

INFORMATION

Court File Number:
Vancouver Registry

Form 2

(Offence Act)

Information

Canada:

Province of British Columbia:

County of Vancouver

This is the information of Beverley Ann Sellars, Xat'sull (Soda Creek) First Nation community member, former Chief, and grandmother, called the "informant".

The informant says that she has reasonable and probable grounds to believe and does believe and state:

1. That Mount Polley Mining Corporation, being the holder of a permit, #11678, issued to it under the *Environmental Management Act*, did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, introduce waste, including mine and other waste, into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, without having complied with the requirements of the permit, specifically, section 2.2, by discharging mine waste effluent which **bypassed designated treatment works**, contrary to Section 120(6) of the *Environmental Management Act*.
2. That Mount Polley Mining Corporation did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, introduce mine and other waste into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, without having complied with the requirements of Environmental Management Act Permit # 11678, section 1.2.1, which limits **annual discharge** volume to Hazeltine Creek, contrary to Section 120(6) of the *Environmental Management Act*.
3. That Mount Polley Mining Corporation did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, introduce mine and other waste into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, without having complied with the requirements of Environmental Management Act Permit # 11678, section 1.2.2, which limits **daily discharge** volume to Hazeltine Creek, contrary to Section 120(6) of the *Environmental Management Act*.

4. That Mount Polley Mining Corporation did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, introduce mine and other waste into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, without having complied with the requirements of Environmental Management Act Permit # 11678, section 1.2.4, which limits **effluent quality** to Hazeltine Creek, contrary to Section 120(6) of the *Environmental Management Act*.
5. That Mount Polley Mining Corporation did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, introduce mine and other waste into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, without having complied with the requirements of Environmental Management Act Permit # 11678, section 1.2.5, which mandates that Mount Polley Mining Corporation **stop discharging immediately** if the effluent exceeds limits in set 1.2.4, which they failed to do, contrary to Section 120(6) of the *Environmental Management Act*.
6. That Mount Polley Mining Corporation did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, introduce mine and other waste into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, without having complied with the requirements of Environmental Management Act Permit # 11678, section 2.5, which mandates having an adequate and up to date **Environmental Emergency Response Plan**, contrary to Section 120(6) of the *Environmental Management Act*.
7. That Mount Polley Mining Corporation did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, **failed to provide 1.0 meter of freeboard plus storage for the Probable Maximum Precipitation (PMP)** in their tailings impoundment, contrary to the requirements of Environmental Management Act Permit # 11678, section 2.4.4, contrary to Section 120(6) of the *Environmental Management Act*.
8. That Mount Polley Mining Corporation did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, introduce or cause or allow waste, including mine and other waste produced by mining activity, to be introduced into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, in the course of conducting a prescribed industry, trade or business, namely Mining, within Item 23, Table, section 2, Schedule 1, Waste Discharge Regulation, BC Reg 320/2004, contrary to **Sections 6(2) and 120(3)** of the *Environmental Management Act*.
9. That Mount Polley Mining Corporation did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, introduce or cause or allow to be introduced into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, waste produced by a prescribed activity or operation, namely Mining,

within Item 23, Table, section 2, Schedule 1, Waste Discharge Regulation, BC Reg 320/2004, contrary to **Sections 6(3) and 120(3)** of the *Environmental Management Act*.

10. That Mount Polley Mining Corporation did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, introduce or cause or allow to be introduced waste, namely mine and other waste produced by mining activity, into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, in such a manner or quality as to cause pollution, contrary to **Sections 6(4) and 120(3)** of the *Environmental Management Act*.
11. That Mount Polley Mining Corporation, being the holder of a permit, M-200, issued to it under the *Mines Act*, did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, introduce waste, including mine and other waste, into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, having **failed to retain a qualified manager** in respect of the tailings storage facility and water balance, contrary to sections 21, 22, 24, 26, and 37(2) of the *Mines Act*.
12. That Mount Polley Mining Corporation, being the holder of a permit, M-200, issued to it under the *Mines Act*, did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, introduce waste, including mine and other waste, into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, having **failed to reasonably respond to dam safety concerns raised by employees**, contrary to section 24 of the *Mines Act*, which requires that all reasonable measures be taken to ensure compliance with the *Mines Act*, the regulations and the **Health, Safety and Reclamation Code** for Mines in British Columbia, contrary to section 37(2) of the *Mines Act*.
13. That Mount Polley Mining Corporation, being the holder of a permit, M-200, issued to it under the *Mines Act*, did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, introduce waste, including mine and other waste, into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, having **failed to construct the tailings storage facility in general conformance with the design** contrary to permit M-200 (August 9, 2013 amendment), and contrary to section 1.1.2 of the **Health, Safety and Reclamation Code** for Mines in British Columbia, which requires that all work be carried out without undue risk to the health or safety of any person; section 6.1.1 of the Code, which requires that the mine manager ensure that the mine works met acceptable standards of practice; and section 10.1.11 of the **Health, Safety and Reclamation Code** for Mines in British Columbia, which requires the preparation of an adequate breach and inundation study on the tailings storage facility prior to commencing operation, contrary to section 37(2) of the *Mines Act*.
14. That Mount Polley Mining Corporation, being the holder of a permit, M-200, issued to it under the *Mines Act*, did, on or about August 4th, 2014, at or near Hazeltine Creek, in

Likely, in the Province of British Columbia, introduce waste, including mine and other waste, into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, having **failed to maintain an adequate site-wide water quality model, a water management plan, and to remedy the chronic water balance issues and surplus** on the site, contrary to permit M-200 (amendments dated August 15, 2011, June 29, 2012, and June 25, 2013) and contrary to section 1.1.2 of the **Health, Safety and Reclamation Code** for Mines in British Columbia, which requires that all work be carried out without undue risk to the health or safety of any person, contrary to section 37(2) of the *Mines Act*.

15. That Mount Polley Mining Corporation, being the holder of a permit, M-200, issued to it under the *Mines Act*, did, on or about August 4th, 2014, at or near Hazeltine Creek, in Likely, in the Province of British Columbia, introduce waste, including mine and other waste, into the environment, namely Polley Lake, Hazeltine Creek and Quesnel Lake, having **failed to maintain adequate tailings beaches as required by the initial design**, contrary to the **order of an inspector** and section 1.1.2 of the **Health, Safety and Reclamation Code** for Mines in British Columbia, which requires that all work be carried out without undue risk to the health or safety of any person, contrary to section 37(2) of the *Mines Act*.

THIS INFORMATION SWORN ON AUGUST 4, 2017, CONTAINS A TOTAL OF 15 COUNTS ON 4 PAGES.

Sworn before me this 4th of August, 2017,
at Vancouver, British Columbia

Bev Sellars

(Signature of Informant)

A Justice of the Peace in
and for the Province of British Columbia.