

WORKER ACCOMMODATION PROJECT AGREEMENT

SCHEDULE 7

ENVIRONMENTAL OBLIGATIONS

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APPENDIX 7A CONTRACTOR ENVIRONMENTAL INCIDENT REPORT FORM

WORKER ACCOMMODATION PROJECT AGREEMENT

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1 INTERPRETATION

1.1 Definitions

In this Schedule 7 [Environmental Obligations], in addition to the definitions set out in Schedule 1 [Definitions and Interpretation]:

“Alteration Permit” has the meaning set out in Section 7.2 of this Schedule 7 [Environmental Obligations];

“CEMP” means the Site C Clean Energy Project Construction Environmental Management Plan dated October 17, 2014, as it may be amended from time to time, a copy of which is available from BC Hydro on request;

“Environmental Incident” means an event, act or omission that is, or has the potential to cause, a violation of any of the Environmental Requirements (such as, for illustration, a spill of oil, fuel or hazardous chemicals, or an unauthorized alteration, disruption, or destruction of aquatic or terrestrial habitat);

“Environmental Monitor” has the meaning set out in Section 4.1 of this Schedule 7 [Environmental Obligations];

“Environmental Protection Plan” or **“EPP”** has the meaning set out in Section 3.4 of this Schedule 7 [Environmental Obligations];

“Environmental Requirements” has the meaning set out in the CEMP;

“Environmental Specifications” has the meaning set out in the CEMP;

“Environmental Tailboard Meeting” has the meaning set out in Section 6.3 of this Schedule 7 [Environmental Obligations];

“Environmentally Sensitive Area” has the meaning set out in the CEMP;

“Heritage Specialist” has the meaning set out in Section 7.2 of this Schedule 7 [Environmental Obligations];

“Independent Environmental Monitor” means the person retained by BC Hydro under Section 1.4 of the CEMP to monitor the environmental impacts of the Project, including the WA Project, and report to government;

“Pre-Work Orientation” has the meaning set out in Section 6.2 of this Schedule 7 [Environmental Obligations];

“Qualified Environmental Professional” means the person(s) appointed by Project Co under Section 3.1 of this Schedule 7 [Environmental Obligations]; and

“Stop Work Procedure” has the meaning set out in Section 3.4(h) of this Schedule 7 [Environmental Obligations].

2 GENERAL REQUIREMENTS

2.1 Compliance with Environmental Requirements and EPPs

Project Co:

- (a) will be, and will cause the Project Contractors to be, fully knowledgeable of and will, and will cause the Project Contractors to, implement and comply with all the Environmental Requirements and all EPPs as applicable to the performance of the Design, Construction and Services at the Site; and
- (b) will cause its employees and agents, and the employees and agents of the Project Contractors, to be fully knowledgeable of and will cause its employees and agents, and the employees and agents of the Project Contractors, to implement and comply with all EPPs as applicable to the performance of the Design, Construction and Services at the Site.

3 ENVIRONMENTAL PROTECTION PLAN

3.1 Qualified Environmental Professional

Project Co will, with respect to every element of the Design, Construction and Services to be performed at the Site, appoint a Qualified Environmental Professional(s) who:

- (a) is knowledgeable about the scope of the Design, Construction and Services that will be performed at the Site; and
- (b) has experience and expertise,

to prepare an EPP as required by this Schedule 7 [Environmental Obligations].

3.2 Qualifications of Qualified Environmental Professional

Each Qualified Environmental Professional appointed pursuant to Section 3.1 of this Schedule 7 [Environmental Obligations] must be:

- (a) an applied scientist or technologist who specializes in a relevant applied science or technology, including agrology, forestry, biology, engineering, geomorphology, geology, hydrology, hydrogeology or landscape architecture;
- (b) a member in good standing registered with the appropriate professional association in British Columbia, acting under such association's Code of Ethics and subject to disciplinary action by such association; and
- (c) reasonably relied on to provide advice within his or her area of expertise through demonstrated suitable education, experience, accreditation and knowledge relevant to his or her field.

3.3 Review of CEMP

Project Co will require that each Qualified Environmental Professional appointed will review and be knowledgeable of the CEMP and identify the provisions that may be applicable to the scope of Design, Construction and Services to be performed at the Site.

3.4 EPPs

In advance of any element of Design, Construction and Services performed at the Site Project Co will require a Qualified Environmental Professional to prepare a written, detailed environmental protection plan (an “**Environmental Protection Plan**” or “**EPP**”) in respect of such Design, Construction and Services that includes:

- (a) a description of the particular Design, Construction and Services activities and location to which the EPP applies, including mapping at a suitable scale;
- (b) identification of the specific applicable Environmental Requirements, including applicable Environmental Specifications;
- (c) identification of any Environmentally Sensitive Areas;
- (d) a determination of required relevant mitigation measures;
- (e) a description of environmental monitoring required during the performance of the Design, Construction and Services at the Site covered by the EPP, including details regarding the type and frequency of observations and data collection, the methodologies of monitoring, and the protocols that will be followed. The environmental monitoring must be sufficient to reliably confirm that the performance of the Design, Construction and Services comply with the EPP;
- (f) a description of environmental reporting required during the performance of the Design, Construction and Services at the Site covered by the EPP, including:
 - (i) a reporting process or mechanism to confirm whether the performance of the Design, Construction and Services or component of the Design, Construction and Services at the Site to which such EPP relates complies with such EPP having regard to the nature of the Design, Construction and Services or component of the Design, Construction and Services, and to the Environmental Requirements and CEMP;
 - (ii) any required testing or sampling to confirm that Design, Construction and Services is proceeding in compliance with the Environmental Requirements;
 - (iii) the type, content and frequency of the environmental reports to be prepared by an Environmental Monitor (using a template and format acceptable to BC Hydro) that Project Co will submit to BC Hydro and to the Independent Environmental Monitor, which will include:
 - (A) a description of Design, Construction and Services performed at the Site covered by the report;
 - (B) a description of environmental monitoring activities covered by the report;
 - (C) results of testing of environmental attributes, if any, as they become available;
 - (D) a description of environmental issues and corresponding mitigation measures implemented, if any; and
 - (E) a description of photographs (accompanied by identifying information such as date and location) documenting the Design, Construction and Services activities, environmental issues, and corresponding mitigation measures implemented; and

- (iv) the content of an annual report (in the format as may be specified by BC Hydro) for each calendar year in which the Design, Construction and Services or component of the Design, Construction and Services at the Site to which the EPP relates is performed, submitted by the following January 15, including:
 - (A) the quantity of each type of fuel consumed at the Site during the preceding year; and
 - (B) the production throughput for the preceding year of on-Site processes that contribute to greenhouse gas emissions;
- (g) a description of the procedure to be followed in the event of an Environmental Incident, including identification and implementation of mitigation measures and remedial or corrective actions; and
- (h) a description of the procedure to be followed in the event that an order to stop any of the Design, Construction or Services is issued, including the identification of the person(s) with the authority to stop and restart the Design, Construction and Services (the **Stop Work Procedure**).

The Qualified Environmental Professional will sign the EPP(s) confirming that the Qualified Environmental Professional reviewed the CEMP in preparation for writing the EPP and that the EPP complies with the requirements of this Section 3.4 and with the CEMP, as it may be modified as of the date of the EPP.

3.5 Submittal of Environmental Protection Plans

At least 30 days before commencing the performance of any Design, Construction and Services or component of Design, Construction and Services at the Site, Project Co will submit the EPP in respect of such Design, Construction and Services, prepared in compliance with Section 3.4 of this Schedule 7 [Environmental Obligations], to BC Hydro for Consent. Project Co will not perform any element of Design, Construction or Services at the Site for which an EPP has not been prepared and endorsed "Accepted" pursuant to the Consent procedure.

3.6 Amendments to Environmental Protection Plans

Project Co will cause the Qualified Environmental Professional to review and amend as necessary each EPP from time to time so that each EPP at all times complies with the CEMP and the Environmental Requirements. If at any time the Qualified Environmental Professional identifies the need for an amendment to an EPP, including an amendment to measures as described in the EPP or the addition of new measures, then Project Co will stop or suspend the performance of the Design, Construction or Services that is covered by the amendment as may be required to give effect to the pending amendment. Prior to implementing any amendments to an EPP, Project Co will submit proposed amendments to Hydro's Representative for Consent.

4 ENVIRONMENTAL MONITORS

4.1 Environmental Monitors

Project Co will engage one or more qualified monitors (each, an **Environmental Monitor**) to conduct the environmental monitoring as described and required in each EPP. An Environmental Monitor will be required to:

- (a) perform the monitoring, if any, as specifically required in an EPP, and otherwise generally monitor the performance of the Design, Construction and Services at the Site to confirm it is being performed in accordance with the requirements of the applicable EPP; and

- (b) in the event that the Environmental Monitor observes any Design, Construction or Services or component of the Design, Construction or Services at the Site being conducted in breach of the applicable EPP, immediately notify Project Co's designated person in accordance with the Stop Work Procedure. When an order to stop any of the Design, Construction or Services, as applicable, is issued pursuant to the Stop Work Procedure, the Environmental Monitor will submit a report to BC Hydro and the Independent Environmental Monitor describing the particular Design, Construction or Services, location and time of such breach, and the element of the EPP that was breached.

If any Design, Construction or Services or component of the Design, Construction or Services is stopped pursuant to the Stop Work Procedure, Project Co will not restart the particular Design, Construction or Services until the Environmental Monitor is satisfied that such Design, Construction or Services can proceed in compliance with the applicable EPP.

Prior to an Environmental Monitor commencing any environmental monitoring of Design, Construction and Services at the Site Project Co will review with the Environmental Monitor the reporting procedures which the Environmental Monitor will follow in the event of an Environmental Incident as described in Section 5.2 of this Schedule 7 [Environmental Obligations]. Project Co will engage a Qualified Environmental Professional to manage and supervise the Environmental Monitors that Project Co has engaged.

5 ADDITIONAL ENVIRONMENTAL REPORTING

5.1 Environmental Completion Report

Project Co will, at the completion of the performance of the Design, Construction and Services or component of the Design, Construction and Services at the Site to which an EPP relates, submit to BC Hydro and to the Independent Environmental Monitor a report prepared by an Environmental Monitor using the template and format specified by BC Hydro, which will, at a minimum, include the following:

- (a) a summary of the Design, Construction and Services activities on Site;
- (b) a summary of the environmental management activities completed during the performance of the Design, Construction and Services;
- (c) a description of any environmental issues encountered during the Design, Construction and Services on Site, and the management and mitigation measures used to resolve those issues; and
- (d) representative Site photographs.

5.2 Environmental Incidents

Project Co will establish reporting procedures to be followed by Project Co and the Project Contractors, and their respective employees in the event of an Environmental Incident, including reporting to the Qualified Environmental Professional and to Project Co's Representative. Project Co will submit the reporting procedure to BC Hydro for Consent, such consent not to be unreasonably withheld by BC Hydro.

In the event of an Environmental Incident, Project Co will:

- (a) immediately report the Environmental Incident to BC Hydro and to the Independent Environmental Monitor and will, within five Business Days or such longer time as the circumstances may reasonably require, deliver to BC Hydro and to the Independent

Environmental Monitor a written Environmental Incident report which includes, to the extent applicable to the Environmental Incident:

- (i) photo documentation of the Environmental Incident; and
- (ii) descriptions of:
 - (A) the cause and nature of the Environmental Incident;
 - (B) the approximate magnitude and duration of the Environmental Incident;
 - (C) the area or habitat affected by the Environmental Incident;
 - (D) the environmental resources affected by the Environmental Incident;
 - (E) the results of any sample analyses taken in conjunction with the Environmental Incident;
 - (F) mitigation measures taken to control or limit the activity causing the Environmental Incident;
 - (G) additional proposed remedial or corrective actions recommended to address the Environmental Incident;
 - (H) communications held with Project personnel with respect to the Environmental Incident;
 - (I) communications with any third parties with respect to the Environmental Incident; and
 - (J) the collection of samples which were required to characterize the extent and nature of the Environmental Incident; and
- (b) if the Environmental Incident is required under any applicable Law(s) to be reported to a Governmental Authority, immediately complete such report in accordance with the requirements of the applicable Law(s).

Without limiting Section 5.2(a) of this Schedule 7 [Environmental Obligations], Project Co will, in reporting an Environmental Incident, use the incident report form set out in Appendix 7A [Contractor Environmental Incident Report Form], or such other form as Hydro's Representative may from time to time require.

6 ORIENTATION, TRAINING AND ENVIRONMENTAL TAILBOARD MEETINGS

6.1 Environmental Overview Training

Prior to commencing the performance of the Design, Construction and Services at the Site, Project Co will hold, and will cause its field crew supervisors and Environmental Monitors, to attend an environmental overview and training workshop, which will include the following, as applicable to the scope of the Design, Construction and Services at the Site:

- (a) the requirements of the EPPs applicable to the scope of the Design, Construction and Services;
- (b) the roles and responsibilities of BC Hydro, Project Co, the Qualified Environmental Professional(s), and the Environmental Monitors;

- (c) environmental mapping of sensitive areas; and
- (d) procedures for reporting of Environmental Incidents and emergencies.

6.2 Pre-work Orientation

Project Co will hold, and will cause all of its employees and agents, and the Project Contractors and their employees and agents to attend, a pre-work orientation meeting (a **Pre-Work Orientation**) prior to commencing the performance of the Design, Construction or Services or component of the Design, Construction or Services at the Site to inform its employees and agents, and the Project Contractors and their employees and agents of the Site-specific environmental requirements set out in the applicable EPP(s). Project Co will document all Pre-Work Orientations and provide such documentation to BC Hydro upon request.

6.3 Environmental Tailboard Meetings

Project Co will, prior to commencing the performance of the Design, Construction and Services at the Site, and at regular intervals thereafter as required by the nature of the Design, Construction and Services, hold field crew environmental tailboard meetings (each, an **Environmental Tailboard Meeting**) to discuss information including the following, as applicable:

- (a) sensitive areas, potential effects and applicable mitigation measures; and
- (b) construction activities planned.

Project Co will document all Environmental Tailboard Meetings and provide such documentation to BC Hydro upon request.

7 HERITAGE REQUIREMENTS

7.1 Heritage Resources

Prior to the commencement of the Design, Construction or Services at the Site, BC Hydro intends to complete all required archaeological excavations in accordance with the requirements of the *Heritage Conservation Act* (British Columbia), and any other planned mitigation of heritage resources that are located within known heritage sites.

7.2 Heritage Specialist

BC Hydro will retain a heritage management firm (the **Heritage Specialist**). BC Hydro will instruct the Heritage Specialist to complete all activities as required to obtain and comply with a Permit (each, an **Alteration Permit**) issued under Section 12 of the *Heritage Conservation Act* (British Columbia).

Project Co will, as part of the Design, Construction and Services, cooperate with the Heritage Specialist in the preparation of EPPs so as to include heritage requirements, if any, applicable to the scope of the Design, Construction or Services covered by the applicable EPP. Such requirements may be as set out in the CEMP, or as specified in an Alteration Permit, and could include heritage surface inspection or heritage monitoring as described in Section 7.4 of this Schedule 7 [Environmental Obligations], or archaeological excavations to recover artifacts.

7.3 Template for EPP Heritage Requirements

BC Hydro has prepared a template document outlining the heritage requirements anticipated to be included in an EPP as described in Section 7.2 of this Schedule 7 [Environmental Obligations], which is located in the electronic data site described in Section 2.14 of this Agreement at Site C Data Portal >

Environment > Other Environmental Documents. This template is a reference document only and is expressly not included in this Agreement, and will not be referred to in any way whatsoever, in whole or in part, in the interpretation of Project Co's obligations under this Agreement.

7.4 Surface Inspections and Monitoring

If the Design, Construction or Services includes stripping, grubbing or excavation of the top 0.6 m soil horizon within known archaeological sites as shown on the Archaeological Site shapefile located in the electronic data site described in Section 2.14 of this Agreement at Site C Data Portal > Spatial Data > Archaeology, then:

- (a) if the Design, Construction or Services will be performed in an area that is free of snow, the Heritage Specialist will complete archaeological surface inspections (survey and collection of artifacts) after the completion of the stripping, grubbing or excavation of the top 0.6 m soil horizon; and
- (b) if the Design, Construction or Services will be performed in an area that is not free of snow, and Project Co wishes to proceed with stripping, grubbing or excavation of the top 0.6 m soil horizon during snow covered conditions, then BC Hydro will retain a Qualified Environmental Professional to monitor such Design, Construction or Services as it proceeds, subject to the requirements of an applicable Alteration Permit, and during the course of such Design, Construction or Services, for the purpose of paleontological mitigation, Project Co will cooperate with the Heritage Specialist to accommodate BC Hydro's Qualified Environmental Professional to conduct periodic surface inspection and collection of paleontological resources.

7.5 Schedule Impacts of Heritage Requirements

Accommodating the requirements of Section 7 of this Schedule 7 [Environmental Obligations] will be a part of the Design, Construction and Services and will not entitle Project Co to make a claim for additional compensation or an extension of time for the performance of the Design, Construction or Services, except if the heritage requirements would not have been apparent to a qualified and experienced contractor in the circumstances.

If Project Co anticipates delays associated with archaeological excavations, surface inspection and collection of paleontological resources it will notify Hydro's Representative in advance of such archaeological excavations, surface inspections or paleontological mitigation proceeding.

7.6 Chance Finds

During the performance of the Design, Construction and Services, Project Co will be responsible for implementing heritage chance find procedures in accordance with BC Hydro's Heritage Resources Management Plan (located in the electronic data site described in Section 2.14 of this Agreement at Site C Data Portal > Environment > Other Environmental Documents) and Project Co's applicable EPP.

Notwithstanding Section 7.5 of this Schedule 7 [Environmental Obligations], in the event that a chance find is discovered at the Site Project Co will be entitled to a Change under Schedule 12 [Changes].

WORKER ACCOMMODATION PROJECT AGREEMENT

APPENDIX 7A

CONTRACTOR ENVIRONMENTAL INCIDENT REPORT FORM

(see attached)

