

Mining Act

ONTARIO REGULATION 192/06

PERMISSION TO TEST MINERAL CONTENT

Consolidation Period: From August 8, 2006 to the e-Laws currency date.

No amendments.

This is the English version of a bilingual regulation.

Interpretation

1. In this Regulation,

“material” has the same meaning as in subsection 3 (2) of Ontario Regulation 240/00 (Mine Development and Closure Under Part VII of the Act) made under the Act. O. Reg. 192/06, s. 1.

Conditions re s. 52 (1) of the Act

2. The conditions set out in this Regulation are prescribed for the purposes of subsection 52 (1) of the Act. O. Reg. 192/06, s. 2.

Application for permission

3. (1) No person shall mine, mill or refine mineral bearing substance from an unpatented mining claim for the purpose of testing mineral content unless the person has applied for, and received, the written permission of the Minister to do the work. O. Reg. 192/06, s. 3 (1).

(2) An application for a written permission under subsection (1) shall contain the following information:

1. The name of the applicant.
2. The claim numbers, a legal description of the claim and copies of the claim ownership documents.
3. If applicable, the written permission of the person or persons holding surface rights to the excavation site.
4. A location map of the excavation site at an appropriate scale and a geographic description of the excavation site.
5. A description of the material to be excavated and a grade estimate of the material.
6. The purpose of testing the mineral content of the material to be excavated.
7. The amount of mineral bearing substance and of other material to be excavated.
8. Excavation methods to be used.
9. The estimated time required to complete the excavation, mining, milling, refining and testing.
10. A description of the specific milling, refining or testing activities that are to occur and the location of each site on which such activities are to occur.

11. Disposal methods to be used for any end products.
12. Safety measures to be used throughout the excavation, mining, milling, refining and testing.
13. Rehabilitation measures to be performed after completion of the excavation. O. Reg. 192/06, s. 3 (3).

Financial assurance

4. (1) An applicant for a written permission under subsection 3 (1) shall submit, together with the application, financial assurance equal to the greater of,

(a) \$500; or

(b) \$1.00 for each tonne of material to be excavated. O. Reg. 192/06, s. 4 (1).

(2) Financial assurance required under subsection (1) shall be in cash and shall be paid into a special purpose account. O. Reg. 192/06, s. 4 (2).

(3) On completion of the requirements set out in paragraphs 5 and 6 of subsection 5 (1), the Minister shall, on request, return the financial assurance paid under subsection (1), unless it is proven that the applicant did not, in fact, complete the requirements. O. Reg. 192/06, s. 4 (3).

Conditions

5. (1) A written permission under subsection 3 (1) is subject to the following conditions:

1. The person who has the written permission shall not excavate more than 1,000 tonnes of material unless any requirements that are required by Part VII of the Act to be satisfied prior to commencing advanced exploration within the meaning of the Act are satisfied.

2. The person who has the written permission shall, if the person excavates over 1,000 tonnes of material, comply with the requirements and conditions set out in this Regulation and in Part VII of the Act.

3. The person who has the written permission shall ensure that any work authorized under the written permission proceeds as described in the portions of the application for permission that address the requirements of paragraphs 7 to 13 of subsection 3 (2).

4. The person who has the written permission shall ensure that the following practices are followed in the course of carrying out any work authorized under the written permission:

i. Where it is reasonably practicable, milling, refining and testing activities occur at a site separate from the excavation site.

ii. At the excavation site,

A. signs identify any mine hazards on the site,

B. fences are installed at the brow of any vertical rock face or pit wall greater than three metres in height,

C. measures are in place to prevent inadvertent access to the site, where appropriate, and

D. stripped topsoil and overburden are stockpiled on the site for use in future rehabilitation measures.

5. The person who has the written permission shall ensure that the following rehabilitation measures are performed at any excavation site on which work authorized under the written permission was done, in addition to any rehabilitation measures that are listed in the application in relation to paragraph 13 of subsection 3 (2):

i. Removal of all equipment, chemicals, oils, contaminated soil, temporary shelters, explosives and garbage from the site.

ii. For any rock face or pit wall greater than three metres in height, reduction of the rock face or pit wall to three metres, or the sloping of the rock face or pit wall.

iii. Restoration and contouring of the disturbed area using waste rock, stockpiled overburden and topsoil.

iv. Revegetation of restored and contoured areas, where appropriate.

6. The person who has the written permission shall, by the date specified in the written permission, submit a signed report to the Minister containing the following information regarding the results of the mineral testing:

i. The location of the excavation site.

ii. The number of tonnes of material excavated, tonnes removed from the excavation site and tonnes tested.

iii. Plans and sections of excavations.

iv. A description of the physical tests, chemical tests, milling tests and engineering tests performed and the results of the tests.

v. A description of the marketing tests performed and the results of the tests.

vi. A description of the rehabilitation work completed.

vii. A description of the safety measures provided.

viii. A description of the product or mineral produced from the excavated material.

ix. The revenues from the sale of the product or mineral that is produced from the excavated material.

x. The total cost of the work, including excavation, mining, milling, refining, testing, transportation, evaluation and rehabilitation costs.

xi. Future development plans for the excavation site. O. Reg. 192/06, s. 5 (1).

(2) The rehabilitation work required under paragraph 5 of subsection (1) shall be completed within three months of the completion of the excavation work, unless the Minister grants an extension of time to complete the rehabilitation work. O. Reg. 192/06, s. 5 (2).

(3) Paragraph 5 of subsection (1) does not apply to a site that has been incorporated into an acknowledged or approved closure plan under Part VII of the Mining Act or a site plan approved under the Aggregate Resources Act. O. Reg. 192/06, s. 5 (3).

Breach of a condition

6. (1) A person who has a written permission under subsection 3 (1) shall notify the Minister of a breach of a condition set out in this Regulation,

(a) for a breach of a deadline, at least 10 days before the deadline; or

(b) for a breach of a condition other than a breach of a deadline, no later than 10 days after the earlier of,

(i) the first day the breach occurred, or

(ii) the first day the person knew or should have known of the breach. O. Reg. 192/06, s. 6 (1).

(2) If a condition set out in this Regulation is breached or if a notice of a breach required under subsection (1) is not given, the Minister may revoke the written permission. O. Reg. 192/06, s. 6 (2).

Transition

7. A written permission that is issued in respect of any application received at the Ministry on or after the day this Regulation comes into force is subject to the conditions set out in this Regulation. O. Reg. 192/06, s. 7.

8. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 192/06, s. 8.