



NOTICE OF NON-COMPLIANCE

ISSUED BY VANCOUVER FRASER PORT AUTHORITY (VFPA)

January 27, 2023

ISSUED TO:

Canadian Pacific Railway Company
Cascadia Rail Expansion Phase 4 Project
7550 Ogden Dale Road S.E.
Calgary, AB T2C 4X9

DESCRIPTION OF NON-COMPLIANCE:

- A. On August 22, 2022, Project Permit 20-095, attached hereto, was issued by VFPA to the Canadian Pacific Railway Company (the "Permit Holder") for Cascadia Rail Expansion Phase 4 (the "Permit").
- B. In accordance with condition 8 of the Permit, the Permit Holder is solely responsible for ensuring that all employees, agents, contractors, licensees and invitees comply with this Permit.
- C. On January 16, 2023, the Permit Holder's environmental monitor provided the Environmental Monitoring Report for January 2 to January 8, 2023, to VFPA. There were three instances noted in the report where the silt curtain was ineffective and the environmental monitor ordered the contractor to stop work. The contractor continued to work resulting in the release of sediment laden water directly into Burrard Inlet.
- D. The Construction Environmental Management Plan gives the environmental monitor the authority to stop work and requires the Permit Holder to take all appropriate action and to implement any applicable mitigation measures to address issues as soon as possible to ensure compliance with the Permit.
- E. The actions taken by the Permit Holder's contractor were not in compliance with Condition 35 of the Permit which states:
"The Permit Holder shall carry out the Project in accordance with the Construction Environmental Management Plan provided by the Permit Holder, and any subsequent updates made to the Port Authority's satisfaction."

It is the responsibility of the Permit Holder to adhere to, and ensure all its employees, agents, contractors, licensees and invites adhere to, all conditions outlined in the Permit throughout the duration of the work. Any further instances of non-compliance may result in immediate enforcement action, without further notice, including termination of the Permit.

Vancouver Fraser Port Authority
Notice of Non-compliance | PER 20-095

Any questions can be directed to Mary Smulders at mary.smulders@portvancouver.com.

Vancouver Fraser Port Authority

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Mary Smulders, M.Sc., EP
Supervisor, Environment: Project and Environmental Review

Ref #: PER 20-095_CME001

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