

# Building More Mines Act, 2023

## FACT SHEET

April 2024

### INFRASTRUCTURE, MACHINERY AND EQUIPMENT

The recent updates to the Mine Rehabilitation Code of Ontario (the Code), effective April 1, 2024, include the addition of a new Part for mine infrastructure (Part 10) to clarify the treatment of mine infrastructure during mine closure and build in flexibility where appropriate. The new Part 10 is largely derived from the prior standards for rehabilitating infrastructure under Ontario Regulation 240/00.

The overall objective of Part 10 of the Code is to ensure that buildings, supporting utilities, and other mine infrastructure, as well as machinery and equipment at a site, are removed or treated to the extent necessary to,

- (a) maintain public safety;
- (b) minimize potential for contamination; and
- (c) support the post-closure state.

Examples of where flexibility has been built into Part 10 of the Code include:

- Buried pipelines may remain in place if fully decontaminated and permanently sealed off, and consideration has been given to their potential risk.
- Storage tanks may remain in place if fully decontaminated and permanently sealed off, and if the storage tank is buried, filled with inert material to prevent collapse.
- Utility poles may remain in the ground if removed to ground level.

In addition, the following provisions have been added which reflect current industry practices but were not previously established in O. Reg. 240/00:

- Machinery and equipment may remain underground if each item is fully decontaminated, including the draining of fluids and stripping of any hazardous substances.
- Underground utility lines, including electrical power lines, communication lines, and compressed air lines may remain in place if disconnected at the surface level and de-energized.

If an item of mine infrastructure is not expressly referenced in Part 10 of the Code, the requirement is that the item be rehabilitated through measures that are sufficient to achieve the objectives of the Part (i.e., maintaining public safety, minimizing potential contamination, and supporting the post-closure state).

Part 10 of the Code also contains new end-of-life reporting requirements for buried or underground infrastructure, if any will remain on site after the site is closed out. A report certified by a qualified professional shall be submitted to the Minister detailing the location of each mine feature or other item referred to in the Part that will remain buried or underground, and state that each item has met all applicable safety and decontamination requirements.

While this fact sheet is intended to provide information on the Code, it is not legal advice. Requirements relating to rehabilitation of mine infrastructure are contained in the *Mining Act*, regulations made thereunder and the Code. There also may be other requirements under other applicable laws that apply to the treatment of mine infrastructure, and nothing in the Act, regulation, or Code overrides such other requirements. While all efforts are made to ensure the accuracy of the information in this fact sheet, if there is any discrepancy between this fact sheet and the Act, regulations or Code, the provisions of the Act, regulation and/or Code prevail.