



Compliance Monitoring and Enforcement Program

2021, 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 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 the programs 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.

CME Program Statistics

The table below summarizes the number of permits issued by the port authority in 2021 and the compliance verification activities conducted this year:

Permit category	Number of permits issued	Projects under construction	Annual Compliance verification activities conducted by the port authority:	
			Site Visits*	Report Reviews: self-reports, IM & EM reports
Category A permits	105	Data not available	2	Data not available
Category B permits	52		3	
Category C permits	6		6	
Category D permits	0		1	
Designated projects permits	0		1	
Potentially unauthorized works	N/A	N/A	2	N/A

Compliance verification activities conducted by the port authority during 2020 included:

- Desktop reviews of self-reports submitted by permit holders indicating the status of compliance with each condition of their permit
- Desktop reviews of environmental monitoring reports submitted by permit holders that provide information on the regular environmental monitoring conducted on site to ensure consistency with the project Construction Environmental Management Plan and permit conditions
- Desktop reviews of independent monitoring reports submitted by the independent monitor for Category D and designated projects
- Site visits

Enforcement actions

A summary of enforcement actions which have been issued or resolved in the fourth quarter of 2020 is provided in the table below.

Summary of enforcement actions

Permit holder / proponent	Project	PER number	Permit category	Enforcement action		Status
				Tool used	Date issued	
Westshore Terminals Limited Partnership	Berth 2 Variable Frequency Drive Enclosure	17-299	B	Correction order	September 2019	Resolved (in 2021)
Metro Vancouver	Annacis Island Wastewater Treatment Plant New Outfall System	17-093	C	Notice of Non-Compliance	January 2021	Resolved
Goodrich Terminals	Lumber Transload Facility and Rail Spur	18-037	C	Restoration order	February 2021	Resolved
BC Ministry of Transportation and Infrastructure	Pattullo Bridge Replacement	17-107	D	Correction order	July 2021	In progress
Fraser Grain Terminal Ltd.	Fraser Grain Terminal	15-041	D	Correction order	July 2021	Resolved

17-299: Westshore Terminals Limited Partnership

A correction order was issued to Westshore Terminals Limited Partnership in September 2019 as VFPA became aware that Westshore Terminals Limited Partnership had built the project without complying with their permit requirements. Westshore Terminals Limited Partnership has returned to compliance.

17-093: Metro Vancouver

A notice of non-compliance was issued to Metro Vancouver in January 2021 as VFPA became aware that Metro Vancouver had conducted impact pile driving outside of the approved construction hours. Metro Vancouver has returned to compliance.

18-037: Goodrich Terminals

A restoration order was issued to Goodrich Terminals in February 2021 in response to the unauthorized installation of a gravel access road within the riparian zone. Goodrich Terminals has returned to compliance.

17-107: BC Ministry of Transportation and Infrastructure

A correction order was issued to BC Ministry of Transportation and Infrastructure in July 2021 as VFPA became aware that the permit holder had failed to retain an independent monitor responsible for reviewing the construction environmental records and on-site construction activities for compliance.

18-037: Fraser Grain Terminal Ltd.

A correction order was issued to Fraser Grain Terminal Ltd. in July 2021 to address a number of outstanding monitoring reports required under permit conditions. The correction order was satisfied in November 2021.

More information

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

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