

**IN THE MATTER OF THE ENVIRONMENTALASSESSMENT ACT,
SBC 2018, c. 51, s. 81
AND
NON-COMPLIANCES
WITH ENVIRONMENTAL ASSESSMENT CERTIFICATE E07-04
ORDER UNDER SECTION 53(1)**

WHEREAS:

- A. The Waneta Hydroelectric Expansion Project (Project) is a reviewable project under the *Environmental Assessment Act* (the Act).
- B. Environmental Assessment Certificate E07-04 (Certificate) was issued to Waneta Expansion General Partner Ltd. on November 13, 2007. The Certificate was amended on April 10, 2019, naming the Waneta Expansion Power Corporation as the Certificate Holder (Certificate Holder).
- C. Conditions 1 and 16 of the Certificate require that the Certificate Holder implement the Project in an environmentally sensitive manner; restore all site drainage features and facilities, or design and install new facilities; prepare for and respond to accidents and malfunctions; and comply with each and every commitment or requirement in Schedule B to the Certificate to the satisfaction of the Environmental Assessment Office (EAO).
- D. EAO Inspection FY18/19-39 determined that the Certificate Holder is not compliant with Conditions 1 and 16 of the Certificate.
- E. On July 24, the undersigned issued an Order under section 34 of the Environmental Assessment Act S.B.C. 2002, requiring that the Certificate Holder undertake measures to mitigate the risk of flooding of properties within the Columbia Gardens Industrial Park.
- F. As of March 3, 2020, the Certificate Holder has not fully complied with that Order, such that a significant risk of Project caused flooding to properties within the Columbia Gardens Industrial Park persists.
- G. Section 53 of the Act specifies that the Minister may order the Certificate Holder to carry out measures to mitigate the effects of non-compliance.
- H. The undersigned has received written delegation of the Minister's powers under Section 53 of the Act.

DEFINITIONS:

In this Order, "Qualified Professional" means a person who has training, experience and

expertise in a discipline relevant to the field of practice set out in this Order, who is registered with the appropriate professional organization in British Columbia, is acting under that organization's code of ethics, and is subject to disciplinary action by that organization.

NOW THEREFORE:

Pursuant to Section 53(1) of the Act, I order that the Certificate Holder must, to the satisfaction of EAO Compliance and Enforcement:

1. By 7pm Friday March 6th, 2020, or such earlier date as identified as necessary by a Qualified Professional, and until otherwise directed by EAO Compliance and Enforcement, ensure that all equipment and materials necessary to pump, divert, or otherwise manage the combined 10-year peak flows of Sayward and Langford creeks are stationed onsite and are ready to be deployed immediately.
2. Ensure that equipment and materials include all elements necessary to:
 - Pump the combined 10-year peak flow of Sayward and Langford creeks from the Lot 8A retention pond to the discharge location as identified in the Columbia Gardens Emergency Response Plan version R1, or other such discharge location subsequently identified by a Qualified Professional; and
 - Pump and/or divert the 10-year peak flows of Sayward Creek and Langford Creek as per Columbia Gardens Emergency Response Plan version R2.
3. By 7pm each day, provide daily updates via email to the undersigned regarding the implementation of the Columbia Gardens Emergency Response Plan, commencing March 3, 2020, and until otherwise directed by EAO Compliance and Enforcement.



Chris Parks
Director, Compliance and Enforcement
Environmental Assessment Office

Dated March 3, 2020
Order Ref: EN2020-003