



Canadian Environmental  
Assessment Agency

160 Elgin St., 22<sup>nd</sup> floor  
Ottawa ON K1A 0H3

Agence canadienne  
d'évaluation environnementale

160, rue Elgin, 22<sup>e</sup> étage  
Ottawa ON K1A 0H3

## WARNING

April 27, 2018

**File #: CEAA Registry - 63919**

British Columbia Hydro and Power Authority  
c/o Mr. Greg Scarborough  
Manager, Site C Environmental Compliance, Mitigation and Monitoring  
333 Dunsmuir St. 6<sup>th</sup> floor)  
Vancouver BC V6B 5R3

**BY E-MAIL, FOLLOWED BY A HARD COPY SENT BY REGISTERED MAIL OR  
MESSENGER**

**RE: Alleged Non-Compliance by British Columbia Hydro and Power Authority  
with the Decision Statement issued for the Site C Clean Energy Project  
(Agency File No.: 004387)**

Mr. Scarborough:

I am an Enforcement Officer, designated under section 89 of the *Canadian Environmental Assessment Act, 2012* (hereafter referred to as CEAA 2012) for the purpose of the administration and enforcement of CEAA 2012.

From April 9, 2018 to April 12, 2018, I conducted an inspection at the location of British Columbia Hydro and Power Authority's designated project, Site C Clean Energy located southwest of Fort St. John, British Columbia.

During this inspection, I inspected against certain conditions of the decision statement issued by the Minister of the Environment related to this designated project including condition 2.6, which requires the proponent to implement a plan to prevent accidents and malfunctions (hereafter known as the Plan).

In section 3.2 of the Plan (*Revision 0: June 5, 2015*), measures to reduce the likelihood of occurrence of release or spills of chemicals and hazardous materials are outlined. Section 3.2 also states:



“All vehicles will be equipped with an appropriately sized spill kit, and personnel operating will have applicable training.”

I surveyed several workers on-site, asking if their employer provided them with training on the use of spill response equipment. None of the workers surveyed could recall any formal training they would have received from their employer, more precisely Peace River Hydro Partners (PRHP) on the use of spill response equipment.

Caroline Walmsley Environmental Manager for PRHP stated that at this time they do not offer their workers formal training on the use of spill response equipment but that her group is currently working on a training program to be offered to their employees.

Therefore, I have reasonable grounds to believe that you are not in compliance with condition 2.6 of the decision statement issued by the Minister of the Environment related to this designated project which require you to implement your plan and, in so doing, you have allegedly contravened paragraph 6(b) of CEAA 2012, therefore allegedly committing an offence contrary to subsection 99(1) of CEAA 2012, punishable on summary conviction and liable, for a first offence, to a fine of not more than \$200,000 and, for any subsequent offence, to a fine of not more than \$400,000. Subsection 99(4) further states if an offence under subsection (1) or (2) is committed or continued on more than one day, it constitutes a separate offence for each day on which it is committed or continued.

This written warning is neither a legal proceeding nor a judgment. It points out non-compliance with CEAA 2012. If, on the occasion of a future inspection, I or another enforcement officer identifies the same non-compliance or additional non-compliance, I or the officer carrying out the inspection may take further enforcement action. I am bringing this alleged contravention to your attention in order for you to take corrective action.

If you have comments regarding this warning, you may submit comments to the undersigned no later than **May 7, 2018**. I will examine your comments and determine whether to maintain this warning, amend it or withdraw it. I will communicate my decision to you. If I amend the warning, I will send you a revised text. If the warning is maintained or withdrawn, I will send you written notice of this. You will receive future communication by e-mail, followed by a hard copy sent by registered mail or by messenger.

Your comments and the action that I take after considering your comments will be retained and placed in the compliance file of British Columbia Hydro and Power Authority, Site C Clean Energy Project. Should you require additional information of this matter, please contact me by e-mail at [compliance.conformite@ceaa-acee.gc.ca](mailto:compliance.conformite@ceaa-acee.gc.ca).

Please note that in accordance with the Compliance and Enforcement Policy for CEEA 2012 and the Canadian Environmental Assessment Agency's policy on transparency, this warning will be posted on the Compliance Promotion and Enforcement section of the Agency's website.

<Original signed by>

Nicolas Courville  
Senior Enforcement Officer  
Compliance Promotion and Enforcement Unit  
Canadian Environmental Assessment Agency