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## **ECCC Proposed Coal Mining Effluent Release Regulations**

Environment and Climate Change Canada (ECCC) are preparing to allow coal mine operators to release coal mining effluent into aquatic ecosystems under newly proposed regulations.

The proposed regulations are being developed under the Fisheries Act, scheduled for implementation in 2023, and would allow mine operators to release specified deposits of coal mining effluent which has been prohibited up until now. The coal effluent that will be authorised for release is required to meet specific thresholds for the concentrations of deleterious substances such as selenium, nitrate, and suspended solids.

ECCC released a discussion document

outlining their Proposed Approach for Coal Mining Effluent Regulations in January for public engagement until March 1st. After reviewing the discussion document as well as participating in the February 16th info Session hosted by ECCC, AWA has significant concerns with the regulations being proposed for implementation – especially the decision to increase the limit for allowable concentrations of selenium and suspended solids. The discussion document states that these limits were made less stringent after consultation with industry, which we believe is unacceptable.

Our recommendations are summarized below and outlined in greater detail within our letter to ECCC available on our website.

1. ECCC should continue to prohibit the deposit of coal mining effluent indefinitely until Industry can ensure water quality is equal to or greater than in the receiving watershed;
2. Limits and thresholds need to be science-based and ensure the protection of water quality and ecosystem health – not based on what is practical or feasible for Industry;
3. Revised limits and thresholds need to apply to all mines, including those currently operating or currently under development; and
4. ECCC needs to consider both the downstream and cumulative effects of these Proposed Regulations as opposed to solely focusing on end-of-pipe concentrations of deleterious substances as currently proposed.

In our letter, we noted that the submission of our comment letter should not be considered as support of any new or expanded coal mines for which these regulations might apply. We hope to see our concerns addressed in the next set of revisions for the Proposed Regulations scheduled for publication in the Canada Gazette at a future date in 2022.

– Phillip Meintzer