regulations</li> <li>• Employment of Young Persons Regulations</li> <li>• Notice of Termination Exemption Regulations</li> <li>• Pregnancy and Parental Leave Regulations</li> </ul>	<b>Labour Standards Act</b>	<b>Applicable</b>
<ul style="list-style-type: none"> <li>• General Sanitation Regulations</li> </ul>	<b>Public Health Act</b>	<b>Applicable</b>
<ul style="list-style-type: none"> <li>• Fire Prevention Regulations</li> </ul>	<b>Fire Prevention Act</b>	<b>Applicable</b>
Transportation of Dangerous Goods Regulations	<b>Transportation of Dangerous Goods Act</b>	<b>Applicable</b>
<ul style="list-style-type: none"> <li>• Worksite Hazardous Materials Information System Regulations (WHMIS)</li> <li>• Consolidation of Safety Act.</li> <li>• Consolidation of Asbestos Safety Regulations</li> <li>• Consolidation of General Safety Regulations</li> </ul>	<b>Safety Act</b>	<b>Applicable</b>
<ul style="list-style-type: none"> <li>• Mine Health and Safety Regulations</li> </ul>	<b>Mine Health and Safety Act,</b> R.S.N.W.T. 1994, c.25	<b>Applicable</b>
<ul style="list-style-type: none"> <li>• Commissioner's Land Regulations (Standards, practices and legislation governing Occupiers Liability in the Northwest Territories)</li> </ul>	<b>Commissioner's Land Act,</b> R.S.N.W.T. 1988, c. C-11	<b>Applicable</b>
<ul style="list-style-type: none"> <li>• Any two persons resident in the Northwest Territories who are not less than 19 years of age and who are of the opinion that a contaminant has been released into the environment, is being released into the environment, or is likely to be released into the environment, may apply to the Minister for an investigation of the release or the likely release.</li> </ul>	<b>Environmental Rights Act</b>	<b>Applicable</b>
Boilers and Pressure Vessels Regulations	<b>Boilers and Pressure Vessels Act</b>	<b>Applicable</b>
<b>Standards and Guidelines</b>		
Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products	<b>Canadian Council of Ministers of the Environment (1994)</b>	<b>Applicable</b>

Guidelines for Canadian Drinking Water Quality	<b>Health Canada</b> Federal, Provincial, Territorial Committee on Drinking Water	<b>Applicable</b>
Guidelines for Effluent Quality and Wastewater Treatment at Federal Establishments	<b>Environment Canada</b> Federal Activities Environmental Branch Environmental Conservation Directorate	<b>Applicable</b>
Guidelines for the Management of Waste Batteries	<b>Environment and Natural Resources</b> Government of the Northwest Territories	<b>Applicable</b>
Guidelines for the Management of Waste Lead and Lead Paint	<b>Environment and Natural Resources</b> Government of the Northwest Territories	<b>Applicable</b>
Guidelines for the Management of Waste Solvents	<b>Environment and Natural Resources</b> Government of the Northwest Territories	<b>Applicable</b>
Environmental Guidelines for Contaminated Site Remediation	<b>Environment and Natural Resources</b> Government of the Northwest Territories	<b>Applicable</b>
Guidelines for Ambient Air Quality	<b>Canadian Environmental Protection Act</b>	<b>Applicable</b>
Guidelines for Dust Suppression	<b>Environment and Natural Resources</b> Government of the Northwest Territories	<b>Applicable</b>
Guidelines for the General Management of Hazardous Waste	<b>Environment and Natural Resources</b> Government of the Northwest Territories	<b>Applicable</b>
Guidelines for Ozone Depleting Substances	<b>Environment and Natural Resources</b> Government of the Northwest Territories	<b>Applicable</b>

Table 2 List of the Permits, licences, leases, certificates, authorizations, approvals and agreements applicable to the Giant Mine Remediation Plan

<b>Potential Permits</b>	<b>Regulatory Authority</b>	<b>Applicable / Not Sure / Not Applicable</b>
Annual Permit for Electrical Maintenance Work	<b>Electrical Protection Act</b>  Electrical permits issued by the GNWT Public Works and Services are only for the bunkhouses, cook houses and related residential facilities; all of the other electrical installations at a site are "permitted" by the Workers Compensation Board	<b>Applicable</b>
Application to Commence Shaft	<b>Mine Health and Safety Act</b>	<b>Applicable to</b>



Sinking, Underground Development Work, or the Surface Stripping of an Open Pit for the Purpose of Production of Minerals	Chief Inspector of Mines Workers Compensation Board	<b>underground development for the purpose of installing freeze system</b>
Approval Under the Navigable Waters Protection Act (NWPA)	<b>Navigable Waters Protection Act</b> Department of Fisheries and Oceans Canadian Coast Guard	<b>Applicable</b>
Archaeologists Permit	<b>Northwest Territories Archaeological Sites Regulations</b> GNWT Education Culture and Employment, Prince of Whales Northern Heritage Centre	<b>Not Applicable</b>
Blasting Certificate	<b>Mine Health and Safety Act</b> Chief Inspector of Mines, Workers Compensation Board	<b>Applicable</b>
Drilling Authority	<b>Canada Mining Regulations</b> Engineer of Mines, NWT Geology Division, INAC	<b>Not Applicable</b>
Explosives Use Permit	<b>Explosives Use Act</b> Or <b>Mine Health Safety Act</b> Workers Compensation Board	<b>Applicable</b> if used under the Explosive Use Act (NWT) <b>Not Applicable</b> if used under Mine Health and Safety Act (NWT)
Fisheries Act Authorization	<b>Fisheries Act</b> Fish Habitat Management Department, Department of Fisheries and Oceans	<b>Applicable</b>
Gas Installation Permit	<b>Gas Protection Act</b> Electrical / Mechanical Safety Division, GNWT Department of Public Works and Services	<b>Applicable</b>
Installation Permit,	<b>Boilers and Pressure Vessels Act</b> Electrical / Mechanical Safety Division GNWT Department of Public Works and Services	<b>Applicable</b>
Land Use Permit MVLWB	<b>Mackenzie Valley Resource Management Act</b> Mackenzie Valley Land and Water Board	<b>Applicable</b>
Magazine Licence	<b>Explosives Regulations</b> Natural Resources Canada	<b>Applicable</b>
Mineral Lease	<b>Canada Mining Act</b> Indian Northern Affairs Canada	<b>Not Applicable</b> Subsurface rights withdrawn
Notice to Group	<b>Canada Mining Act</b> Indian Northern Affairs Canada	<b>Not Applicable</b>
Permit for Wiring Installations	<b>Electrical Protection Act</b> Electrical / Mechanical Safety Division, GNWT Department of Public Works	<b>Applicable</b>

	and Services	
Permit to Burn	City of Yellowknife Yellowknife Fire Division	<b>Applicable</b>
Permit to Store Detonators	<b>Mine Health and Safety Act</b> Chief Inspector of Mines, Workers Compensation Board	<b>Applicable</b>
Scientific Research Licence	<b>Scientists Act NWT</b> Aurora Research Institute	<b>Applicable for certain scientific studies only</b>
Surface Lease (DIAND)	<b>Territorial Lands Act</b> Land Administration, INAC	<b>Not Required Reserve designation</b>
Water Licences (Mackenzie Valley Region)	<b>Northwest Territories Waters Act</b> Mackenzie Valley Land and Water Board	<b>Applicable</b>
Wildlife Research Permit	<b>Wildlife Act</b> Wildlife Licenses and Permits Regulations GNWT Environment and Natural Resources	<b>Applicable</b>
Workers' Compensation Board Requirements	<b>Workers Compensation Act</b> Workers Compensation Board	<b>Applicable</b>
Hot Work Permit	Mine Health and Safety Act, Chief Inspector of Mines, Workers Compensation Board	<b>Applicable</b>
Mine Hoist Permit	Mine Health and Safety Act, Chief Inspector of Mines, Workers Compensation Board	<b>Applicable</b>
Mine Hoist Certificate	Mine Health and Safety Act, Chief Inspector of Mines, Workers Compensation Board	<b>Applicable</b>
Hoist Operator's Certificate	Mine Health and Safety Act, Chief Inspector of Mines, Workers Compensation Board	<b>Applicable</b>
Shaft Conveyance Permit	Mine Health and Safety Act, Chief Inspector of Mines, Workers Compensation Board	<b>Applicable</b>
Rope Certificate/Test Certificate	Mine Health and Safety Act, Chief Inspector of Mines, Workers Compensation Board	<b>Applicable</b>
Underground Mine Rescue Certificate	Mine Health and Safety Act, Chief Inspector of Mines, Workers Compensation Board	<b>Applicable</b>
St. John Ambulance Standard First Aid Certificate Level I, Level II	Mine Health and Safety Act, Chief Inspector of Mines, Workers Compensation Board	<b>Applicable</b>
Canadian Red Cross Standard First Aid Certificate	Mine Health and Safety Act, Chief Inspector of Mines, Workers Compensation Board	<b>Applicable</b>
Canadian Red Cross Standard First Responder Certificate	Mine Health and Safety Act, Chief Inspector of Mines, Workers Compensation Board	<b>Applicable</b>
Asbestos Licence	Canada Safety Act Consolidation of Asbestos Safety Regulations R-016-92	<b>Applicable</b>

For further information on the various relevant policies, please refer to the DIAND headquarters website: [http://www.ainc-inac.gc.ca/ps/nap/consit/index\\_e.html](http://www.ainc-inac.gc.ca/ps/nap/consit/index_e.html).