

MARINE FINFISH COMPLIANCE MATRIX – May 12, 2003

COMPLIANCE ISSUE	LEGISLATION CONTRAVENED	LICENSEE ACTION REQUIRED	TIMELINE FOR COMPLETION OF REQUIRED ACTION	LICENSEE FOLLOW-UP	ENFORCEMENT ACTION/AGENCY
Disposal of blood water directly to environment	Section 3(2) Waste Management Act/ Section 36(3) Fisheries Act (federal)	Subject to the Regional Waste Manager's direction	As directed	As directed	MAFF to forward non-compliance occurrences to Regional Waste Manager on a case by case basis. Action to be determined based upon a review of the specific fact pattern and compliance history.
Disposal of net cleaning waste directly to environment resulting from major net cleaning (does not include in situ day to day maintenance)	Section 3(2) Waste Management Act/Section 36(3) Fisheries Act (federal)	Subject to the Regional Waste Manager's direction	As directed	As directed	MAFF to forward non-compliance occurrences to Regional Waste Manager on a case by case basis. Action to be determined based upon a review of the specific fact pattern and compliance history.
Disposal of morts w/o permit/approval	Section 3(2) Waste Management Act	Cease burning/burying etc. of morts. Dispose at approved facility	Immediately	Provide documentation to inspector to verify use of approved facility	Consult with WLAP for direction. Minor amount of morts may result in issuance of ticket whereas major amounts likely to result in formal investigation
Non marine mammal predator (wildlife) trapping/killing w/o permit or using licensed trapper	Section 11 and 26 Wildlife Act	Cease trapping/killing. Obtain a permit or the services of licensed trapper for predator control/or closed season authorization.	Immediately	Provide documentation to inspector to confirm issuance of a permit or the use of licensed trapper	Violation ticket for first offence issued by MAFF. Formal investigation by WLAP for subsequent occurrences.
Disposal of refuse – burning or burying of wastes	Section 3(2) Waste Management Act	Cease burning/burying of wastes	Immediately	Provide written confirmation as to disposal methods to inspector within 14 days	Violation ticket for first offence issued by MAFF. Formal investigation by WLAP for subsequent occurrences.
Predator prevention carcass disposal to land w/o permit/approval	Section 3(2) Waste Management Act	Dispose carcass at approved facility or Apply for Waste Management Permit and Land Tenure for disposal site	Within 30 days	Provide documentation to inspector confirming use of approved facility or copy of applications	Violation ticket for first offence issued by MAFF. Formal investigation by WLAP for subsequent occurrences.
Disposal of disinfectants directly to environment	Section 3(2) Waste Management Act/ Section 36(3) Fisheries Act (federal)	Follow disposal requirements of MSDS and/or dispose at an approved disposal facility	Immediately	Confirm disposal practices/facility to inspector within 14 days	Consult with WLAP for direction.
Fail to provide 110% containment for fuel storage	BC Fire Code (1998)	Install 110% containment for fuel.	N/A	Provide written confirmation of resolution to inspector within 60 days.	File to be referred to the Office of the Fire Commissioner for resolution
Fail to conduct environmental monitoring of a new facility prior to applying for registration	Section 3(1) - Finfish Aquaculture Waste Control regulation	Conduct environmental monitoring	Subject to Regional Waste Manager's direction	Provide documentation to inspector confirming environmental monitoring has been completed and submitted to Regional Waste Manager	Formal investigation by WLAP
Stock a facility with fish without registering the facility in accordance with the Aquaculture Waste Control regulation	Section 3(2) - Finfish Aquaculture Waste Control regulation	Submit registration to the Regional Waste Manager	Within 14 days	Provide documentation to inspector confirming registration submitted to Regional Waste Manager	Formal investigation by WLAP
Effective September 21, 2003 – mean free sulphide concentration on soft bottom at or beyond 30 meters from 0 meter station is statistically significantly greater than 6000 micromolar	Section 4(1) - - Finfish Aquaculture Waste Control regulation	Submit a remedial action plan to the Regional Waste Manager, and immediately thereafter implement the plan	Within 30 days of environmental monitoring	Implement remedial action plan	Formal investigation by WLAP
Effective September 21, 2003 – mean taxon richness or mean total abundance at a sampling facility on a soft bottom at or beyond the tenure perimeter is statistically significantly different than the mean reference or baseline	Section 4(2) - - Finfish Aquaculture Waste Control regulation	Submit a remedial action plan to the Regional Waste Manager, and immediately thereafter implement the plan	Within 30 days of environmental monitoring	Implement remedial action plan	Formal investigation by WLAP
Effective September 21, 2003 – Fail to conduct biological monitoring and and comply with pre-stocking requirements when mean free sulphide concentration on a soft bottom at or beyond the tenure perimeter is statistically significantly greater than the mean reference or baseline sulphide concentration	Section 5 – Finfish Aquaculture Waste Control regulation	Conduct biological monitoring	As determined by Regional Waste Manager	Submit biological monitoring results as directed by Regional Waste Manager	Formal investigation by WLAP.

The enforcement responses identified in the matrix are considered the preferred approach, however, the specific circumstances of each non-compliance are to be assessed in determining the appropriate enforcement response. Consultation between agencies is required on some issues of non-compliance - prior to determining an enforcement response.

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Effective March 21, 2004 – Restocks facility when mean free sulphide concentration exceeds the standards prescribed in Section 6 of the Finfish Aquaculture Waste Control regulation	Section 6(2) – Finfish Aquaculture Waste Control regulation	Action to be determined by the Regional Waste Manager	As determined by the Regional Waste Manger	As determined by the Regional Waste Manger	Formal investigation by WLAP.
Exceed maximum daily discharge rate of domestic sewage 2.5 cubic meters/day	Section 7(b)(i) - Finfish Aquaculture Waste Control regulation	Install system to meet the regulation requirements	Within 30 days	Provide documentation to inspector confirming installation of new system	Formal investigation by WLAP.
Fail to treat sewage with a septic tank designed with a retention time of less than two days prior to discharge, or device with a concentration of total suspended solids exceeding 130 mg/l	Section 7(b)(ii) - Finfish Aquaculture Waste Control regulation	Install system to meet the regulation requirements	Within 30 days	Provide documentation to inspector confirming installation of new system	Formal investigation by WLAP.
Disposal of sewage at a discharge point less than 15 meters below surface of the water	Section 7(b)(iii) - Finfish Aquaculture Waste Control regulation	Install a 15 meter outfall pipe as per regulation requirements.	Within 30 days	Provide documentation to inspector confirming outfall pipe extension.	Formal investigation by WLAP.
Fail to maintain records related to construction/operation and maintenance of sewage treatment works for inspection by manager or officer	Section 7(iv) - Finfish Aquaculture Waste Control Regulation.	Ensure records are maintained	Immediately	Provide documentation to inspector confirming records are maintained	Violation ticket for first offence issued by MAFF. Formal investigation by WLAP for subsequent occurrences.
Fail to keep a copy of the BMP plan at facility	Section 8(3)(a) - Finfish Aquaculture Waste Control Reg.	Ensure BMP Plan is onsite at facility	Within 60 days	Provide written confirmation to inspector within 30 days of the date the BMP's were finalized that BMP's are onsite at facility	Violation ticket for first offence issued by MAFF. Formal investigation by WLAP for subsequent occurrences.
Fail to make the BMP plan available upon request of the manager or an officer	Section 8(3)(a) - Finfish Aquaculture Waste Control Reg.	Produce a copy of the BMP Plan	Immediately	N/a	Violation ticket for first offence issued by MAFF. Formal investigation by WLAP for subsequent occurrences.
Fail to amend the BMP plan whenever there is a change in the facility which materially increases the release/potential release of harmful materials	Section 8(3)(b) - Finfish Aquaculture Waste Control Reg.	Amend the BMP plan	Within 30 days	Provide written confirmation to inspector within 7 days of the BMP being amended	Violation ticket for first offence issued by MAFF. Formal investigation by WLAP for subsequent occurrences.
Fail to conduct environmental monitoring	Section 9 - Finfish Aquaculture Waste Control Reg.	Undertake environmental monitoring	Within 30 days of prescribed sampling timeframe, or as directed by Regional Waste Manager	As determined by Regional Waste Manager	Formal investigation by WLAP.
Fail to submit environmental monitoring results	Section 10 - Finfish Aquaculture Waste Control Reg.	Submit environmental monitoring results to Regional Waste Manager	Within 14 days	Confirmation to inspector that results forwarded to Regional Waste Manager	Formal investigation by WLAP.
Fail to report information required in Section 10(5) of the Aquaculture Waste Control regulation	Section 10(5) - Finfish Aquaculture Waste Control Reg.	Submit environmental monitoring results to Regional Waste Manager	Within 14 days	Confirmation to inspector that results forwarded to Regional Waste Manager	Formal investigation by WLAP.
Fail to notify Regional Waste manager w/i 24 hrs of implementing fish kill contingency plan	Section 10(6) - Finfish Aquaculture Waste Control Reg.	Notify Regional Waste Manager	Immediately	N/A	Formal investigation by WLAP.

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Exceed Management plan biomass levels	Fisheries Act – Condition of Licence	Submit a revised management plan or adjust Production level	Within 30 days	Verification to MAFF in writing of reduced production or submission of a management plan	Need for consultation between MAFF and WLAP to evaluate environmental impacts. If non-compliance has resulted in environmental waste standard being exceeded, requires referral to WLAP for investigation. Review of compliance history by MAFF Inspection staff, and where appropriate, in liaison with biological staff, for farm to determine status of MP history for site, and/or previous warnings to company. If compliance history is poor, formal referral to WLAP for investigation. For new instances of excess biomass production, violation ticket to be issued where the company has not responded to MAFF's initial inspection request. (the ticket will be for failure to comply with licence conditions) Formal investigation by WLAP for subsequent occurrences.
Unapproved species on site	Fisheries Act – Condition of Licence	Submit a revised management plan or remove unauthorized species	Within 30 days	Verification to MAFF in writing by way of management plan submission or company verifies they have removed unauthorized species	Depending upon review of compliance history of company, MAFF refers the matter for investigation to WLAP immediately, or subsequent to the company failing to submit a revised management plan.
Operating a facility without a licence	Fisheries Act	Fisheries Act			Referral directly to WLAP – noting differences between unlicensed operations and delays in licence renewals.
Failure to submit required reports or records	Fisheries Act	Submit requested reports	Within requested timeframe	Reports to be submitted within 60 days of the identified deadline	Violation tickets or warnings if reports not received and responded to MAFF request. Formal investigation by WLAP for subsequent occurrences.
Failure to report suspected escapes verbally or in writing	Fisheries Act – Aquaculture Regulation	Report 24 hours verbal In writing 7 days Implement immediate corrective action	Immediate/seven days	N/A	Violation ticket or warning issued by MAFF where the report is suspected and no fish are lost. Formal investigation by WLAP for subsequent occurrences or if the inspector believes there has been a significant escape.
Failure to report an escape verbally or in writing	Fisheries Act – Aquaculture Regulation	Report 24 hours verbal In Writing 7 days Implement immediate corrective action	Immediate/seven days	N/A	Warning or violation ticket issued by MAFF. Where the inspector believes there may be a significant loss of fish, or for repeat occurrences refer to WLAP for formal investigation and RCC.
Unauthorized release of fish	Fisheries Act – Aquaculture Regulation	Report 24 hours verbal In Writing 7 days Implement immediate corrective action	Immediate/seven days	N/A	Referral to WLAP for investigation and RCC.
Unauthorized escape of fish	Fisheries Act – Aquaculture Regulation	Report 24 hours verbal In Writing 7 days Implement immediate corrective action	Immediate/seven days	N/A	Where there may be a significant loss of fish the file to be turned over directly to WLAP for formal investigation and RCC.
Fail to comply with therapeutant use and drug record keeping	Fisheries Act - Aquaculture Regulation	Adjust record keeping to regulations	Immediate	Verification to MAFF in writing to confirm adjustment has been made.	Warning or violation ticket for noncompliance issued by MAFF. Formal investigation by WLAP for subsequent occurrences.
Fail to comply with requirements for Inventory, training and maintenance Records and Reports	Fisheries Act – Aquaculture Regulation	Adjust record keeping to regulations	Within 30 days	Verification to MAFF in writing to confirm adjustment has been made	Warning and or violation ticket issued by MAFF if corrective measures have not been implemented. Referral to WLAP for continued/subsequent occurrences.
Processing fish on site w/o license	Fisheries Act – Aquaculture Regulation	Cease activity.	Immediate	Verification to MAFF in writing may be requested	Warning or violation ticket issued by MAFF. Formal investigation by WLAP for subsequent occurrences.
Obstruction	Fisheries Act – Aquaculture Regulation	N/A	N/A	N/A	Referral to WLAP for formal investigation.
Containment Structures, Cage Support, Design Installation and Maintenance	Fisheries Act – Aquaculture Regulation Appendix 2	Consult with MAFF on design and construction approval requirements	Within 30 days	Verification to MAFF in writing the company has reviewed and implemented corrective measures	Warning or violation ticket issued by MAFF. Formal investigation by WLAP for continued/subsequent occurrences.

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Fail to meet Net Cage Mesh Strength	Fisheries Act – Aquaculture Regulation Appendix 2	Net strength failure – company to immediately remove net.	Immediate	Verification to MAFF in writing that net has been removed	If non compliant to the request to remove net, referral to WLAP for investigation.
Fail to maintain Net Servicing Records and Net Tagging	Fisheries Act – Aquaculture Regulation Appendix 2	Implement measures to correct deficiencies in record keeping	Within 30 days	Verification to MAFF in writing corrective measure have been implemented	Warning or Violation tickets issued by MAFF. Formal investigation by WLAP for continued/subsequent occurrences.
Improper Boat Operations	Fisheries Act – Aquaculture Regulation Appendix 2	Implement corrective measures to ensure proper boat usage	Within 30 days	Verification to MAFF in writing that corrective measures have been implemented	Warning or violation ticket issued by MAFF. Formal investigation by WLAP for continued/subsequent occurrences.
Fail to comply with operational activities	Fisheries Act – Aquaculture Regulation Appendix 2	Implement corrective measures	Within 30 days	Verification to MAFF in writing that corrective measures have been implemented	Warning or violation ticket issued by MAFF. Formal investigation by WLAP for continued/subsequent occurrences.
Fail to implement/follow Best Management Practices	Fisheries Act – Aquaculture Regulation Appendix 2	Implement identified corrective measures	Within 30 days	Verification to MAFF in writing that corrective measures have been implemented	Warning or Violation ticket issued by MAFF. Formal investigation by WLAP for continued/subsequent occurrences.
Fail to comply with training requirements for escape response	Fisheries Act – Aquaculture Regulation Appendix 2 - As to the development, posting and staff training associated with escape response	Implement identified corrective measures	Within 30 days	Verification to MAFF in writing that corrective measures have been implemented.	Warning or Violation ticket issued by MAFF. Formal investigation by WLAP for continued/subsequent occurrences.
Fail to implement corrective action to prevent further escapes	Fisheries Act – Aquaculture Regulation Appendix 2 - As to failure to ensure corrective action implemented to prevent further escapes; As to take measures to attempt to recapture	N/A	Immediate	N/A	Formal investigation by WLAP
Use of lake or stream water without a water license	Section 41(1)(m) Water Act	Apply for Water license or cease use of water	Within 30 days	Provide confirmation to inspector that use of water has ceased, or a license application has been submitted.	Upon referral, LWBC will review MAFF inspection report and notify the client of required action. MAFF and WLAP will be copied. If warranted, LWBC will commence enforcement action in coordination with WLAP.
Operating a facility without a tenure	Land Act	Land Act			Referral directly to LWBC – noting differences between untenured operations and delays in tenure renewals. LWBC will review MAFF inspection report and notify the client in writing of necessary action. MAFF and WLAP will be cc'd. If warranted, LWBC will commence trespass action in coordination with WLAP.
Improvements located outside Land tenure boundaries	Land Act	Comply with existing tenure or arrange a meeting to discuss with LWBC (MAFF inspector to notify LWBC)	Within 30 days	Provide confirmation improvements are within tenure or supply an amendment application package and new management plan	LWBC will review MAFF inspection report and notify the client in writing of necessary action. MAFF and WLAP will be cc'd. If warranted, LWBC will commence trespass action in coordination with WLAP.
Improvements do not comply with Management plan	Land Act	Comply with existing management plan or arrange a meeting to discuss with LWBC and MAFF (MAFF inspector to notify LWBC and MAFF licensing section)	Within 30 days	Provide confirmation improvements comply with management plan or submit new management plan	LWBC will review MAFF inspection report in consultation with MAFF Licencing Section and notify the client in writing of necessary action. MAFF and WLAP will be cc'd.

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