

# Compliance Monitoring and Enforcement Program

## 2019, 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, conduct 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. Unauthorized work is work or activities that are undertaken without a project permit which would have required a project permit, or work undertaken that is beyond the scope of works as authorized in a project permit.

### Overview of compliance monitoring and enforcement program

In 2018, the port authority updated its approach to compliance monitoring and enforcement (CME) 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

### CME program statistics

The table below provides an overview of the number of permits issued by the port authority in the fourth quarter of 2019 and a summary of our compliance verification activities.

Permit category	Number of permits issued	Projects under construction	Compliance verification activities conducted by the port authority: site visits
Category A permits	24	Data not collected	1
Category B permits	11		0
Category C permits	2	15	5
Category D permits	0		0
Designated projects permits	0		1
Potentially unauthorized works	N/A	N/A	1

Additional compliance verification activities conducted by the port authority during the fourth quarter of 2019 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
- Permit site inspections

## Enforcement actions

A summary of enforcement actions which have been issued by the port authority in the fourth quarter of 2019 (October 1 to December 31, 2019) 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	
Columbia Containers Ltd.	Partial Bight Infill	17-102	C	Correction order	October 2019	Returned to compliance
661010 B.C. Ltd.	Bill's Marina – 35 vessel marina	Preliminary Review 17-216	B	Restoration order	October 2019	In progress
Fraser Grain Terminal Ltd.	Grain Export Facility Project	15-041	D	Stop work order	October 2019	Returned to compliance

#### 17-102: Columbia Containers Ltd.

A correction order was issued to Columbia Containers Ltd. on October 3, 2019 as the record drawings had not been submitted to the Vancouver Fraser Port Authority's satisfaction. The correction order was lifted on October 4, 2019.

#### Preliminary Review 17-216: 661010 B.C. Ltd.

A restoration order was issued to 661010 B.C. Ltd. on October 3, 2019 as floats were installed at 9563 and 9561 Gunderson Road, Surrey without the required authorization from VFPA. The unauthorized work is in contravention of VFPA's PER process. The order to remove the unauthorized work from the site is in progress.

#### 15-041: Fraser Grain Terminal Ltd.

A stop work order was issued to Fraser Grain Terminal Ltd. on October 24, 2019 in response to unauthorized vegetation clearing at 11041 Elevator Road, Surrey. The stop work order was lifted on December 11, 2019.

## Update on enforcement actions issued in 2018 and 2019

An update on enforcement actions which have been issued by the port authority in 2018 and the first three quarters of 2019 is provided below.

### **17-148: VFPA Brownsville Shrub and Garbage Removal**

A restoration order was issued to Vancouver Fraser Port Authority on May 22, 2018 outlining requirements to maintain erosion and sediment control measures until permanent rip-rap could be installed, conduct an archaeological impact assessment, monitor knotweed growth onsite, conduct riparian planting to restore the 15 m buffer zone, make a donation to a charity in lieu of migratory bird impacts, and stabilize exposed soils. The order was largely satisfied on October 4, 2019.

### **18-200: Coast 2000 Terminals Ltd. on behalf of Portside Equities Inc. and Portside Equities (Nominee) Inc.**

A restoration order was issued to Coast 2000 Terminals Ltd. on May 3, 2019 as a structure was constructed at 16080 Portside Road, Richmond, without the required authorization from VFPA. The unauthorized work was in contravention of VFPA's PER process and VFPA is unable to confirm whether the unauthorized work is compliant with the National Building Code 2015 or the National Fire Code 2015. In June 2019, Coast 2000 Terminals Ltd. provided documentation for a retroactive code consultant review to confirm compliance with the National Building Code 2015 and National Fire Code 2015. Based on this information, VFPA issued a retrospective project permit on December 16, 2019 for this structure. The order to remove the unauthorized work is no longer in effect.

### **19-124: Amix Salvage & Sales Ltd.**

A stop work order was issued to Amix Salvage & Sales Ltd. on July 19, 2019 as several building demolitions were underway at 12021 Musqueam Drive, Surrey, without the required authorization from VFPA. The unauthorized work is in contravention of VFPA's PER process. The requirement to obtain a project permit prior to proceeding with the building demolition activity is in progress.

### **16-268-1: Fibreco Export Inc.**

A correction order was issued to Fibreco Export Inc. on August 13, 2019 as VFPA became aware that Fibreco Export Inc. had conducted unauthorized works by installing several temporary construction trailers and associated construction equipment, and upgrading their berth fenders, beyond the scope of their permitted works. VFPA was unable to confirm whether the unauthorized work is compliant with the National Building Code 2015. Fibreco Export Inc. has provided documentation for a retroactive code consultant review to confirm compliance with the National Building Code 2015. There were also several pre-construction conditions that still need to be satisfied. The order is in progress.

### **17-299: Westshore Terminals Limited Partnership**

A correction order was issued to Westshore Terminals Limited Partnership on September 24, 2019 as the Vancouver Fraser Port Authority became aware that Westshore Terminals Limited Partnership had not provided their signed and sealed drawings, obtained a Building Permit, nor provided record drawings for the Berth 2 Variable Frequency Drive Enclosure. The order is in progress.

## **More information**

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

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