

MINISTRY OF ENERGY, MINES AND LOW CARBON INNOVATION

BRIEFING NOTE FOR INFORMATION

PREPARED FOR: Minister Josie Osborne, Minister of Energy, Mines and Low Carbon Innovation; George Heyman, Minister of Environment and Climate Change Strategy.

ISSUE: Concerns raised by environmental groups alleging deficiencies in regulatory compliance and oversight of CGL pipeline construction

SUMMARY:

- The Coastal GasLink (CGL) project is in the final stages of completing work at the Clore River, located in Section 7 of the pipeline corridor. Pipe has been installed and reclamation activities are underway.
- CGL's construction activities are guided by regulations, including permit conditions and environmental management plans.
- Provincial regulators have inspected CGL's Clore River work site in January and February, and remain engaged with required Qualified Professionals on-site.
- To date, the work occurring at the Clore River has been conducted in accordance with regulations and conditions specified in CGL's permit. BCER's inspections of CGL work at the Clore River crossing found no instances of non-compliance associated with those activities.

BACKGROUND:

The CGL pipeline project received an environmental assessment certificate (EAC) on October 24, 2014¹. In all, there are 32 conditions applied to CGL's EAC - legally-binding conditions the company must implement to remain in compliance and ensure environmental impacts are mitigated.

The CGL project is permitted for the construction activities under the *Oil and Gas Activities Act* (OGAA), with the majority of its required approvals provided by the BC Energy Regulator (BCER).

Construction of the 670-kilometre CGL project has included approximately 614 classified watercourse crossings² with over 70% completed to date. Work taking place at the Clore River, a tributary of the Skeena River, is an isolated open-cut trenched crossing³. This method is generally used for water bodies with open water or under-ice flow that can be managed by

¹ On May 16, 2018, the certificate was amended after two portions of the pipeline were redesigned.

² 433 out of 614 classified (S1-S6) watercourse crossings completed to date.

³ There are two types of ways to install pipe across a water body: trenched or a trenchless crossing technique.

isolation equipment, such as dams and pumps or flumes. In the case of the Clore River, flow was diverted across the construction area where the pipeline was installed. As of today, CGL has lowered pipe and completed the crossing work, but reclamation activities are still taking place.

In addition to the BCER and EAO, there are other agencies involved with water crossings as well, as shown in the table in Appendix 1.

Corrective actions required on the pipeline since construction started have included a first of its kind compliance agreement between the Minister of Environment and CGL in July 2022. The agreement covers approximately 100 kilometres of the project and requires CGL to follow more proactive measures to control erosion and sedimentation. CGL is required to develop comprehensive, detailed erosion and sediment management plans for all new construction— and must have them reviewed by an independent expert and approved by the EAO—before any new ground is broken⁴.

Watercourse crossing work on the CGL project has been the focus of concern by the Skeena Watershed Conservation Coalition (SWCC), with participation of the Watershed Watch Salmon Society, SkeenaWild Conservation Trust and CodeBlueBC. Citing concerns for impacts to salmon, steelhead, Dolly Varden, bull trout, and rainbow trout in the Clore River the SWCC has asked the provincial government to impose a stop work order for all CGL water crossings until fish and fish habitat are protected.

The SWCC has focused on work occurring at Clore River with the following arguments/concerns:

- excavators have been deployed with no erosion or sediment controls in place, resulting in downstream sedimentation;
- some pumps were not operational or properly installed at the site;
- there is an overall lack of downstream erosion or sediment control; and
- a large volume of sediment and debris has been introduced to the worksite (floods).

In addition to these concerns at the Clore River, the SWCC argues confusion and negligence is occurring between the provincial and federal governments regarding jurisdiction and responsibility to enforce regulations. The SWCC asserts there was a lack of adequate assessment during the environmental assessment process; inadequate monitoring by the BC Environmental Assessment Office (EAO), and a lack of monitoring by the BCER, in addition to its use of professional reliance.

The SWCC has also raised concerns about the lack of involvement and attention by Fisheries and Oceans Canada (DFO).

DISCUSSION:

⁴ The compliance agreement does not apply to instream works.

The BCER and EAO have been working closely to oversee compliance and enforcement of the CGL project's construction activities. The BCER has conducted over 400 inspections of CGL to date; the EAO has conducted 67 inspections since construction started in 2019⁵. According to CGL, DFO has conducted 55 site inspections of the pipeline construction corridor to date. There is considerable overlap with respect to the environmental protection requirements enforced by both agencies. There is also an independent erosion and sediment control auditor that inspects the project and reports to EAO Compliance and Enforcement and to CGL.

There is a memorandum of understanding (MOU) between the BCER and EAO (as well as other agencies, including the DFO) that addresses aspects of compliance and enforcement between regulatory agencies. These agreements outline how the BCER collaborates with other regulators to share information and data, and provide expertise for audits, inspections and investigations. In addition to these working arrangements, Compliance and Enforcement Officers at the BCER have designated authority under the *Environmental Management Act* and the *Water Sustainability Act*, among other provincial legislation.

As part of the collaborative compliance and enforcement approach outlined in the MOU, the BCER was identified as the primary regulator to monitor and enforce compliance with stream crossing environmental protection requirements. The decision was made that BCER would be the lead compliance and enforcement agency for stream crossings; the EAO supports and collaborates as required.

In addition to provincial and federal regulatory agencies, qualified environmental specialists are employed by CGL to implement and monitor the management plans and regulations involved with the watercourse crossing work. As a permit condition, CGL must ensure any instream works related to pipeline construction are overseen by a qualified professional who is responsible for developing and implementing mitigation measures to reduce any impacts fish, species at risk and the environment. These qualified professionals operate under the *Professional Governance Act* (PGA), which received Royal Assent in 2018 in response to recommendations to the Ministry of Environment and Climate Change Strategy to strengthen the ability of regulators to rely on the decisions and advice of resource professionals governed under the PGA.

When made aware of the concerns, BCER Compliance and Enforcement officers requested, received, and reviewed water quality monitoring data and location photos from CGL while organizing onsite inspections—a requirement under their permit. Contrary to the assertions of the above-noted environmental organizations, the information received did not reveal any issuances of non-compliance in relation to sedimentation, turbidity, instream works or general construction practices. Verification of CGL compliance with their permit conditions and regulatory requirements included two onsite inspections by BCER—one on January 17th, and another on February 2nd.

Following the inspections conducted in January and February, and engagement with on-site qualified professionals, the BCER has determined that CGL has been implementing required

⁵ The compliance history details requested are included in separate excel documents attached with this briefing note.

erosion and sediment control measures, stream impact mitigation measures and emergency event planning and execution.

CONCLUSION:

- BCER concludes that CGL's watercourse crossing activities at the Clore River have been conducted in accordance with regulations and conditions specified in CGL's permit.
- CGL is following the regulatory requirements and following their site-specific crossing plan; appropriate self-reporting has occurred, and contingency plans have been employed to address extreme weather conditions as appropriate to mitigate potential adverse impacts to the environment.

ATTACHMENTS:

Appendix 1: Table of Regulatory Agencies and Applicable Acts and Regulations (below)

Appendix 2: Summary of Compliance History (BCER and EAO); Penalties (below)

Appendix 3: EAO Compliance History Coastal GasLink (attached)

Appendix 4: BCER Compliance History Coastal GasLink (attached)

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Appendix 1 – Table of Regulatory Agencies and Acts and Regulations

Regulatory Agency	Role
British Columbia Energy Regulator	Change in and about a stream (construction works) & environmental management & protection regulation
Environmental Assessment Office	Environmental management & protection
Ministry of Forests	Fish salvage
Department of Fisheries and Oceans (DFO)	Fish habitat
Environment and Climate Change Canada	Harmful substances introduced into waterways

CGL is required to follow detailed plans for the work occurring at all water crossings within the pipeline corridor, including:

Plan	Context
Environmental Management Plan (EMP)	Required by EAC Schedule B, Condition 26. Outlines all environmental protection measures to avoid or reduce potential adverse effects during construction of pipeline, including activities related to water crossings and fish protection. Section 8.4 of the EMP provides specific details about the mitigations for watercourse crossings.
Fish and Fish Habitat Technical Data Report	Identifies the windows of least risk associated with watercourse crossings
Contingency Plans	Numerous contingency plans including but not limited to erosion, flood and excessive flow, soils, etc.
Construction Section 8 Supplemental Stream Crossings Submission	Technical requirement from the BCER before construction activities can start. Identifies construction works for inspection planning.
Water Quality Monitoring Plan (WQMP)	A requirement identified by the EAO, condition #4 of the EAC of Schedule B – developed and implemented with a Qualified Professional Requirement identified by BCER as permit conditions.
Wetlands Management Plan (WMP)	Condition #6 of Schedule B - developed and implemented with a Qualified Professional
Site-specific plan	Produced for each location/site, by CGL, as a requirement by regulators

Appendix 2 – Summary of Compliance History

Regulator: BCER

Summary of compliance and enforcement

- The BCER has carried out more than 400 inspections on the CGL project; issued two orders, a dozen tickets, cited 49 deficiencies, plus three warning letters. These include sediment and erosion control matters, construction-related concerns and failures to report.

Financial Penalties

The BCER inspects industry activities under British Columbia's Oil and Gas Activities Act (OGAA).

Administrative penalties

63 (1) If the commission finds that a person has contravened a provision referred to in section 62 (1), the commission may impose an administrative penalty on the person in an amount that does not exceed the prescribed amount.

(2) Before the commission imposes an administrative penalty on a person, the commission must consider the following:

- (a) previous contraventions by, administrative penalties imposed on or orders issued to
 - (i) the person,
 - (ii) if the person is an individual, a corporation for which the individual is or was an officer, director or agent, and
 - (iii) if the person is a corporation, an individual who is or was an officer, director or agent of the corporation;
- (b) the gravity and magnitude of the contravention;
- (c) the extent of the harm to others resulting from the contravention;
- (d) whether the contravention was repeated or continuous;
- (e) whether the contravention was deliberate;
- (f) any economic benefit derived by the person from the contravention;
- (g) the person's efforts to prevent and correct the contravention;
- (h) any other matters prescribed by the Lieutenant Governor in Council.

(3) If a person is charged with an offence under this Act, an administrative penalty may not be imposed on the person in respect of the same circumstances that gave rise to the charge.

Environment Protection and Management Regulation

3. A person who contravenes any of sections 9 to 20 of the Environmental Protection and Management Regulation is liable to an administrative penalty not exceeding \$500,000.

Regulator: EAO

A total of 67 inspections have been carried out along the pipeline construction route by the EAO since CGL construction started in 2019, with 52 warnings, 17 orders to cease/prevent/remedy, and three administrative penalties.

Financial Penalties

The EAO inspects industry activities under British Columbia's Environmental Assessment Act (EAA).

If an industry project is found to be out of compliance, compliance and enforcement officers at the EAO determine the appropriate enforcement response – and that could be a warning; order to prevent, cease or remedy; violation ticket; administrative monetary penalties; and court-imposed penalties.

There is also a range of other compliance and enforcement tools set out in the EAA, such as compliance agreements, Ministerial amendment, suspension or cancellation of Environmental Assessment Certificates, and court imposed creative sentencing orders.

Administrative penalties are determined by the EAO statutory decision-maker guided by policy and administrative law principles. A variety of factors determine the appropriate penalty value, including the nature of the contravention, the magnitude of any adverse effects, compliance history, and action taken to address the issue.

The maximum administrative penalty value is defined by the Administrative Penalties Regulation and varies based on the section of the Act with which the certificate holder fails to comply – ranging from \$2,000 to \$750,000. This may be multiplied by the number of days of non-compliance, within the factors considered for the appropriate penalty value matrix.

Court-imposed penalties are determined by a judge upon conviction and are guided by the nature of the contravention, the magnitude of any adverse effects, compliance history, action taken to

address the issue, and case law. Maximum of up to \$1,000,000 for a first conviction and up to \$2,000,000 for subsequent convictions are set by the EAA.

Details about penalties are found under Part 7 (Compliance and Enforcement) of the EAA.

The Coastal GasLink pipeline project has received three administrative penalties to date: \$72,500 in February 2022, \$170,100 in May 2022, and \$213,600 in January 2023.

BCER Summary:

The BCER has carried out more than 400 inspections on the CGL project; issued two orders, a dozen tickets, cited 49 deficiencies, plus three warning letters. These include sediment and erosion control matters, construction-related concerns and failures to report.

Inspection	Non-Compliance	Inspection Date	Regulation Name	Regulation Number	Status Description	Non-Compliance Description
058578064-001	1	3-Oct-19	EPMR	12	Deficiencies Corrected	No deleterious materials into streams, wetlands or lakes.
061799156-001	1	4-Feb-20	OGRR	13 (2)(b)	Deficiencies Corrected	Road maintenance: technical.
061855595-001	1	6-Feb-20	OGRR	13 (2)(c)	Deficiencies Corrected	Road maintenance: technical.
064478588-001	1	20-May-20	OGRR	13 (1)(a)	Deficiencies Corrected	Road maintenance: technical.
064479555-001	1	20-May-20	OGRR	13 (1)(a)	Deficiencies Corrected	Road maintenance: technical.
065149278-001	1	23-Jun-20	OGAA	21 (a)(i)	Deficiencies Corrected	Permit required.
065207645-001	1	26-Jun-20	OGRR	13 (1)(a)	Deficiencies Corrected	Road maintenance: technical.
066495357-001	1	9-Sep-20	EPMR	12	Deficiencies Corrected	No deleterious materials into streams, wetlands or lakes.
068199615-001	1	29-Oct-20	EPMR	12	Deficiencies Corrected	No deleterious materials into streams, wetlands or lakes.
068858603-001	1	23-Nov-20	D&PR	51 (2)	Deficiencies Corrected	Storage and disposal of wastes.
068996227-001	1	23-Nov-20	OGAA	21 (a)(i)	Deficiencies Corrected	Permit required.
071874274-001	1	25-Feb-21	OGAA	21 (a)(i)	Deficiencies Corrected	Permit required.
072266963-001	1	24-Mar-21	OGAA	21 (a)(i)	Deficiencies Corrected	Permit required.
072567157-001	1	15-Apr-21	OGRR	15.1 (2)	Deficiencies Corrected	Limited maintenance.
072813767-001	1	3-May-21	OGAA	21 (a)(i)	Deficiencies Corrected	Permit required.
072825743-001	2	4-May-21	OGAA	21 (a)(i)	Deficiencies Corrected	Permit required.
072937838-001	1	13-May-21	EPMR	12	Deficiencies Corrected	No deleterious materials into streams, wetlands or lakes.
073373039-001	1	9-Jun-21	EPMR	17 (a)	Deficiencies Corrected	Conserving soil.
073823033-001	1	16-Jul-21	EPMR	12	Deficiencies Corrected	No deleterious materials into streams, wetlands or lakes.
074534764-001	1	23-Sep-21	OGAA	21 (b)(ii)	Deficiencies Corrected	Obligation of person inspected or audited.
074769972-001	1	21-Oct-21	EPMR	12	Deficiencies Corrected	No deleterious materials into streams, wetlands or lakes.
074769972-001	1	21-Oct-21	OGAA	21 (b)(ii)	Deficiencies Corrected	Obligation of person inspected or audited.
076010488-001	1	14-Feb-22	OGAA	21 (b)(ii)	Deficiencies Corrected	Obligation of person inspected or audited.
076023697-001	1	2-Mar-22	EPMR	12	Deficiencies Corrected	No deleterious materials into streams, wetlands or lakes.
076242115-001	1	22-Mar-22	EPMR	12	Deficiencies Corrected	No deleterious materials into streams, wetlands or lakes.
076668261-001	1	3-May-22	OGAA	21 (b)(ii)	Deficiencies Corrected	Obligation of person inspected or audited.
076668868-001	1	5-May-22	EPMR	12	Deficiencies Corrected	No deleterious materials into streams, wetlands or lakes.
076668868-001	1	5-May-22	OGAA	21 (b)(ii)	Deficiencies Corrected	Obligation of person inspected or audited.
076771876-001	1	17-May-22	OGRR	13 (1)(a)	Deficiencies Corrected	Road maintenance: technical.
076830405-001	1	25-May-22	EPMR	12	Deficiencies Corrected	No deleterious materials into streams, wetlands or lakes.
077021649-001	1	7-Jun-22	EPMR	17 (a)	Deficiencies Corrected	Conserving soil.
077023053-001	1	9-Jun-22	OGAA	21 (a)(i)	Deficiencies Corrected	Permit required.
077023399-001	1	8-Jun-22	EPMR	17 (a)	Deficiencies Corrected	Conserving soil.
077042068-001	1	7-Jun-22	OGRR	20 (3)(b)	Deficiencies Corrected	Power to temporarily close, restrict access or remove motor vehicles, animals or things.
077115840-001	2	14-Jun-22	EPMR	17 (a)	Deficiencies Corrected	Conserving soil.
077128456-001	1	16-Jun-22	EPMR	12	Deficiencies Corrected	No deleterious materials into streams, wetlands or lakes.
077128456-001	2	16-Jun-22	EPMR	17 (a)	Deficiencies Corrected	Conserving soil.
077279356-001	1	7-Jul-22	OGRR	11.1 (a)(b)	Deficiencies Corrected	The submission of the post construction plan.
077470630-001	1	20-Jul-22	EPMR	12	Deficiencies Corrected	No deleterious materials into streams, wetlands or lakes.
077835330-001	1	18-Aug-22	OGAA	21 (b)(ii)	Deficiencies Corrected	Obligation of person inspected or audited.
078028337-001	1	31-Aug-22	EPMR	12	Deficiencies Corrected	No deleterious materials into streams, wetlands or lakes.
078120495-001	1	8-Sep-22	OGAA	21 (b)(ii)	Deficiencies Corrected	Obligation of person inspected or audited.
078554729-001	1	14-Oct-22	EPMR	17 (a)	Deficiencies Corrected	Conserving soil.
2022-0162	1	14-Dec-22	EPMR	17(a)	Issued	Conserving soil.
2022-0163	1	14-Dec-22	OGRR	11.1(b)(i)	Issued	Ongoing restoration disturbed areas.

Case File	Enforcement Action	Count	Date	Regulation Name	Regulation Number	Status Description	Enforcement Description	Penalty per Count	Total Penalty
2019-001	Warning Letter	1	02/07/2019	OGAA	21(b)(ii)	Issued	Fail to comply with permit condition, provide notice of construction start	n/a	n/a
2019-106	Warning Letter	1	02/26/2020	OGAA	21(b)(ii)	Issued	Fail to comply with permit condition	n/a	n/a
2019-004	Contravention Report	1	10/22/2021	OGAA	21(b)(ii)	Decision Issued	No finding of contravention with no penalty issued, archaeology.	\$0	\$0
2021-0023	Order	1	02/02/2021	OGAA	49	Order Terminated	Archaeology.	n/a	n/a
2021-0116	Violation Ticket	12	10/27/2021	WSA	106(3)(k)	Issued	Breach a term or condition of an authorization, short term water use daily withdrawal exceedance	\$230	\$2,760
2021-0163	Order	1	10/29/2021	OGAA	38(1)(c)	Complied with Order	Prepare and maintain records, implementation plan for Environmental Management Plan.	n/a	n/a
2022-0094	Warning Letter	1	08/22/2022	OGAA	21(b)(ii)	Issued	Fail to comply with permit condition, inadequate fish screen on intake pump.	n/a	n/a

Water Sustainability Act

Provision	Contravention	Fine		Victim Surcharge Levy		Ticketed Amount
section 106 (2), (b) (i)	Divert water from a stream or aquifer without lawful authority.	\$	200.00	\$	30.00	\$ 230.00
section 106 (2), (b) (ii)	Make changes in and about a stream without lawful authority.	\$	200.00	\$	30.00	\$ 230.00
section 106 (3) (k)	Breach a term or condition of an authorization, change approval, permit or drilling authorization that does not relate to a sensitive stream	\$	200.00	\$	30.00	\$ 230.00

Administrative penalties

63

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 - (iii) if the person is a corporation, an individual who is or was an officer, director or agent of the corporation;
- (b) the gravity and magnitude of the contravention;
- (c) the extent of the harm to others resulting from the contravention;
- (d) whether the contravention was repeated or continuous;
- (e) whether the contravention was deliberate;
- (f) any economic benefit derived by the person from the contravention;
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Environmental Protection and Management Regulation

3 A person who contravenes any of sections 9 to 20 of the Environmental Protection and Management Regulation is liable to an administrative penalty not exceeding \$500 000.

EAO Summary:

67 Inspections, 52 Warnings, 17 Orders to Cease/Prevent/Remedy, and 3 Administrative Penalties.

Date	Enforcement Type & Number	Summary
	6 warnings written within FY18/19 – 24	
01/29/2019	s.34 Order FY18/19 - 57	Order to prevent adverse effects to the use of the Trapline, within the context that the registrants have not had the benefit of the notice required by Condition 23, and thus have not had the opportunity to adjust their trapping activities accordingly.
03/21/2019	3 warnings written within FY18/19 - 59	Vehicle crossing, human-wildlife mitigation, contaminated soils.
05/29/2019	2 warnings written within IR2019-005	Wildlife attractant management, electric fencing around camps.
06/17/2019	IR2019-012 s.34(1) Order EN2019-003	Secure, dispose of, remove, or otherwise manage all wildlife attractants in a manner that prevents the attraction of wildlife and/or access to attractants by wildlife.
08/19/2019	1 warning written within IR2019-032	Storage of contaminated soil without a closed container.
10/15/2019	2 warnings written within IR2019-049 & IR2019-051	Erosion and sediment control at the 5ba, 5bb, and 9a sites and waste disposal and storage at the Parsnip multiuse site.
10/17/2019	1 warning written within IR2019-050	Construction debris and other waste materials not being disposed at an approved facility.
01/22/2020	1 warning written within IR2020-004	Installation of appropriately worded signage within the Hart Caribou Range.
02/20/2020	1 warning written within IR2020-007 and 2 Orders – EN2020-005 & EN2020-006.	Wetland function assessments for ecologically or socio-economically important wetlands to include habitat function. Assessments for muskrat. See orders EN2020-005 and EN2020-006 below.
05/13/2020	2 warnings written within IR2020-024	Water quality monitoring and functionality and effectiveness of electric fence.
06/16/2020	EN2020-005 s.53(1)(b) Order to Remedy and s.53(1)(c) Order to Cease	Cease construction activities within 30 m of any Ecologically and Socio-economically Important Wetland (ESIWI), Complete Construction Preparation Surveys for all ESIWIs, Update the Wetland Functions Construction Preparation Report to include the results of all completed Construction Preparation Surveys.
06/16/2020	IR2019-037 s.53 Order EN29020-004	Condition 18 - whitebark pine management.
06/22/2020	EN2020-006 s.53(1)(b) Order to Remedy	Cause a Qualified Professional to prepare a report documenting any loss of wetland area, habitat function, biogeochemical function, or hydrological function at each Unsurveyed Wetland as a result of the construction activities that have occurred in advance of a Construction Preparation Survey.
07/13/2020	1 warning written within IR2020-037 & IR2020-043	Unauthorized removal of WBP trees in Section 8.
08/17/2020	5 warnings written within IR2020-047	Unnecessary stripping of vegetation in wetland, surface material removal restriction to adhered to, signage is faded and illegible, fence not operational, waste not appropriately stored, separated or labeled.
09/16/2020	3 warnings written within IR2020-51	Wetland mitigation, wildlife observations, watercourse crossing signage.
10/16/2020	1 warning written within IR2020-054	Access control monitoring.
10/19/2020	3 warnings written within IR2020-055 and 1 Order s.53(1)	Lack of approved Contractor and site-specific erosion and sediment control Plans, implementation of water monitoring plan, installing signage at watercourses.
11/13/2020	1 warning written within IR2020-057	Flood and excessive flow contingency plan.
12/08/2020	3 warning written within IR2021-014, 3 referrals to AP and 1 Order. s.53(1)(b) Order to Remedy Related to IR2021-014	Non-compliant with controlling the risk of sediment transport to Environmentally Sensitive Receptors – watercourses and wetlands. Non-compliant with maintaining erosion and sediment control measures during and after Project works to ensure they continue to function as intended.
07/28/2021	2 warnings written within IR2021-008	Condition 1, failing to provide Aboriginal group members access to existing roadways. Condition 15 - failing to maintain access to traditional land use areas, and to maintain existing access for Aboriginal group members.
09/23/2021	EN2021-001 s.53(1)(b) Order to Remedy	Certificate Holder to post signs immediately following clearing (including name, number and kilometer post) for watercourses to alert the Contractor of the upcoming watercourse.
11/09/2021	EN2021-002 s.53(1)(b) Order to Remedy	Holder to develop and implement a Human Wildlife Conflict Management Plan.
11/09/2021	EN2021-003 s.53(1)(b) Order to Remedy	Implement erosion and/or sediment control measures that prevent Project generated sediment laden water from entering watercourses.
11/09/2021	EN2021-004 s.53(1)(b) Order to Remedy	Implement erosion and/or sediment control measures that prevent Project generated sediment laden water from entering watercourses.
12/06/2021	3 warnings written within IR2021-027 and 2 referrals to AP	Condition 26 providing secondary containment for all chemical liquids and hazardous wastes. Condition 26 ensuring that ice, snow, or rainwater have not decreased the volumetric capacity for storage of a spill to be less than 125% of the containment area.
01/21/2022	IR2022-001 1 referral to AP	In response to ongoing noncompliance with en2021-001 EAO C&E will be recommending an administrative penalty to a decision maker.
02/16/2022	8 warnings written within IR2022-007 and 2 referrals to AP	Condition 26 and EN2020-011: lack ESC measures, water management, lack of signage for sensitive environmental features, non-hazardous waste disposal, labelling storage areas, wildlife attractant management.
02/19/2022	EN2022-002 s.53(1)(b) Order to Remedy	QP supervised implementation of ESC measures from entering WC 8113 at upstream and downstream works, ensures QP considers ESC transport from WC UN12-71/2056.10 and dewatering and ditch activities directing sediment to the south of project ROW at intersection of South Hirsch FSR, by end of Feb 24, 2022 provide confirmation to EAO C&E that ESC measures have been implemented with confirmation from QP.
02/23/2022	AP1 s.60 Administrative Penalty	Related to IR2021-014. \$72,500 2022-02-23.
04/14/2022	EN2022-004 s.53(1)(b) Order to Remedy	By end of day April 22, 2022 confirm erosion and/or sediment control measures have been implemented at watercourses at KP 653+262, 653+288, 658+929 and all tributaries to Pine Creek between KP 660+000 and 662+000.
04/14/2022	EN2022-005 s.53(1)(c) Order to Cease	Immediate cease of pumping sediment-laden water from Project in a manner that allows sediment laden water to enter environmentally sensitive receptors. Non-compliant with respect to watercourse crossing requirements for sideboards and sediment control.
05/02/2022	AP2022-002 IR2021-027 s.60 Administrative Penalty	Condition 26, EMP required by and Order EN2020-011. \$170,100 on 2022-05-02.
05/19/2022	EN2022-009 s. 53(1)(b) Order to Remedy	Condition 26 - failure to mitigate adverse effects through implementation of erosion and sediment control measures

2022-05-26 Date to Decision Maker	AP 4 - EN2022-027 s.60 Administrative Penalty Recommendation Pending Decision	Condition 26 and Enforcement Order EN2020-011 by controlling the risk of sediment transport to environmentally sensitive receptors by implementing the following at specific locations subject to the inspection.
06/01/2022	EN2022-008 Warning Letter related to IR2022-008	Condition 26 with respect to the Environmental Management Plan – Appendix C.3 (Revision 4, December 14, 2018), Flood and Excessive Flow Contingency Plan.
07/25/2022	EN2022-020 Warning Letter related to IR2022-041	Human-wildlife conflict: enclose workforce accommodations with electric fencing to deter access to workforce accommodations by bears.
08/03/2022	EN2022-015 Warning Letter related to IR2022-032	Non-compliance with Order EN2020-011 with respect to control the risk of sediment transport to Environmentally Sensitive Receptors by stabilizing exposed surface materials and ESC measures.
09/27/2022	EN2022-026 Warning Letter related to IR2022-040	Condition 17 requires the Holder to conduct habitat assessment surveys for any red and blue-listed plants.
10/14/2022	EN2022-028 s.53(1)(a) Order to Prevent	Cease all variations from an Approved Work Execution Plan and cease installation of Measures that are not in accordance with the Agreement.
2022-10-17 Date to Decision Maker	AP 8 - EN2022-029 s.60 Administrative Penalty Recommendation Pending Decision	EN2022-002, Under the direct supervision of a Qualified Professional, implement erosion and/or sediment control measures (Measures) that prevent Project generated sediment laden water from entering Watercourse 8113 at, upstream, and/or downstream of Project works.
12/13/2022	EN2022-033 Warning Letter related to IR2022-048	Condition 26 of the Certificate with respect to waste and hazardous material spills, clean-up and disposal.
01/18/2023	EN2022-003 IR2022-007 s.60 Administrative Penalty	Condition 26 EMP and Order EN2020-011 with respect to maintaining ESC measures during and after Project works to ensure they continue to function as intended. \$213,600 Penalty

Fines:

The EAO inspects industry activities under British Columbia's Environmental Assessment Act (EAA).

If an industry project is found to be out of compliance, compliance and enforcement officers at the EAO determine the appropriate enforcement response – and that could be a warning; order to prevent, cease or remedy; violation ticket; administrative monetary penalties; and court-imposed penalties.

There is also a range of other compliance and enforcement tools set out in the EAA, such as compliance agreements, Ministerial amendment, suspension or cancellation of Environmental Assessment Certificates, and court imposed creative sentencing orders.

Administrative penalties are determined by the EAO statutory decision-maker guided by policy and administrative law principles. A variety of factors determine the appropriate penalty value, including the nature of the contravention, the magnitude of any adverse effects, compliance history, and action taken to address the issue.

The maximum administrative penalty value is defined by the Administrative Penalties Regulation and varies based on the section of the Act with which the certificate holder fails to comply – ranging from \$2,000 to \$750,000. This may be multiplied by the number of days of non-compliance, within the factors considered for the appropriate penalty value matrix.

Court-imposed penalties are determined by a judge upon conviction and are guided by the nature of the contravention, the magnitude of any adverse effects, compliance history, action taken to address the issue, and case law. Maximum of up to \$1,000,000 for a first conviction and up to \$2,000,000 for subsequent convictions are set by the EAA.

Details about penalties are found under Part 7 (Compliance and Enforcement) of the EAA.

The Coastal GasLink pipeline project has received three administrative penalties to date: \$72,500 in February 2022, \$170,100 in May 2022, and \$213,600 in January 2023.