

Comment Index

Aerotech Waste Handling Facility

Publication Date: December 18, 2024

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Public

Number	Source	Date
1	Halifax Water	Nov 29, 2024

Date: November 6, 2024

To: Helen MacPhail, Environmental Assessment Supervisor

From: Janet MacKinnon, Executive Director SAS

Subject: **GFL's Aerotech Waste Handling Facility**

Scope of review:

This review focuses on the following mandate: Protected Areas

List of Documents Reviewed:

WAPA/SPPA

Details of Technical Review:

Review of location in relation to Protected Areas

Key Considerations: (provide in non-technical language)

No Protected areas nearby

No Comments

Date: Nov. 7, 2024

To: Helen MacPhail, Environmental Assessment Supervisor

From: Robert Cuthbert, AQMR Resource Management Unit

Subject: GFL's Aerotech Waste Handling Facility, Goffs, Halifax

Scope of review:

Staff with ECC's Resource Management Unit reviewed the proposed project in relation to the following mandate: Storage and handling of waste dangerous goods.

List of Documents Reviewed:

Environmental Assessment Registration Document – Aerotech Waste Handling Facility
Appendix F – Contingency Plan

Details of Technical Review:

No comment

Key Considerations:

No comment

Date: November 19, 2024

To: Helen MacPhail, Environmental Assessment Officer

From: Department of Natural Resources and Renewables

Subject: **GFL's Aerotech Waste Handling Facility, Goffs, Halifax County**

Scope of review:

This review focuses on the following mandate: Authorities and approvals required from the Land Services Branch, Geoscience health and safety, mineral exploration, mineral development, abandoned mines openings, Wildlife and biodiversity values under the regulatory mandate of NS Natural Resources and Renewables (Harvestable wildlife, human-wildlife conflict, wildlife habitat, protected species under the Wildlife Act, NSESA, provincial applications of MBCA, species-at-risk habitat.

List of Documents Reviewed:

Land Services Branch:

- Environmental Assessment Registration Document
- Appendices A-G

Geoscience and Mines Branch:

- Environmental Assessment Registration Document – Final Report
- GIS Files
- Nova Scotia's Registry of Claims (NovaROC)
- Mineral Occurrence Database
- Hirtle, C. J. and White, C. E. 2017: Acid Rock Drainage in the Indigo Shores Housing Development, McCabe Lake, Halifax Regional Municipality, Nova, Report ME 2017-001, p. 85-88

Forestry and Wildlife Branch:

- Environmental Assessment Registration Document and appendices.

Details of Technical Review:

Land Services Branch:

The Project is located on private land. The current Project proposal does not include Crown lands and does not join Crown lands. No authorities or approvals are required from the Land Services Branch. That may change if the Project footprint is revised to include Crown lands.

Geoscience and Mines Branch:

The EA application addresses ARD potential of the Taylor's Head Formation of the Goldenville Group as being minimal, confirmed by White et al., 2017. The proponent does not anticipate encountering bedrock and states site consists of engineered fill. Stockpiling materials to be reused and to be stored to prevent mobilization.

Mineral Occurrences

Three Bog Iron mineral occurrences occur within 1 km of the Project Area, none of which have current exploration licences. The nearest exploration licence is a single licence approximately 2 km west of the Project Area. It is not anticipated that the proposed project will result in any negative impacts to the nearby mineral exploration licences. The proposed project area is considered to be a low-medium level for mineral potential, specifically for mesothermal Au-W mineralization.

Forestry and Wildlife Branch:

The Project Site falls within an existing footprint of disturbance and supports existing facilities and operations. The proposed changes to the undertakings will not increase the project footprint or change the general nature of the activities as they relate to wildlife and wildlife habitat interactions.

The compatibility of the proposed changes with biodiversity values is reliant on there being no direct or indirect negative impacts of the undertaking on wildlife habitats, including nearby wetlands, watercourses, or surface and groundwater – those values are beyond the scope of this review and covered by NSECC reviews.

The following are potential issues associated with the current and proposed activities:

1. Protected Wildlife Using the Working Area

Many wildlife species, particularly snakes and turtles, and some bird species (e.g. common nighthawk, killdeer, some swallow species, some raptors) may be attracted to open areas, vantage points, or substrates available on the developed site, including roads, ditches, settling ponds, poles, buildings, containers, and piles of various materials. These may be used by wildlife in the short-term (transiting, thermoregulating, foraging, roosting); or for a longer period or seasonally (nesting, overwintering). Areas of the developed site that are immediately adjacent to wetlands, watercourses, or their riparian zones are particularly vulnerable to use by wildlife species associated with these features.

2. Wildlife Attractants and Issues-Management

The facility may experience nuisance wildlife issues with bears, small mammals, raccoons, white-tailed deer, starlings, pigeons, corvids, or other species.

The current and/or proposed practices for wildlife-interactions management for the operation and maintenance of the Facility are not well described in the EARD or the Contingency and Emergency Response Plan (Appendix F). To minimize human-wildlife conflicts and ensure compliance with relevant legislation (Wildlife Act, NSESA, MBCA), the following elements should be captured in the site-education, operational practices, and/or contingency planning documentation for the Facility:

- A. Personnel awareness and education in wildlife safety, protected species identification, identification of areas vulnerable to wildlife-use, and best practices to manage human-wildlife conflict.
- B. Prescriptive measures for recording, reporting, responding, and consulting/communicating with NRR any human-wildlife conflicts or encounters with nesting birds, nesting turtles, or species at risk.
- C. Food and food waste should be stored and disposed of properly to avoid attracting wildlife.
- D. Lethal methods for managing nuisance wildlife should only be employed as a last resort, after all acceptable measures have been taken to remove attractants and/or deter wildlife. Management of nuisance wildlife should be done in consultation with the local NSNRR office (Waverley), or a licensed Nuisance Wildlife Operator or Pest Control Company.
- E. List the Department of Natural Resources and Renewables Wildlife Division as a contact in the final Contingency and Emergency Response Plan and elsewhere to facilitate communication and consultation when needed.
- F. Adaptive Management should be applied as a principle to guide site-specific spatial or seasonal activities/restrictions in areas that are vulnerable to wildlife interactions (e.g. ditching, grading, etc.)

Key Considerations: (provide in non-technical language)

Land Services Branch:

No further comments.

Geoscience and Mines Branch:

No further comments.

Forestry and Wildlife Branch:

No further comments.

Date: 18 November 2024

To: Helen MacPhail, Environmental Assessment Officer

From: Department of Public Works, Environmental Services – Jason Rae, P.Eng.,
Manager.

Subject: GFL Environmental Services Ltd. Aerotech Waste Handling Facility

Scope of review:

This review focuses on the following mandate: Traffic Engineering and Road Safety

List of Documents Reviewed:

Aerotech Waste Handling Facility Project Environmental Assessment

Details of Technical Review:

The proponent is expanding a waste handling facility at 203 Aerotech Drive in Goffs.

No changes to the existing accesses are proposed, and no additional truck traffic is anticipated because of this expansion. As the site is within 100m from the centreline of a Public roadway, the Proponent must ensure they have an approved Work Within Right-of Way Permit.

Date: November 19, 2024

To: F. Helen MacPhail

From: Lesley O'Brien-Latham, Executive Director, Policy and Strategic Advisory Services

Subject: GFL's Aerotech Waste Handling Facility, Goffs, Halifax

Scope of review:

The scope of this review follows the Department of Fisheries and Aquaculture's legislated mandate to develop, promote and support fishing, aquaculture, seafood processing and sportfishing in Nova Scotia.

List of Documents Reviewed:

- GFL Aerotech Wastewater EA
- EARD Aerotech Waste Handling Facility

Details of Technical Review:Commercial Fishing and Seafood Processing:

The project is located approximately 30 kms from the commercial fishing port of Eastern Passage and is not in the vicinity of any seafood processing facilities. Therefore, the proposed project is not expected to negatively impact the commercial fishing industry in relation to Department of Fisheries and Aquaculture's mandate of regulating the buying or processing of seafood.

Inland Fisheries and Fish Habitat:

No fish habitat is located within the project footprint.

Aquaculture and Rockweed Harvesting:

There are a total of 1 rockweed lease and 2 aquaculture sites within 25 kms of the proposed project. Of these, 0 are marine shellfish sites, 0 are marine finfish sites, and 2 are land-based aquaculture facilities.

Sediment can settle on rockweed, impacting the quality of harvested material for further processing. It causes turbidity in the water column, which can affect the ability of marine plants to obtain adequate sunlight for growth. Mitigation strategies have been planned for the minimal sediment created during construction phase, including buffers to the one nearby waterway. If these mitigation strategies are implemented correctly, the project should result in minimal risk to nearby rockweed beds and aquaculture facilities.

While there are potential impacts to groundwater/surface water from extreme precipitation or spill events, the nearby aquaculture facilities are using municipal or marine water sources which should

not be affected by such events. The proponent has outlined emergency protocols (such as shut off valves and flood prevention plans) to mitigate risks to ground and surface water. If implemented correctly, these mitigations should greatly reduce any risk to nearby rockweed or aquaculture operations.

Key Considerations: (provide in non-technical language)

- The proposed project is not expected to have any impact on local fish habitat(s), the commercial fishing industry or seafood processing facilities.
- Risks to aquaculture sites and the rockweed harvesting industry from sediments need to be monitored and mitigated appropriately. Mitigation strategies are identified in the documentation.
- The applicant should be made aware of the aquaculture operations within the area and ensure mitigations are implemented appropriately.
- If power disruptions or water withdrawal are going to occur, the applicant needs to update their plan and provide appropriate mitigations for review.

Project proponent should be made aware of the following:

- [Fisheries and Coastal Resources Act](#),
- Provincial [Aquaculture License and Lease Regulations](#),
- Provincial [Aquaculture Management Regulations](#),
- the [Nova Scotia Rock Weed Harvesting Regulations](#), and
- the Department's Aquaculture and Rockweed licenses and leases [Site Mapping Tool](#).

Date: November 12, 2024

To: Helen MacPhail, Environmental Assessment Supervisor

From: Air Quality Unit

Subject: **Aerotech Waste Handling Facility Project, Goffs, Nova Scotia**

Scope of review:

This review focuses on the following mandate: Air Quality

List of Documents Reviewed:

- *Aerotech Waste Handling Facility EARD Report*

Details of Technical Review:

The proponent is proposing the expansion and continued operation of an existing waste storage facility, operational since 2005, for the temporary storage of waste dangerous goods (WDG) and waste non-dangerous goods (WNDG). The project will provide additional local capacity to temporarily and safely handle WDG and WNDG in a manner that they can be consolidated and shipped to a final disposal facility.

Fugitive dust and combustion emissions from vehicles/heavy equipment may cause decreased air quality during construction of the expanded facility and tank field. These activities are most likely to contribute to increases in concentrations of total suspended particulate (TSP), coarse particulate (PM₁₀), fine particulate (PM_{2.5}), and nitrogen oxides (NO_x).

In order to minimize air emissions during the construction phase the proponent states that the disturbed area will be kept to a minimum as much as possible, transportation trucks will travel mostly on paved surfaces, and the small gravel area will be managed with suppressant materials, as required. The proponent also states that procedures to minimize vehicle idling times, control vehicle speed, and maintain equipment in good working order will also be in place.

While air emissions will increase marginally during the construction phase, overall impacts to air quality are expected to be similar to the existing operation.

Key Considerations: (provide in non-technical language)

- The use of dust management methods, along with best operating practices e.g., no idling, would minimize air quality impacts.
- It is unclear how dust will be mitigated and managed without an effective Dust

Management Plan, including clear chains of responsibility for actions and timely complaint resolution.

Date: November 12, 2024

To: Helen MacPhail, Environmental Assessment Supervisor

From: Air Quality Unit

Subject: **Aerotech Waste Handling Facility Project, Goffs, Nova Scotia**

Scope of review:

This review focuses on the following mandate: Noise

List of Documents Reviewed:

- *Aerotech Waste Handling Facility EARD Report*

Details of Technical Review:

The proponent is proposing the expansion and continued operation of an existing waste storage facility, operational since 2005, for the temporary storage of waste dangerous goods (WDG) and waste non-dangerous goods (WNDG). The project will provide additional local capacity to temporarily and safely handle WDG and WNDG in a manner that they can be consolidated and shipped to a final disposal facility.

Project activities have the potential to generate noise through use of heavy equipment and vehicle traffic during the construction and operation phases. Mitigation measures outlined in the registration document include maintaining construction and transportation equipment in good operating condition, optimizing vehicle loading patterns to reduce backing up, limiting vehicle speeds, and limiting project activities to daytime hours.

The proponent states the noise from the project is anticipated to be similar to the noise levels already produced at the facility, and that the project will adhere to the permissible sound levels set out in the NSECC Guidelines for Environmental Noise Measurement and Assessment. Given that there are no nearby residences and the project is located in a business park and nearby an airport, it is not anticipated that noise issues will arise from the project.

Key Considerations: (provide in non-technical language)

- Noise produced during the project are anticipated to be similar to those already produced at the facility.
- The current approval for the facility allows for the Department to request noise monitoring.

Date: November 19, 2024

To: Helen MacPhail, Environmental Assessment Supervisor

From: Beth Lewis, Director of Special Places Protection

Subject: Antrim Gypsum Project, Halifax County - Environmental Assessment Registration

Scope of review:

This review focuses on the following mandate: ***Archaeology and Geology***

List of Documents Reviewed:

EA Document

Details of Technical Review (Archaeology):

No archaeological assessment was conducted for this Environmental Assessment.
Therefore, we have no archaeological concerns at this time.

Key Considerations: (provide in non-technical language):

Details of Technical Review (Geology):

The bedrock in the project region is Cambrian aged Halifax Formation, so no significant palaeontology resources are expected to be encountered.

Key Considerations:

Date: November 19, 2024

To: Mark McInnis, Environmental Assessment Officer

From: Climate Change Division – Lori Skaine

Subject: **Aerotech Waste Handling Facility, Goffs, Halifax County**

Scope of review:

This review focuses on the following mandate: Climate Change Mitigation and Adaptation

List of Documents Reviewed:

Environmental Assessment Registration Document

Details of Technical Review:**Adaptation**

- Section 5.2 of the EA registration document includes a description of the local climate based on climate normals from the Halifax Stanfield Airport from 1991-2020. The use of a 30-year time frame for historical climate normals meets recommended practice.
- The EA registration document provides annual mid-century climate projections of average temperature and precipitation and maximum 24-hour rainfall for the Halifax Stanfield Airport climate station. However, these climate data are not used to evaluate specific potential impacts on the project undertaking. Instead, the registration document identifies general climate-related potential impacts, including:
 - increased frequency and magnitude of heavy precipitation;
 - increased frequency of extreme storms accompanied by strong winds; and
 - increased incidence of flooding;
- The relative severity of these potential impacts is not presented within a risk management framework. Chapter 9 of the EA registration document highlights the potential for these climate-related events to impact infrastructure, especially stormwater infrastructure. The consideration of higher intensity storms is identified as an important consideration in the design of stormwater management systems.

Mitigation

- The proponent mentions that during construction, exhaust emissions from heavy-duty motor gasoline and/or diesel fuel oil equipment (trucks, excavators, etc.) will affect the Project Footprint. The GHG emission will be of short-term duration and will be managed through pollution control practices.

- During operations, the proponent mentions that GHG emissions may be generated by mobile sources during waste handling (forklifts and loaders) and on-road transportation (gasoline and/or diesel fuel oil trucks). Air emissions will be limited to operating hours.
- The proponent also lists satisfactory measures such as control of vehicle speed on the transportation route to improve fuel efficiency and use properly sized and maintained equipment; idling of equipment and vehicles will be kept to a minimum.

Key Considerations: (provide in non-technical language)

Adaptation

- We suggest the proponent consider using the latest climate projection data, including climate change-adjusted IDF curves, in designing or upgrading stormwater management infrastructure (data available at climatedata.ca).
- The proponent may wish to consider adopting a risk management framework (described in the 'Guide to Considering Climate Change in Project Development in Nova Scotia') to determine which impacts present the highest risks to the project and to assist in the determination of priorities for adaptation and enhanced design measures, if required.

Mitigation

- The proponent has supplied sufficient estimates of potential emissions and proposed best practices to mitigate the emissions during operations. No other actions are required at this time.

Agriculture

Date: November 19, 2024

To: F. Helen MacPhail, Environmental Assessment Officer

From: Heather Hughes, Executive Director, Policy and Corporate Services,
Nova Scotia Department of Agriculture

Subject: Aerotech Waste Handling Facility Project
Goffs, Halifax County, Nova Scotia

Thank you for the opportunity to review the documents for the above-noted project.

No agricultural impacts are anticipated given that:

- The project is located on Class 3 and Class 7 lands. Class 3 land has 'moderately severe limitations that restrict the range of crops or require special conservation practices,' while Class 7 land has 'no capability for arable culture or permanent pasture.'
- The lands within a 2 km buffer around the project site are mostly (95%) Class 7.
- The nearest agricultural lands are more than 4 km from the site and are classified as inactive.

Date: Nov. 19, 2024

To: Helen MacPhail, Environmental Assessment Supervisor

From: Central ECC ICE Division

Subject: GFL's Aerotech Waste Handling Facility, Goffs, Halifax

Scope of review:

Staff with ECC's ICE Division reviewed the proposed project in relation to the following mandate: Storage and handling of waste dangerous goods.

List of Documents Reviewed:

Environmental Assessment Registration Document – Aerotech Waste Handling Facility
Appendix F – Contingency Plan

Details of Technical Review:

The review was largely focused on the Waste Dangerous Goods and chemical containment aspects of the project which are the primary engineered control for preventing waste dangerous goods and chemicals from entering the Environment.

Key Considerations:

Noted omission was a discussion about evaluating the potential need for oil water separator(s) on the site or a stormceptor device that could passively collect oil residues from the storm water system when the valve was open during regular business operation and when staff are not present on site.

The building design has included dedicated shipping receiving areas with secondary containment at the receiving doors and engineered secondary containment berms for chemical storage that will minimize the potential for any environmental impacts in the event of spills or releases in the Waste Dangerous Goods facilities.

DATE: November 19, 2024

To: Helen MacPhail, Environmental Assessment Officer

FROM: Christina Lovitt, Director of Planning

SUBJECT: **GFL'S AEROTECH WASTE HANDLING FACILITY, GOFFS, HALIFAX COUNTY**

Scope of Review:

This review focuses on the following mandates: Statements of Provincial Interest and engagement with municipalities.

Document Reviewed:

Registration Document: Aerotech Waste Handling Facility EARD Report

Details of Technical Review:

The proponent is aware of the regulatory requirements associated with the Halifax Regional Municipality Planning Strategy and Land Use By-law and has acknowledged the relevant municipal permits and approvals required to undertake the project.

The current land use zoning in the Municipality is appropriate to accommodate this development, as the project site is currently zoned "AE-1" Aerotech Core. Only industrial and business land uses are permitted in this zone. Surrounding lands are zoned "AE-4" Aerotech Business, "AE-2" General Airport (industrial and commercial land use), and "AE-H" Holding, all of which are industrial and commercial land uses.

Statements of Provincial Interest:

Drinking Water: No impact. The site is located in the Shubenacadie/Stewiacke primary watershed, but it does not fall within the boundary of the East Hants Protected Water Supply.

Agricultural Land: No impact. No productive agricultural soils are in the proposed project site.

Flood Risk: No Impact. No areas mapped under the Canada-Nova Scotia Flood Damage Reduction Program Risk Mapping Program are in proximity to the site.

Infrastructure: No impact. The site is serviced with water and sewer.

Housing: No impact. The site is located within the Aerotech Industrial Park and is surrounded by other industrial and commercial uses. There are no residential dwellings in proximity of the site.

Key Considerations

Although the proponent is aware of the municipal land use by-law and the municipal regulatory environment that governs the project site, there is no indication that they have reached out or met with municipal officials.

Date: November 19th, 2024

To: Helen MacPhail, Environmental Assessment Officer

From: Water Branch, Sustainability and Applied Science Division

Subject: **Aerotech Waster Handling Facility, Goffs, Nova Scotia**

Scope of review:

This review focuses on the following mandate: surface water quality and quantity, groundwater quality and quantity, and wetlands.

List of Documents Reviewed:

Environmental Assessment Registration Document (EARD) Submission, including Appendices.

Details of Technical Review:**Surface Water:**

The EARD mentions that in the event of extreme precipitation, GFL will enact flood prevention measures to ensure that all containment areas that are uncovered do not accumulate and overflow with precipitation. The EARD mentions 1:100-year storm event as a large storm event but no further detail is provided on whether this design approach accounts for extreme events in consideration of climate change model predictions and recent storm events. It is recommended that the client clearly define an extreme precipitation event so that there is a clear trigger for when flood prevention measures need to be undertaken and to support appropriate planning of associated flood prevention measures.

The EARD states immediate responses will be taken to clean up or repair any damage caused by excessive precipitation (or snow). No information is provided on what is defined as excessive precipitation and how excessive snow will be addressed and disposed of. Is excessive precipitation in this context the same as extreme events? Or does the excessive precipitation refer to a storm event, a snow event, or a combination of both? A detailed plan is recommended to provide clear guidance to site staff in addressing these events.

The EARD states that a site-specific erosion and sediment control (ESC) plan will be implemented in accordance with practices outlined in the latest version of the NSECC Erosion and Sedimentation Control Handbook for Construction Sites. A high-level description of planned ESC strategy and measures were provided, however the plan does not outline how it will be updated and implemented during construction and operation phases of the project.

The EARD makes several references to the Project Footprint, but has not explicitly identified the location, boundaries, or size of this feature in any figures or text. The EARD asserts that there are no project interactions with watercourses or wetlands, however the distance to nearby watercourse and wetland features located at the NW corner of the applicant's property should be verified and risk of impacts from the project phases assessed.

Groundwater:

According to the EARD, the proposed project is not expected to adversely affect groundwater resources; however, accidental spills or releases may occur at the site, which could present a risk to water quality in the surrounding area.

According to the EARD, accidental release(s) will be addressed immediately based on existing contingency and emergency response plans. If the project is approved, existing spill response and contingency plans should be reviewed and updated, as appropriate, to capture the expansion area(s).

The EARD states that all interior and exterior waste handling would be conducted within secondary containment. If the project is approved, the proponent should be required to establish appropriate secondary containment in the expansion area(s).

According to the EARD, a groundwater monitoring plan is in place for the existing facility. If the project is approved, the current groundwater monitoring plan, including the number and location of monitoring wells, frequency of sampling, and parameters, should be reviewed and updated, as required, to ensure it captures the expansion area(s).

Wetlands:

It is indicated in the EA Registration Document that the project footprint has no wetlands present. Additionally, no wetland alterations are proposed outside of the project footprint, therefore the wetlands program has no comment.

Key Considerations: (provide in non-technical language)

Surface Water:

The proponent should consider clearly defining extreme precipitation event(s) to trigger the aforementioned flood prevention measures.

The proponent should consider assessing whether additional capacity is required for the secondary containment areas at risk of flooding (e.g., those surrounding the tank farms) to prevent any overflow from these areas in the event of the worst scenario (accidental spillage) and upgrade these secondary containment areas when necessary. Alternatively, the proponent should consider a risk-based inspection and maintenance approach for the these secondary containment areas, either specifically developed or included in the

proposed Contingency and Emergency Response Plan, to ensure any liquid, debris and precipitation accumulation in the area is removed in a timely manner so that there will be no overflow from the pad area during possible and extreme storm events in the case of the worse scenario accidental spillage. Considerations of handling overflow from the secondary containment areas should be included in the Contingency and Emergency Response Plan, if necessary.

The proponent should consider including a snow management and disposal plan. This plan can include the details of general snow management and disposal plan for the site, especially all secondary containment areas; and considerations of snow removal with appropriate method of disposal for the site, if snow accumulation is expected, especially in secondary containment areas.

The ESC plan should include detailed ESC measures during construction and operation phases of the project. When necessary, the proponent should consider using turbidity as a water quality monitoring parameter for ESC performance and to inform necessary updates to the plan/mitigation strategies. If so, appropriate monitoring locations and frequencies (e.g., daily, hourly, during and after rainfall events) should be considered.

The proponent should clearly identify the project footprint within all project planning and associated permit / approval applications, and to update this information as required through project detailed design and construction.

Groundwater:

In the EARD, the Proponent recommended the following mitigation measures to minimize any potential impacts to groundwater:

- Maintain work within the project footprint
- Establish secondary containment in all areas where waste is delivered or handled to prevent spills or accidental releases
- Implement contingency and emergency response plans, which outline proper handling and storing techniques and actions to address accidental releases.

There is an existing groundwater monitoring plan for the site, which should be reviewed and adapted to capture the expansion area(s), as appropriate. The groundwater quality data could be used to evaluate the effectiveness of the mitigation measures and identify potential impacts to groundwater quality associated with the proposed project.

Wetlands:

There are no considerations at this time as no wetland alterations are proposed.

Date: November 16, 2024

To: Helen Macphail, Environmental Assessment Branch

From: Environmental Health, Food Safety and Drinking Water Branch, Sustainability and Applied Science Division.

Subject: **Aerotech Waste Handling Facility Project, Halifax County**

Scope of review:

The focus of this Environmental Assessment Review is potential impacts on human health and drinking water. In general, the scope of this review includes the assessment of the potential for the proposed undertaking/project to adversely affect human health in all phases of the project.

List of Documents Reviewed:

- Environmental Assessment Registration Document
- Supporting Appendices

Details of Technical Review:

The purpose of the proposed undertaking is to expand the GFL Environmental Services Inc. (the proponent) operation of a waste handling facility for the temporary storage of Waste Dangerous Goods and Waste Non-Dangerous Goods at its 203 Aerotech Drive site in Goffs, Nova Scotia. This project will allow GFL Environmental Services Inc. (GFL) to accept and handle/store Waste Dangerous Goods (WDG) and Waste Non-Dangerous Goods (WNDG) at their Goffs facility, at larger quantities than those exempted in the Nova Scotia Dangerous Goods Management Regulations (NSDGMR).

Based upon the review to the documents, there are no additional Environmental Health Concerns that lie outside of the current assessment of impact, or the standard terms and conditions which would be incorporated into the operating approval for the site.

Key Considerations:

Environmental Health Concerns are either addressed within the provided documents, or within the terms and conditions of the operating approval to be issued. There are no additional considerations based upon the information provided for this project.

In relation to drinking water and the location of Halifax Water's facilities (Collins Park/Bomont) and the proponent's mitigations noted in the EARD, there are no additional considerations or further comments to provide.



Forums

- ❑ Leaders Congress
- ❑ MAPC Commissions/Projects
- ❑ MAARS Secretariate
- ❑ IKANAWTIKET SARA
- ❑ MAPC Administration

MAPC Regional
Administrative Office
172 Truro Heights Road
Truro Heights, Nova Scotia
B6L 1X1

Tel: 902-895-2982
Fax: 902-895-3844
Toll Free: 1-855-858-7240
Email: frontdesk@mapcorg.ca

Governmental APRO Councils

Native Council of
Nova Scotia
P.O. Box 1320
Truro, Nova Scotia
B2N 5N2

Tel: 902-895-1523
Fax: 902-895-0024
Email: chiefaugustine@ncns.ca

New Brunswick Aboriginal
Peoples Council
320 St. Mary's Street
Fredericton, New Brunswick
E3A 2S4

Tel: 506-458-8422
Fax: 506-451-6130
Email: chief@nbapc.org

Native Council of
Prince Edward Island
6 F.J. McAuley Court
Charlottetown
Prince Edward Island
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Tel: 902-892-5314
Fax: 902-368-7464
Email: chief@ncpei.com

November 28th, 2024

Environmental Assessment Branch
P.O. Box 442
Halifax, Nova Scotia
B3J 2P8

RE: Aerotech Waste Handling Facility Project

To Whom It May Concern,

On behalf of the Native Council of Nova Scotia (NCNS), the Maritime Aboriginal Aquatic Resources Secretariate (MAARS) is providing comments to the Environmental Assessment Branch of the Nova Scotia Department of Environment and Climate Change regarding the Environmental Assessment Registration Document (EARD) for the Aerotech Waste Handling Facility Project being undertaken by GFL Environmental Services Inc.

MAARS met with representatives from GFL and EnGlobe Consulting on November 6th, 2024, to discuss the project. Some topics discussed included discharge testing, any reports of non-compliance, updates to the Spill Response Plan, transportation, and impacts on flora and fauna. Given that the project area is already fully disturbed and industrialized, MAARS and NCNS do not have any commentary to provide related to this proposed undertaking at this time; however, we would like to be kept apprised to any developments or changes to the project.

We would like to take this opportunity to reiterate that it is important for all proponents of projects to understand that the Off-Reserve Aboriginal Community represented by the NCNS is included within the definition of the word "Indian" of Section 91(24) of the *Constitution Act*, 1982. The Supreme Court of Canada in a landmark decision in *Daniels v. Canada (Indian Affairs and Northern Development)*, 2016 SCC 12, declared that "the exclusive Legislative Authority of the Parliament of Canada extends to all Indians, and Lands reserved for the Indians" and that the word "Indians" in s.91(24) includes the Métis and non-

Status Indians¹. Since 2004, in multiple decisions passed by the Supreme Court of Canada: *Haida Nation*², *Taku River Tlingit First Nation*³, and *Mikisew Cree First Nation*⁴, has established that,

Where accommodation is required in decision making that may adversely affect as yet unproven Aboriginal Rights and title claims, the Crown must balance Aboriginal concerns reasonably with the potential impact of the decision on the asserted right or title and with other societal interests.

Further, both the Government of Nova Scotia and the Government of Canada are aware that the “Made in Nova Scotia Process” and the *Mi’kmaq-Nova Scotia-Canada Consultation Terms of Reference* does not circumvent the Provincial Government’s responsibility to hold consultations with other organizations in Nova Scotia that represent Indigenous Peoples of Nova Scotia. While the proponent may have to engage with the thirteen Mi’kmaq First Nations through the Assembly of Nova Scotia Mi’kmaq Chiefs, represented by the Kwilmu’kw Maw-klusuaqn Negotiation Office (KMKNO), the KMKNO does not represent the Off-Reserve Aboriginal Community who have elected to be represented by the NCNS since 1974.

We assert that the Off-Reserve Aboriginal Communities, as 91(24) Indians, are undeniably heirs to Treaty Rights and beneficiaries of Aboriginal Rights as substantiated by Canada’s own Supreme Court jurisprudence. As such, there is absolutely an obligation to consult with the Off-Reserve Community through their elected representative body of the NCNS. The Crown’s duty is to consult with all Indians, not only the Indian Act Bands.

For contextual purposes, for over forty years, the three Native Council partners of the Maritime Aboriginal People’s Council (MAPC) have continued to be the Aboriginal Peoples Representative Organizations representing and advocating for the Rights and issues of the Mi’kmaq/Wolastoqiyik/Peskotomuhkati/Section 91 (24) Indians, both Status and non-Status, continuing to reside on their unceded Traditional Ancestral Homelands. In the early 1970s, the communities recognized the need for representation and advocacy for the Rights and Interests of the off-Reserve community of Aboriginal Peoples, “the forgotten Indian”. Women and men self-organized themselves to be the “voice to the councils of government” for tens of thousands of community members left unrepresented by Indian Act-created Band Councils and Chiefs. Based on the Aboriginal Identity question, Statistics Canada (2021 Census - 25% sample) enumerate 25,415 off-Reserve Aboriginal Persons in New Brunswick, 42,580 in Nova Scotia, and 2,865 in Prince Edward Island.

Each Native Council in their respective province asserts Treaty Rights, Aboriginal Rights, with Interest in Other Rights confirmed in court decisions, recognized as existing Aboriginal and Treaty Rights of the Aboriginal Peoples of Canada in Part II of the Constitution Act of Canada, 1982. Each Native Council has established and maintains Natural Harvesting Regimes, and each have a co-management arrangement with DFO for Food, Social, and Ceremonial use of aquatic species,

¹ Daniels v. Canada (Indian Affairs and Northern Development), 2016 SCC 12, [2016] 1 S.C.R. 99

² Haida Nation v. British Columbia (Minister of Forests), (2004), 2 S.C.R. 511

³ Taku River Tlingit First Nation v. British Columbia (Project Assessment Director), (2004), 3 S.C.R. 550

⁴ Mikisew Cree First Nations v. Canada (Minister of Canadian Heritage), (2005), 3 S.C.R. 388

through the: Najiwsgetaq Nomehs (NBAPC), the Netukulimkewe'l Commission (NCNS), and the Kelewatl Commission (NCPEI).

The Native Council of Nova Scotia was organized in 1974 and represents the interests, needs, and rights of Off-Reserve Status and Non-Status Section 91(24) Indians/Mi'kmaq/Aboriginal Peoples continuing on our Traditional Ancestral Homelands throughout Nova Scotia as Heirs to Treaty Rights, Beneficiaries of Aboriginal Rights, with Interests to Other Rights, including Land Claim Rights.

The Native Council of Nova Scotia (NCNS) Community of Off-Reserve Status and Non-Status Indians/Mi'kmaq/Aboriginal Peoples supports projects, works, activities and undertakings which do not significantly alter, destroy, impact, or affect the sustainable natural life ecosystems or natural eco-scapes formed as hills, mountains, wetlands, meadows, woodlands, shores, beaches, coasts, brooks, streams, rivers, lakes, bays, inland waters, and the near-shore, mid-shore and off-shore waters, to list a few, with their multitude of in-situ biodiversity. Our NCNS Community has continued to access and use the natural life within those ecosystems and eco-scapes where the equitable sharing of benefits arising from projects and undertakings serve a beneficial purpose towards progress in general and demonstrate the sustainable use of the natural wealth of Mother Earth, with respect for the Constitutional Treaty Rights, Aboriginal Rights, and Other Rights of the Native Council of Nova Scotia Community continuing throughout our Traditional Ancestral Homeland in the part of Mi'kma'ki now known as Nova Scotia.

We appreciate the opportunity to engage on the Aerotech Waste Handling Facility Project directly with the proponent, GFL. We look forward to further dialogue as we continue to advocate for the rights of Off-Reserve Status and Section 91(24) Indians/Mi'kmaq/Aboriginal Peoples of Nova Scotia. To continue to represent the interests and needs of the off-Reserve Aboriginal Community in Nova Scotia, we would like to request the opportunity to participate in early engagement in future Environmental Assessment Reviews.

Advancing Aboriginal Fisheries and Oceans Entities
Best Practices, Management, and Decision-making

Habitat Impact Advisor, MAARS

Executive Director, MAARS & MAPC Projects

CC: , Chief & President, NCNS
, Netukulimkewe'l Commission, NCNS

From:
To: [Environment Assessment Web Account](#)
Cc:
Subject: RE: Aerotech Waste Handling Facility Project
Date: November 29, 2024 12:36:04 PM
Attachments: [image001.png](#)

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Please accept this email as Halifax Water final comments to the Aerotech Waste Handling Facility Project.

This email is to confirm that Halifax Water met with GFL and their consultant Englobe Thursday morning, November 28, 2024 to discuss Halifax Water concerns as they relate to the Aerotech Waste Handling Facility expansion project. Englobe was able to satisfy Halifax Water's concerns as they relate to the EA with a further recommendation concerning the Collin's Park and Bomont source water supply areas.

Halifax Water recommends that an addendum to the EA be included to identify that the proposed expansion lies within the Collin's Park and Bomont municipal drinking water supply area. By acknowledging these watersheds demonstrates to the public that the applicant and the province are aware of the water supplies and that consideration has been taken to ensure they remain as a safe water supply for public use. This is the similar approach considered during the EA assessment for the Aerotech Connector project currently ongoing at exit 5A off of Hwy 102 near Goffs - Wellington.

Halifax Water thanks the province and GFL for providing the opportunity to comment on the Aerotech Waste Handling Facility Project.

Regards,



***Our purpose is to supply
and safeguard sustainable,
high-quality water services.***

Watershed Manager

450 Cowie Hill Rd, PO Box 8388 RPO CSC Halifax, NS B3K 5M1

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