



Compliance monitoring and enforcement program

2023 annual summary report

Background

Canada Port Authorities have been the permitting authority for federal port lands and waters since the introduction of the *Canada Marine Act* in 1998, and as a federal authority, we conduct environmental reviews of projects in accordance with Section 82 of the *Impact Assessment Act*.

The Vancouver Fraser Port Authority uses its own Project and Environmental Review (PER) process to fulfill our federal responsibilities under the *Canada Marine Act* and the *Impact Assessment Act*, carefully reviewing and considering potential effects from all proposed project development on federal lands and waters before determining if a project should proceed. If a proposed project is approved, a project permit will be issued with conditions. A permit holder must comply with the scope and conditions as outlined in the project permit.

Under the port authority's compliance monitoring and enforcement (CME) program, projects are monitored against permit conditions and enforcement actions are taken for non-compliant projects or unauthorized works. Unauthorized work is work or activities that are undertaken without a required project permit, or work undertaken that is beyond the scope of work authorized in a project permit.

Overview of compliance monitoring and enforcement program

We have updated our approach to compliance monitoring and enforcement to achieve the following objectives:

- Formalize permit compliance expectations
- More effectively monitor compliance with permit conditions
- Communicate more effectively with applicants/permit holders
- Ensure fair, consistent and transparent responses to permit non-compliance

Since its launch in 2018, we have provided education to permit holders and tenants about the CME program and worked closely with permit holders to assist with understanding and resolving instances of non-compliance with project permit conditions.

Compliance monitoring and enforcement activities

Compliance verification activities conducted by the port authority in 2023 are shown in Table 1 below.

Table 1: Compliance Monitoring and Enforcement metrics

	Number of projects monitored	Number of permit holder self reports reviewed	Number of enforcement actions	Number of site visits
Category A	N/A	N/A	1	10
Category B	N/A	N/A	2	17
Category C	13	12	1	26
Category D	1	2	5	28
Designated	1	2	0	0
Legacy	1	2	0	0
Total	16	18	9	81

Enforcement actions

A summary of enforcement actions which have been issued or resolved in 2023 is provided in Table 2 below.

Table 2 Summary of enforcement actions

Permit holder/proponent	Project	PER number	Permit category	Enforcement action		Status
				Tool used	Date issued	
Ministry of Transportation and Infrastructure	Pattullo Bridge Replacement Project	17-107	D	Stop work order	2023-11-08	Resolved
Ministry of Transportation and Infrastructure	Patullo Bridge Replacement Project	17-107	D	Notice of non-compliance	2023-11-01	Resolved
Nickel Bros	Schoolhouse Offload Pacific Environmental Centre	23-018	A	Notice of non-compliance	2023-09-08	Resolved
Ministry of Transportation and Infrastructure	Patullo Bridge Replacement Project	17-107	D	Correction order	2023-06-08	Resolved
Conwest (Hammond) Limited Partnership	Above ground demolition – former Hammond Mill site	22-003	B	Correction order	2023-05-12	Resolved

Permit holder/proponent	Project	PER number	Permit category	Enforcement action		Status
				Tool used	Date issued	
Ministry of Transportation and Infrastructure	Patullo Bridge Replacement Project	17-107	D	Stop work order	2023-05-05	Resolved
Greater Vancouver Sewerage and Drainage District	Metro Vancouver Maple Ridge Forcemain Scour Protection	22-073	B	Notice of non-compliance	2023-02-28	Resolved
Canadian Pacific Railway Company	Cascadia Rail Expansion Phase 4	20-095	C	Notice of non-compliance	2023-01-27	Resolved
Ministry of Transportation and Infrastructure	Patullo Bridge Replacement Project	17-107	D	Stop work order	2023-01-20	Resolved

17-107: BC Ministry of Transportation and Infrastructure

In 2023 five enforcement actions were issued to the BC Ministry of Transportation and Infrastructure for non-compliance with the conditions for the Pattullo Bridge Replacement Project. These include:

- A stop work order was issued in January 2023 as the permit holder was not carrying out the project in compliance with the Construction Environmental Management Plan. Multiple hydrocarbon spills occurred, along with ineffective secondary containment equipment.
- A stop work order was issued in May 2023 as the permit holder conducted work that was outside of their tenure area for the project.
- A correction order was issued to in June 2023 as the permit holder did not comply with the stop work order issued May 2023 and continued to conduct work outside the tenure area specified for this project.
- A notice of non-compliance was issued in November 2023 as the permit holder was not carrying out the project in compliance with the Construction Environmental Management Plan resulting in unauthorized discharges, ineffective spill responses, ineffective use of secondary containment equipment, and the absence of a qualified environmental professional to monitor construction.
- A stop work order was issued later in November 2023 due to ongoing non-compliance with the Construction Environmental Management Plan, including unauthorized discharges, ineffective spill responses, ineffective use of secondary containment equipment, and the absence of a qualified environmental professional to monitor construction.

23-108: Nickel Bros

A notice of non-compliance was issued to Nickel Bros in September 2023 as the permit holder conducted works without properly adhering to the notification conditions outlined in their issued permit. Nickel Bros have returned to compliance.

22-003: Conwest (Hammond) Limited Partnership

A correction order was issued for Conwest (Hammond) Limited Partnership in May 2023 as the permit holder failed to provide evidence that a qualified environmental professional was satisfied with onsite hazardous material storage and appropriately addressed spills. Conwest (Hammond) Limited Partnership has returned to compliance.

22-073: Greater Vancouver Sewerage and Drainage District

A notice of non-compliance was issued to the Greater Vancouver Sewerage and Drainage District in February 2023 as the permit holder had not entered into a valid lease or access agreement for the project site. The Greater Vancouver Sewerage and Drainage District has returned to compliance.

20-095: Canadian Pacific Railway Company

A notice of non-compliance was issued to the Canadian Pacific Railway Company in January 2023 as the permit holder continued work after a stop work order was issued due to an ineffective silt curtain. The Canadian Pacific Railway Company has returned to compliance.

More information

If you have questions, please contact the Vancouver Fraser Port Authority at:

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