

**IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT S.B.C. 2002, c.43
(the ACT)
AND
NON-COMPLIANCES
WITH ENVIRONMENTAL ASSESSMENT CERTIFICATE E14-02
ORDER UNDER SECTION 34(1)**

WHEREAS:

- A. On October 14, 2014, Environmental Assessment (EA) Certificate E14-02 (Certificate) was issued to British Columbia Hydro and Power Authority (Certificate Holder) for the Site C Clean Energy Project (Project).
- B. On March 28th to April 1st, 2016, in his role as Senior EA Compliance Officer, the undersigned conducted an inspection of the Project. Based on observations during that inspection and review of information during the inspection, the undersigned has determined that the Certificate Holder is not compliant with Conditions 2 and 69 of the Certificate due to a failure to adhere to measures to control runoff water and sediment during the construction of the Project, including in and immediately adjacent to the L3 Ravine.
- C. Section 34 of the Act specifies that the Minister may order the Certificate Holder to carry out measures to mitigate the effects of non-compliance.
- D. The undersigned has received written delegation of the Minister's powers under Section 34 of the Act.

DEFINITIONS:

In this Order,

“Qualified Professional” means an applied scientist or technologist specializing in an applied science or technology applicable to erosion and sediment control planning, design, and implementation; and who is registered with the appropriate professional organization in the Province of British Columbia (BC); is acting under that organization's code of ethics and is subject to disciplinary action by that organization; and who is an Accredited Professional with the Erosion and Sediment Control Association of Canada.

“Professional Engineer” means an engineer who is licensed to practice engineering in the Province of BC and is in good standing with Association of Professional Engineers and Geoscientists of British Columbia; and who has demonstrated experience in assessing, planning, and implementing water management, erosion control, and sediment control

measures for major construction projects.

NOW THEREFORE:

Pursuant to Section 34(1) of the Act, I order that the Certificate Holder:

- 1) Immediately implement erosion control measures to mitigate existing and potential erosion and sediment transport, including but not limited to cut slopes, fill slopes, spoil piles, ditchlines, road surfaces and bare soil in and adjacent to the L3 Ravine, including but not limited to those in the April 1, 2016 letter from BC Hydro to Autumn Cousins, Manager of Compliance;
- 2) By Friday April 22, 2016, submit to the undersigned a plan (the Plan), developed by a Qualified Professional and a Professional Engineer or an individual whom has both qualifications, that:
 - defines roles, responsibilities and specific actions to prevent the erosion of soils and transport of sediment on the Site C Project;
 - applies to all physical components and activities of the Site C Project, for the duration of the Construction phase of the project and until such time as all construction-related disturbances are fully reclaimed and not at risk of erosion;
 - identifies specific water management, erosion control, and sediment control mitigation measures, and under what conditions these mitigation measures will be employed;
 - identifies that water management, erosion control and sediment control mitigation measures must be site specific and implemented prior to starting works, during the conduct of work, and after works are completed, and that all works installed pursuant to the Plan must be monitored and maintained to ensure effectiveness; and
 - identifies that site-specific erosion and sediment control prescriptions must be developed by and implemented under the direction of a Qualified Professional.
- 3) Develop and implement the measures in clause 1 and the Plan in clause 2 to the satisfaction of Environmental Assessment Office Compliance and Enforcement.



Chris Parks,
Senior EA Compliance and Enforcement Officer
Environmental Assessment Office

Dated April 7, 2016