

**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 (CERTIFICATE)  
ORDER UNDER SECTION 34(1)**

**WHEREAS:**

- A. On October 14, 2014, the Certificate was issued to British Columbia Hydro and Power Authority (Certificate Holder) for the Site C Clean Energy Project (Project).
- B. Between September 2015 and January 2017, Compliance and Enforcement Officers from the Environmental Assessment Office (EAO) have conducted a series of inspections of the Project.
- C. On April 7, 2016, the undersigned issued an Order under section 34(1) of the *Environmental Assessment Act* (the Act) to address ongoing noncompliance with Conditions 2 and 69 of the Certificate, specific to erosion and sediment control requirements (previous Order).
- D. On August 30, 2016, EAO Compliance and Enforcement observed staff employed by Project contractor Morgan Construction and Environmental Ltd. pumping sediment laden water directly to the L3 watercourse from a flooded work area at the North Bank Haul Road crossing. The L3 watercourse is classified as an S4 fish-bearing stream.
- E. On February 28, 2017, the undersigned received a report (Report) from the Project Independent Environmental Monitor (IEM) that on February 16, 2017 staff employed by Project contractor Peace River Hydro Partners pumped sediment laden water from a flooded work area to a ditch that connects directly to the L3 watercourse. The Report also identifies ongoing erosion and sediment transport noncompliance in the L3 ravine since November 8, 2016.
- F. Directing sediment laden water into fish-bearing watercourses is not compliant with Conditions 2 and 69 of the Certificate and the previous Order.
- G. The undersigned has determined that the Certificate Holder is in continued noncompliance with Conditions 2 and 69 of the Certificate and the previous Order due to the failure to adhere to measures to control runoff water and sediment during the construction of the Project in and immediately adjacent to the L3 Ravine.
- H. The noncompliant erosion and sediment transport from Project works has resulted in observable deposition of sediments in the L3 watercourse, and may have adversely affected fish and fish habitat in the L3 watercourse and Peace River.
- I. Section 34 of the Act specifies that the Minister may order the Certificate Holder to carry out measures to mitigate the effects of noncompliance. The undersigned has received written delegation of the Minister's powers under Section 34 of the Act.

## **DEFINITIONS:**

In clause 1 and 3 of this Order, "Qualified Professional" means an individual specializing in an applied science or technology applicable to water quality monitoring; and who is registered with the appropriate professional organization in the Province of British Columbia (BC), and is acting under that organization's code of ethics and is subject to disciplinary action by that organization.

In clause 2 of this Order, "Qualified Professional" means an individual specializing in an applied science or technology applicable to fisheries science; and who is registered with the appropriate professional organization in the Province of British Columbia, and is acting under that organization's code of ethics and is subject to disciplinary action by that organization.

## **NOW THEREFORE:**

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

- 1) By March 10, 2017, submit to the undersigned a Water Quality Monitoring Plan (WQMP) specific to the L3 watercourse and Peace River downstream of the L3 watercourse. The WQMP must be completed by a Qualified Professional and specify at a minimum:
  - That turbidity monitoring equipment must be installed by March 16, 2017 and maintained in the L3 watercourse, the Peace River side channel, and Peace River main channel downstream of the confluence with the L3 watercourse;
  - That continuous turbidity monitoring be conducted at those locations;
  - That all future sediment release events must be identified and reported to EAO Compliance and Enforcement.
- 2) By Friday March 31, 2016, submit to the undersigned an assessment of the potential effects to fish and fish habitat associated with Project historic sediment releases to the L3 and Peace River, completed by a Qualified Professional, that:
  - Describes fish and fish habitat values in the L3 watercourse and Peace River side channel;
  - Identifies methodology to determine effects to fish and fish habitat associated with sediment inputs to the L3 watercourse and Peace River side channel;
  - Identifies if adverse effects have occurred or are likely to have occurred; and
  - If adverse effects are identified as having occurred or that they likely have occurred, identifies methods to address effects to fish and fish habitat;
- 3) Select the Qualified Professionals for clause 1 and 2 to the satisfaction of EAO Compliance and Enforcement.
- 4) Develop and implement the Plan in clause 1 to the satisfaction of and for the duration specified by EAO Compliance and Enforcement and under the supervision of the Qualified Professional
- 5) Develop the assessment in clause 2 to the satisfaction of EAO Compliance and Enforcement.

- 6) Develop and implement the methods to address effects to fish and fish habitat identified in clause 2 to the satisfaction of and for the duration specified by EAO Compliance and Enforcement and under the supervision of the Qualified Professional.



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

March 3, 2017