

April 23, 2010

File: 2002777

**REGISTERED MAIL**

Peter Schober  
c/o Tyson Creek Hydro Corp  
Box 1611,  
Gibsons BC V0N 1V0

Dear Mr. Schober:

**Re: Order in response to discharge of sediment-laden water into Tyson Creek**

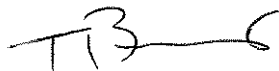
---

Please find attached my Order issued pursuant to Section 88 of the *Water Act* regarding the discharge of sediment-laden water into Tyson Creek.

Please do not hesitate to contact me at (604) 582-5227 if you have any questions in regard to this Order.

You are also advised that you have a right to appeal my Order with the Environmental Appeal Board. Notice of any appeal must (1) be in writing, (2) Include grounds for the appeal, (3) be directed by registered mail or personally delivered to the Chair, Environmental Appeal Board, 4<sup>th</sup> Floor, 747 Fort Street, PO Box 9425 Stn Prov Govt, Victoria, BC V8V 9V1, (4) be delivered within 30 days of receiving this Order; and (5) be accompanied by a fee of \$25, payable to the Ministry of Finance. However, if you wish to file an appeal, you are also reminded that an appeal does not act as a stay or suspend to operation of the Order being appealed unless the appeal board orders otherwise (Section 92(9) of the *Water Act*).

Yours truly,



Tim Bennett, P.Eng.  
Assistant Regional Water Manager

Attachment

Province of British Columbia  
*Water Act*

---

**ORDER**

**Section 88**

of the

***Water Act of British Columbia***

**IN THE MATTER OF** the operation of the Tyson Creek IPP plant and resultant stream bank erosion within the Tyson Lake delta, and discharge of sediment-laden water into Tyson Creek and the Tzoonie River.

**WHEREAS** Reynold Schmidt, Compliance and Enforcement Technician, Ministry of Forests and Range, did observe on February 17, 2010 the apparent collapse of stream bank sediments and discharge of sediment-laden water from the Tyson Creek IPP facility into the aforementioned streams.

**WHEREAS I**, Timothy Bennett, Assistant Regional Water Manager, did request in my correspondence of February 19, 2009 that you immediately implement measures to cease the discharge of sediment-laden waters in the aforementioned streams.

**WHEREAS** Peter Schober, representative of Tyson Creek Hydro Corp, has provided data which indicates that the Tyson Creek IPP tailrace water continues to contain elevated turbidity and total suspended solids levels, and that on several events between February 19, 2009 and April 13, 2010, full plant flows of 1.2 m<sup>3</sup>/s were discharged through the plant and tailrace into Tyson Creek.

**NOW THEREFORE**, I, Timothy Bennett, Assistant Regional Water Manager hereby order pursuant to Section 88 of the *Water Act* of British Columbia that Tyson Creek Hydro Corp., Box 1611, Gibsons, BC, V0N 1V0, undertake the following actions:

1. Cease all diversion of water through the plant, with the exception of providing IFR flows into Tyson Creek as required by your water licence 120523.
2. Implement measures to ensure that resultant flows within Tyson Creek do not contain turbidity and suspended sediment levels exceeding Ambient Water Quality Guidelines, measured immediately upgradient of the Tyson Creek plant.
3. Undertake ongoing monitoring of turbidity and suspended sediments, upgradient of the Tyson Creek plant, to confirm compliance with item 2, above.
4. provide an Environmental Impact Assessment report to the Assistant Regional Water Manager prior to June 1, 2010. That report must be written and signed by appropriately qualified Professionals, and provide a preliminary opinion as to the potential impacts on

environmental values (e.g., fish, amphibians, and any other pertinent biota, and habitat) from plant operations (e.g., flow diversions, lake level changes, and resultant land and stream changes within the lake delta).

5. You may not commence any other diversion of water without prior written consent of the Assistant Regional Water Manager.

Dated at Surrey, British Columbia this 23rd day of April, 2010.

A handwritten signature in black ink, appearing to read 'Tim Bennett', with a stylized flourish at the end.

Tim Bennett, P.Eng.  
Assistant Regional Water Manager  
Water Stewardship Division