



## WARNING

May 26, 2016

British Columbia Hydro and Power Authority  
Site C Clean Energy Project  
P.O. Box 2218  
Vancouver, B.C.  
V6B 3W2

c/o Ms. Diane McSherry  
Executive Vice-President

Ms. Danielle Melchior  
Director, Environmental Assessment and Regulatory

Ms. Bettina Sander  
Regulatory Manager  
British Columbia Hydro and Power Authority  
600-1055 Dunsmuir St.  
Vancouver, B.C.  
V7X 1V5

**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)**

Ms. McSherry, Ms. Melchior and Ms. Sander:

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 26 to April 29, 2016, I conducted an inspection at the location of your designated project, Site C Clean Energy located southwest of Fort St. John, British Columbia (56°11'37.72"N; 120°54'26.66"W).

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During this inspection and based on additional information provided by the British Columbia Hydro and Power Authority on May 7, 2016, I observed and noted that none of the air quality monitoring stations are currently collecting data of the following parameters: total suspended particulates (TSP), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>) and sulphur dioxide (SO<sub>2</sub>) as required by condition 12.3.1 and section 4.0 of the Air Quality Management Plan. Consequently, British Columbia Hydro and Power Authority has been unable to monitor air quality effects in order to inform the appropriate authorities of exceedance of federal and provincial air quality standards for those parameters as required by condition 12.3.3 and 12.3.4 and section 5.0 of the Air Quality Management Plan. Therefore, I have reasonable grounds to believe that the British Columbia Hydro and Power Authority is not in compliance with CEAA 2012.

In particular, you are not in compliance with condition 12.6 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 June 10, 2016. 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 CEAA 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>

Michel K. Vitou  
Chief of Compliance and Enforcement  
National Programs

