

**IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT S.B.C. 2018, c.51  
(ACT)  
AND  
NON-COMPLIANCES  
WITH ENVIRONMENTAL ASSESSMENT CERTIFICATE E14-02  
ORDER UNDER SECTION 53(1)(b)**

**WHEREAS:**

- A. The Site C Clean Energy Project (Project) is a reviewable project under the *Environmental Assessment Act* (the Act).
- B. Environmental Assessment Certificate #E14-02 (Certificate) issued to British Columbia Hydro and Power Authority (Certificate Holder) for the Project has requirements in Conditions 69 of the Table of Conditions (Schedule B of the Certificate) to develop and implement a Construction Environmental Management Plan.
- C. The Projects Construction Environmental Management Plan includes requirements with respect to erosion prevention and sediment control management as well as fisheries and aquatic habitat management.
- D. In the June 14-20, 2020, Weekly Independent Environmental Monitoring Report (Weekly IEM Report) the first noncompliance regarding erosion in ditches along Old Fort Road below the Gate B Chain-up Area with connectivity to a watercourse was documented. This noncompliance has remained in the Weekly IEM Report since June 2020 and continues to be included in the Weekly IEM Report.
- E. Commencing on December 1, 2021, EAO Compliance and Enforcement (EAO C&E) conducted an inspection of the Project. That inspection concluded that the Certificate Holder was not compliant with Condition 69 which requires the Certificate Holder to maintain sediment and erosion control measures until construction is completed and the affected areas are sufficiently stabilized and revegetated, and for the Certificate Holder to install effective sediment and erosion control measures and conduct construction activities in a manner which reduces the potential for siltation into watercourses.
- F. Section 53(1)(b) of the Act specifies that the Chief Executive Assessment Officer may order the Certificate Holder to carry out measures to mitigate the effects of non-compliance.
- G. The undersigned has received written delegation of the Chief Executive Assessment Officer's powers under Section 53(1)(b) of the Act.

**DEFINITIONS:**

In this Order,

(a) Qualified Professional refers to a person who has training, experience and expertise in a discipline relevant to the field of practice, and who is registered with the appropriate regulatory body in British Columbia. A Qualified Professional must be a member in good standing and acting under that association's Code of Ethics and subject to disciplinary action by that association.

**NOW THEREFORE:**

Pursuant to Section 53(1)(b) of the Act, I order that the Certificate Holder must:

1. By June 3, 2022, repair and stabilize the ditch lines along Old Fort Road at and downslope of the Gate B Chain-up Area.
2. By May 13, 2022, cause a Qualified Professional to develop a design to transport water from the ditch lines along Old Fort Road, downslope of the Gate B Chain-up Area, towards and over the embankment in a manner that does not cause siltation in a watercourse.
3. Implement the Qualified Professionals design as required in clause 2 and complete the works by August 5, 2022.
4. Complete the actions in clauses 1 through 3 unless otherwise authorized by EAO Compliance and Enforcement.
5. Complete the actions in clauses 1 through 3 to the satisfaction of EAO Compliance and Enforcement.



Clayton Smith,  
Senior Compliance and Enforcement Officer  
Environmental Assessment Office

Dated February 3, 2022  
Order Ref: EN2022-001