

**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 3 of the Table of Conditions (Schedule B of the Certificate) to develop and implement an Acid Rock Drainage and Metal Leachate Management Plan to address potential environmental effects of acid generation and metal leaching from construction activities and reservoir creation.
- C. The Projects Acid Rock Drainage and Metal Leachate Management Plan includes requirements with respect to minimizing sulphide mineral exposure to air and water to mitigate adverse impacts.
- D. From August 15 to 19, 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 3 which requires the Certificate Holder to reduce the time of exposure of excavated surfaces and fill areas that contain acid generating (AG) and potentially acid generating (PAG) material, encapsulate AG and PAG material in natural material with a low permeability to minimize infiltration and leachate, and to capture and, if required, treat prior to discharge, any surface runoff from exposed or excavated surfaces that contain AG and PAG material.
- E. 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.
- F. 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) **Low Permeability** means: Material specified by a Qualified Professional for the

purposes of minimizing infiltration of water and leachate of PAG material.

- (b) **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.
- (c) **Relocated Surplus Excavated Material Locations** refers to disposal location(s) within the Dam Site Area for unsuitable construction material including dam site bedrock.

NOW THEREFORE:

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

1. For all Project locations that are not Relocated Surplus Excavated Material Locations, including exposed excavated surfaces, stockpiles, and spoil piles containing potentially acid generating material, encapsulate acid generating and potentially acid generating material in natural material with Low Permeability within 30 days from time of exposure.
2. Capture, monitor, and, if required, treat any surface runoff from exposed or excavated surfaces, stockpiles or spoil piles that contain acid generating or potentially acid generating material prior to discharge to meet BC Approved Water Quality Guidelines (Freshwater Aquatic Life) before entering any natural watercourse.
3. Complete the actions in clauses 1 and 2 unless otherwise authorized by EAO Compliance and Enforcement.
4. Complete the actions in clauses 1 and 2 to the satisfaction of EAO Compliance and Enforcement.



Clayton Smith,
Senior Compliance and Enforcement Officer
Environmental Assessment Office

Dated April 21, 2022
Order Ref: EN2022-006