HOLLINGER TAILINGS
CASE STUDY, TIMMINS:
Emergency to Legislative Changes

Orphaned/Abandoned Mines Workshop
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**BACKGROUND**

- Tailings deposited between 1910-1968
- Estimated 66 million tonnes of material in 190 hectares
- Height of tailings up to 26 m.
- 19 million+ oz of gold produced
- Golders identified site as high priority in June 1991
- MNDM carries out follow up work, Aug. 1991
- Site considered high risk
  - adjacent to human habitation
  - considerable erosion on slopes
  - ponded water on surface
  - subject to seismic risk for run-out
- Ownership very confused
EMERGENCY ACTIONS

- MNDM declares site abandoned
- Writes to City 17 Sept., 1992 requesting Declaration of Emergency
- Letter delivered 18 Sept., 1992
- Mayor declares emergency under *Emergency Plans Act of Ontario* - solely for purpose of allowing Province permission to enter site (Sept. 22 & Oct. 14)
- MNDM recommends lifting of Emergency 13, Jan 1993
- ~$2 million spend on remedial work between 1992 & 1996
Recommendation #1

Legislation should be amended/enacted whereby:

• Emergency personnel can access private land quickly to undertake emergency work upon a minesite emergency being declared.
• An Emergency Minesite Reclamation Fund is established to be used only when a disaster is declared and there is an immediate and serious mining-related threat to life, property or the environment.
MINING ACT AMENDMENTS
1996/2000

Emergency Powers Section 148

- Proponent has duty to act on mine hazards that could or is likely to cause an immediate and adverse effect*
- Minister may order proponent to rehabilitate site on terms - failure to comply is a continuing offence

Adverse effect means:
(a) injury or damage to property
(b) harm or material discomfort to any person
(c) a detrimental effect on any person’s health
(d) impairment of any person’s safety
(e) a severe detrimental effect on the environment
MINING ACT AMENDMENTS
1996/2000

• Minister may give directions to employees*
  – if it is in public interest
  – is of opinion that proponent is unlikely to act promptly
  – is of the opinion that proponent cannot be readily identified or located and that duty to act is unlikely to be carried out promptly
  – or proponent seeks assistance

• Section does not apply to holders of unpatented mining claims

• No emergency fund has been created

* Directions to employees or agents to do everything practicable to resolve situation
3.2.1 Development on, abutting or adjacent to lands affected by mine hazards or former mineral resource operations will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed.

3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such as there will be no adverse effect.
LAND USE PLANNING ISSUE

• Hollinger tailings emergency was concurrent with application for rezoning to expand trailer park
• Ministry argued against rezoning on safety risks
• Ultimately municipality gave permission for the expansion
SUMMARY

• Hollinger tailings project is a good example of ownership complexity and problems this can cause in emergencies
  – surface rights
  – mining rights
  – tailings

• Legislative changes demonstrate positive government response to a real problem