Environmental Appeal Board

Citation: *Barrick Gold Inc. v. Director, Environmental Management Act*, 2026 BCEAB 45

Appeal No.: EAB-EMA-26-A008

Decision Date: 2026-10-20

Decision Type: Consent Order under section 16(1) of the *Administrative Tribunals Act*

Appealed Under: *Environmental Management Act*, SBC 2003, c. 53

Between:

Barrick Gold Inc.

Appellant

And:

Director, *Environmental Management Act*

Respondent

CONSENT ORDER

BACKGROUND

[1] Permit 7613 (the "**Permit**"), issued pursuant to section 14 of the *Environmental Management Act*, SBC 2003, c. 53 (the "**EMA**") and its predecessor, authorizes Barrick Gold Inc. ("**BGI**") to discharge effluent from a gold mine and mill operation located at Nickel Plate Mountain, British Columbia, to a tailings storage facility and to the environment.

[2] On January 19, 2026, the Director, *Environmental Management Act* (the "**Director**"), amended the Permit (the "**Amendment**"). Among other things, the Amendment included the addition of Appendix II to the Permit, which provides site performance objectives ("**SPOs**") for certain constituents at Redtop Gulch (monitoring station: REDTOP) and Cahill Creek (monitoring station: CAHILL-2).

[3] On February 18, 2026, BGI filed an appeal of the Amendment with the Environmental Appeal Board (the "**Board**"), as authorized by section 100 of the EMA

(the "**Appeal**"). The Appeal primarily concerned the specific values set for the SPOs in Appendix II.

[4] The parties have provisionally agreed to revise Appendix II as follows (the "**Revised Appendix II**"), with bolded numbers indicating where concentrations have changed from the Amendment:

Site	Parameter	Concentration (mg/L)
CAHILL-2	Arsenic (total)	0.025
	Cobalt (total)	0.0079
	Cyanide (WAD)	**0.012**
	Nitrate	3
	Selenium (total)	**0.014**
	Sulphate	**441**
	Uranium (total)	0.0085
REDTOP	Arsenic (total)	0.025
	Cobalt (total)	**0.344**
	Cyanide (WAD)	0.005
	Nitrate	**6.66**
	Selenium (total)	**0.019**
	Sulphate	732
	Uranium (total)	0.111

[5] The Director requires time to take the necessary steps, including, but not limited to, undertake First Nations consultations, to consider the Revised Appendix II. In the interim, the parties agree to put this appeal in abeyance and apply the Revised Appendix II for all regulatory purposes, including enforcement and notification purposes.

CONSENT ORDER

[6] By consent of the parties, the Board orders under section 16(1) of the *Administrative Tribunals Act*, SBC 2004, c. 45 that:

(a) The Revised Appendix II will form part of the Permit and will apply for all regulatory purposes, including enforcement and notification purposes, for the term of this Consent Order;

(b) The Appeal will be held in abeyance for the term of this Consent Order;

(c) The term of this Consent Order will run until the earlier of the following events: (1) the Director amends the Permit to revise Appendix II, or (2) BGI discontinues this Appeal; and

(d) This Order may be endorsed by the parties and the Board in counterparts and signed electronically.

NOTIFICATION OF AMENDMENT

[7] If the Director amends the Permit to revise Appendix II, the Director must provide notice to the Board on within three (3) business days.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS NOTED ABOVE:

"Clifford G. Proudfoot, K.C."

Signature of Clifford G. Proudfoot, K.C.
Lawyer for the Appellant Barrick Gold Inc.

"June Ling"

Signature of June Ling
Lawyer for the Director

FOR THE BOARD:

"Darrell Le Houillier"

Darrell Le Houillier, Chair
Environmental Appeal Board