



Environmental Management Act

PLACER MINING WASTE CONTROL
REGULATION

B.C. Reg. 107/89

Deposited and effective April 18, 1989
Last amended May 17, 2021 by B.C. Reg. 131/2021

Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 107/89 (O.C. 524/89), deposited and effective April 18, 1989, is made under the *Environmental Management Act*, S.B.C. 2003, c. 53, s. 138.

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

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Definitions

- 1** In this regulation:

“**Act**” means the *Environmental Management Act*;

“**placer mineral**” has the same meaning as in the *Mineral Tenure Act*.

[en. B.C. Reg. 131/2021, s. 1.]

Exemptions

- 2** A person who carries out a class of operation, activity, industry or work referred to in section 3 is exempt from section 6 (2) and (3) of the Act in respect of that class if the person meets the conditions and circumstances set out in section 3 and provides to a director on the director’s request information the director considers sufficient to determine the existence and extent of the discharge.

[en. B.C. Reg. 321/2004, s. 22; am. B.C. Reg. 131/2021, s. 2.]

Classes

- 3** The classes of operations, activities, industries or works referred to in section 2 are discharges into the environment of waste from mining a placer mineral where the discharges are from
- (a) hand panning for gold,
 - (b) testing for the presence of placer minerals by means of equipment movable by hand where
 - (i) neither mercury nor chemicals are used,
 - (ii) the diameter of the intake of a washwater delivery system does not exceed 38 mm,
 - (iii) tailings are discharged to a tailings pond with a minimum of 0.5 m freeboard, and
 - (iv) the water in the tailings pond
 - (A) is pumped back to the operation for reuse,
 - (B) is left in the pond and allowed to seep into the ground in a manner which does not result in suspended solids entering a body of water at any point downstream of the operation, or
 - (C) is partly pumped back as referred to in clause (A) and is partly left as referred to in clause (B), or

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- (c) mining production where
- (i) neither mercury nor chemicals are used,
 - (ii) tailings are discharged to a tailings pond with a minimum of 0.5 m freeboard, and
 - (iii) the water in the tailings pond
 - (A) is pumped back to the operation for reuse,
 - (B) is left in the pond and allowed to seep into the ground in a manner which does not result in suspended solids entering a body of water at any point downstream of the operation, or
 - (C) is partly pumped back as referred to in clause (A) and is partly left as referred to in clause (B).

[am. B.C. Reg. 131/2021, s. 3.]

Transition – permit application in progress

- 4** (1) This section applies to a person who is exempt from section 6 (2) and (3) of the Act in respect of discharges referred to in section 3 (c) (i) of this regulation as it read immediately before the coming into force of this section.
- (2) A person to whom this section applies, other than a person who is exempt from section 6 (2) and (3) of the Act in respect of discharges referred to in section 3 (c) of this regulation, as it reads after the coming into force of this section, is exempt from section 6 (2) and (3) of the Act in respect of discharges referred to in subsection (1) of this section
- (a) if the person applies before January 1, 2022 to a director for a permit under section 14 of the Act in relation to the discharge, and
 - (b) until the date a director makes a decision in relation to the person's permit application.

[en. B.C. Reg. 131/2021, s. 4.]