



November 27, 2019

Nick Head-Petersen
Senior Strategic Initiatives Lead
Willet Green Miller Ctr., Level 2
933 Ramsey Lake Rd
Sudbury ON P3E6B5

**Re: A proposal to amend the Mining Act related to Closure Plan Amendments
([ERO Number: 019-0794](#))**

Dear Mr. Head-Petersen,

The [Ontario Mining Association](#) (OMA) appreciates the opportunity to comment on behalf of our members on the government's *Proposal to amend the Mining Act related to Closure Plan Amendments*. Since our establishment in 1920, the OMA has been committed to improving the competitiveness of the mining sector in Ontario, while promoting safety and sustainability. The association currently represents over 80 members engaged in environmentally responsible mineral exploration, production and processing, including the world's leading mining companies, research organizations, suppliers, contractors, and consultants. Our members strive for a balance between serving local communities and the economic needs of the province by remaining competitive on global markets, and protecting the natural environment to ensure a sustainable future. The OMA has a proud history of working in concert with the government and other partners to achieve these vital and often challenging goals.

We share the government's view that cutting red tape and improving the effectiveness of the regulatory regime in Ontario will help us achieve our economic goals, while building on our record of excellence in safety and environmental protection. To this end, we have collaborated with MENDM through the *Closure and Reclamation Best Management Practice* working group to optimize reclamation and closure processes for Ontario sites. For OMA members, the ultimate goal of reclamation is to ensure that the mine site is host to a self-sustaining ecosystem that provides a healthy environment for plants, fish, wildlife and humans. OMA member companies show their commitment to reclamation by preparing for closure activities early in the mine life cycle and continually updating our plans as the project evolves to ensure the best possible outcomes.

The government's current proposal to require a filing or return of Closure Plan Amendments within 45 days of submission is certainly a step toward achieving our common goal of putting in place a process for effective closure planning that is fair and transparent. However, there are additional issues to consider when seeking solutions that would result in a much more effective regulatory process:

- The process for the submission and review of Closure Plans (CPs) and Closure Plan Amendments (CPAs) is often inconsistent and hindered by the lack of a comprehensive guidance document. Lack of guidance adds uncertainty to the timelines of a project. **Proponents would be greatly assisted by guidance that includes an overview of the process for submitting draft CPs and CPAs, as well as review timelines for each part of the approvals process.** Clarifying the information requirements and timelines would result in expedited submission of complete plans and a less subjective review process.
- At the moment, there is a number of areas where lack of clarity results in inconsistent treatment by individual reviewers. For example:
 - The current rules provide no timeframe on the basis of which proponents can tell if their permit applications are complete and actionable. There is also no timeline for the completion of technical reviews and the issuance of the permit. The result is that the review and comment process for draft CPs is not only unfair, but inefficient and, therefore, can be very costly.
 - Some comments on CPs have been outside of regulatory scope, causing unnecessary burden to some proponents. Comments to closure plans should be made with the aim of enhancing the reclamation of projects and should remain within the regulatory scope of the ministry to ensure a consistent approach.
 - Differentiation between administrative changes and a Notice of Material Changes can be lacking. There have been instances of requests for CPA changes subsequent to Notice of Material Changes, which creates extensive work for the proponent and added backlog for the ministry. Proponents have to reopen the entire pre-approved Closure Plan, increasing proponent and reviewer resource requirements for minor alterations that are addressed in the Notice of Material Changes document.

We believe that further action on the areas listed above will enhance the potential to drive down costs and step up efficiency within industry and government – something that the *Proposal to amend the Mining Act related to Closure Plan Amendments* signifies a welcome move toward. We would appreciate the opportunity to continue working with the government on further enhancing regulatory certainty by improving the timelines for all aspects of the permit approval system.

Sincerely,

A handwritten signature in black ink, appearing to read "Diana Levy".

Diana Levy
Committees and Government Relations Coordinator