



Environmental Regulations Affecting Mining and Mineral Exploration

Yukon's *Environment Act* was passed in 1991 in order to provide a legislative framework for protection of the territory's land, water, and air. Since that time 13 regulations have been developed which establish more specific rules to look after the environment. Permits containing detailed conditions governing certain activities are issued under nine of the regulations.

The *Environment Act* and its regulations apply on land throughout the Yukon, including private property, Yukon Government lands, lands within municipal boundaries and First Nation settlement lands where the First Nation has not developed equivalent laws. This means that most mines and mineral exploration activities could be affected by the Act and one or more regulations, depending on the activities they undertake. Other laws and regulations may also apply, such as the Mining Land Use Regulations, the *Waters Act*, and the *Yukon Environmental and Socio-economic Assessment Act* (YESAA).

This info sheet contains a brief overview of some of the regulations under the Environment Act that may be relevant to mining and mineral exploration. Please contact the Environmental Programs Branch for further information regarding the regulations and permits that address specific activities.

Storage Tanks

The Storage Tank Regulations set requirements for storing hazardous substances, including petroleum products. These regulations apply to new tanks or tanks which have been altered since 1997, and to both aboveground and underground tanks.

If your tank is regulated, you will need a Storage Tank permit to install, alter and/or operate an aboveground tank if it can hold more than 4,000 litres of a petroleum product, regardless of the amount of product actually in the tank. Tanks must be certified by the Standards Council of Canada and all aboveground tanks must have some type of secondary containment system, depending on their size:

- ◆ Tanks with capacities of 50,000L or less need an external secondary containment area unless the tank is double-walled (the "extra" wall is the secondary containment);
- ◆ Both double- and single-walled tanks with capacities of more than 50,000L need an external secondary containment area.

Permittees must also adhere to the requirements of the National Fire Code and the *CCME Environmental Code of Practice for Aboveground and Underground Storage Tank Systems Containing Petroleum and Allied Petroleum Products*. The National Fire Code includes requirements for seasonal operation of tanks.

A separate permit is also required for removing or abandoning storage tanks. Testing of the soil and/or groundwater is required when removing or abandoning tanks in order to ensure that there is no contamination present.

Spills/Contaminated Sites

In accordance with the *Environment Act*, all spills that either exceed the reporting thresholds in the Spills Regulations (e.g. 200L of any petroleum product) or those that are abnormal in quantity or quality in light of all the circumstances, must be reported as soon as possible to an Environmental Protection Officer or the Yukon Spill Report Centre at **(867) 667-7244** (collect calls are accepted). The person who had care and control of the spilled substance must also take all reasonable measures to notify anybody affected by the spill (including the owner of the spilled substance), confine the spilled substance and clean up the spill site. An Environmental Protection Officer may provide direction or a formal order to ensure that the cleanup activities are carried out appropriately.

In some cases, cleanup activities may require a permit under the Contaminated Sites Regulation. Permits are required to move contaminated soil or water off site for disposal or treatment (a Relocation Permit), to establish and operate a soil treatment facility (a Land Treatment Facility permit) or to apply risk-based assessment standards to a site (a Risk Assessment permit).

Sites with concentrations of any contaminant, including petroleum hydrocarbons, above the standards for the applicable land or water use as set out in the Contaminated Sites Regulation are contaminated sites. Various regulatory tools are available to ensure that these sites are managed appropriately.

Special Waste

Dangerous goods that are no longer used for their original purpose are defined as special wastes under the Special Waste Regulations. Some of the more common special wastes include waste oil, waste fuel, waste antifreeze, waste batteries and waste solvents; contaminated soil or water may also be special wastes. Permits are required to generate, store, handle, transport, release, dispose, or treat special wastes. In addition, waste manifests are required when transporting special wastes.

Different types of special wastes must be stored separately, in clearly marked containers that are protected from the weather and inspected regularly for leaks. Wastes should not be mixed or diluted with other wastes or water as this can be dangerous and may make it more expensive and difficult to dispose of the wastes.

Special wastes must be disposed of properly, in accordance with permit conditions. Disposal options include collection by a facility permitted to accept the waste, or inclusion in the Department of Environment's annual collection. Contact the Environmental Programs Branch for more information on disposal options for your special wastes.

Solid Waste/Air Emissions

"Solid waste" includes most everyday garbage but does not include special waste, sewage, or untreated brush or wood products. Permits are required under the Solid Waste Regulations to operate dumps to dispose of solid waste generated by commercial activities, including by burying, open burning or incinerating it. Depending on what is done with the garbage, other permits may also be required – for example, a permit under the Air Emissions Regulations is required to open burn or incinerate more

than 5kg of solid waste per day. Also, open burning may only be permitted under certain circumstances.

Permits are not required to remove garbage from the site to a permitted public solid waste disposal facility, but proponents must confirm in advance with the operator of that facility that their garbage will be accepted. Not all facilities are able to accept large amounts of waste, and can choose to accept or reject certain types of waste. Confirmation of appropriate arrangements must be provided to the Environmental Programs Branch.

Whether or not garbage is to be disposed of on site, all garbage stored outdoors must be stored in bear-proof containers, and an electric fence must surround all outdoor storage, handling and disposal areas (including burial pits and incinerators) to ensure that garbage is not accessible to wildlife. There is no substitute for prevention of human-wildlife contact.

Used tires are addressed in the Designated Materials Regulation and should not be buried or burned; instead they should be removed to a public waste disposal site so they can be collected for recycling.

Inspections

Inspections of permitted activities are regularly carried out by Environmental Protection Officers to ensure operations are being carried out in accordance with the applicable regulations and permit conditions. Environmental Protection Officers in the Departments of Environment and Energy, Mines and Resources work together to answer questions about how the regulations apply to various activities and promote compliance while minimizing the disruption to clients.

More Information

Fact Sheets are also available on the following topics:

- Air Emissions Regulations
- Contaminated Sites Regulation
- Contaminant Testing
- Designated Materials Regulation
- Environment Act
- Pesticides Regulations
- Solid Waste Regulations
- Spills Regulations
- Storage Tank Regulations
- Special Waste Regulations
- Special Waste Storage Options
- Special Waste Disposal Options
- Used Oil
- Used Batteries
- Used Antifreeze
- Used Solvents

For more information on environmental regulations relevant to mining, please contact:

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 Whitehorse, Yukon Y1A 2C6

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Copies of Yukon regulations may be viewed online at www.env.gov.yk.ca/monitoringenvironment/ under the "Standards & Approvals" section, or at any Yukon Public Library, territorial agent, territorial representative or regional services office. You may purchase copies at the Inquiry Centre, Yukon Government Administration Building, 2071-2nd Avenue in Whitehorse, or by mail from the Subscriptions Clerk, Yukon Government Queen's Printer, Box 2703, Whitehorse, Yukon, Y1A 2C6 (phone (867) 667-5783 or toll free 1-800-661-0408 extension 5783).

