

Environmental Assessment Approval

Approval Date: *Original Dated October 23, 2008*

Melford International Terminal

Melford International Terminal Incorporated, Proponent
Guysborough County, Nova Scotia

The Melford International Terminal (the “Undertaking”), proposed by Melford International Terminal Inc. (the “Proponent”), in the Municipality of the District of Guysborough, Nova Scotia is approved pursuant to Section 34 of the *Environment Act*. This Approval is subject to the following conditions and obtaining all other necessary approvals, permits or authorizations required by municipal, provincial and federal acts, regulations, by-laws, guidelines, policies or standards before commencing work on the Undertaking. It is the responsibility of the Proponent to ensure that all such approvals, permits or authorizations are obtained before commencing work on the Undertaking.

This Environmental Assessment Approval is based upon the review of the conceptual design, environmental baseline information, impact predictions, and mitigation presented in the Registration Information.

Terms and Conditions for Environmental Assessment Approval

1.0 General Approval

- 1.1 The Environmental Assessment Approval for the Undertaking is limited to the project as described in the registration document. Any proposal by the Proponent for expansion, modification or relocation of any aspect of the project from that proposed in the registration document must be submitted to the Environmental Assessment Branch for review and may require an environmental assessment.
- 1.2 The Proponent must, within two years of the date of issuance of this approval, commence work on the Undertaking unless granted a written extension by the Minister.
- 1.3 The Proponent must not transfer, sell, lease, assign or otherwise dispose of this approval without the written consent of the Minister. The sale of a controlling interest of a business or a transfer of an approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent.

- 1.4 The Proponent must implement all mitigation and commitments in the Registration Document, unless approved otherwise by Nova Scotia Environment (NSE).

2.0 Environmental Management

- 2.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, must submit for review and approval an Environmental Management Plan (EMP) to be implemented and updated in a phased approach for site development, construction and facility operations. The plan shall identify:
 - a) environmental management roles and responsibilities
 - b) all monitoring and inspection requirements and parameters
 - c) training and education requirements
 - d) communication and reporting protocols
 - e) process and schedule for plan updating
- 2.2 The Proponent must update and revise the EMP as required by NSE throughout the life of the project.
- 2.3 The Proponent, as part of the EMP, must submit for review and approval, a waste management plan to be implemented during construction and operation of the Undertaking. This plan will include waste minimization procedures, recycling procedures, and disposal procedures for both solid waste and hazardous wastes generated or handled on site.
- 2.4 All dredged material to be contained or disposed of on land must be tested for contamination. Containment and disposal sites for contaminated dredge spoils must be approved by NSE.

3.0 Surface Water Resources

- 3.1 The Proponent, as part of the EMP, must submit for review and approval a surface water management plan to minimize impacts and monitor effects to surface water quality and quantity during site development, construction and operational stages of the Undertaking. The plan shall include:
 - a) sedimentation and erosion control measures
 - b) emergency spills prevention and management measures
 - c) details for baseline and ongoing monitoring of surface water quality and quantity, including proposed monitoring locations, sampling parameters, and sampling frequency
 - d) details of watercourse buffers and all source water protection measures

- 3.2 The Proponent must consult with the Melford Watershed Committee and Town of Mulgrave on details of the surface water management plan.
- 3.3 Prior to site development the Proponent must provide NSE with results of testing for acid generating rock, and if required by NSE must develop and implement an acid generating rock management plan.

4.0 Groundwater Resources

- 4.1 The Proponent, as part of the EMP, must submit for review and approval a water well survey plan, and contingency plan to address how water well complaints will be addressed.

5.0 Wildlife, Habitat and Wetlands

- 5.1 The Proponent, as part of the EMP, must submit for review and approval a wetland protection and mitigation plan to be developed in consultation with Nova Scotia Department of Natural Resources (NSDNR) Wildlife Division and NSE.
- 5.2 The Proponent, as part of the application required for altering a wetland under Part V of the *Environment Act*, must submit for review and approval a wetland compensation plan to be approved by NSE and NSDNR Wildlife Division. The plan must be implemented within time frames to be approved by NSE.
- 5.3 The Proponent, as part of the EMP, must submit for review and approval a habitat and wildlife protection plan. The plan must be developed in consultation with NSDNR Wildlife Division, Canadian Wildlife Service, and include input from the Mi'kmaq Community prior to site development. The plan shall include:
 - a) details of all species to be protected and protection objectives
 - b) mitigation measures including areas of avoidance
 - c) monitoring and reporting plans
- 5.4 The Proponent must provide NSDNR Wildlife Division with precise locations of *Juncus Greenei* identified during field work.

6.0 Air Quality and Greenhouse Gases

- 6.1 The Proponent, as part of the EMP, must submit for review and approval an air quality and dust management plan which shall identify mitigation measures, monitoring plans and contingency plans to be implemented

during site development, construction and operations.

- 6.2 Prior to construction, the Proponent must provide documentation to demonstrate to NSE's Air Quality Branch how provincial ambient air quality criteria will be met at all times during operations.
- 6.3 The Proponent must conduct air quality monitoring at the request of NSE.
- 6.4 The Proponent, as part of the EMP, must submit for review and approval a project Greenhouse Gas Management Plan to be developed in consultation with NSE.

7.0 Noise

- 7.1 The Proponent, as part of the EMP, must submit for review and approval a noise management plan which shall identify noise mitigation measures and monitoring plans, and procedures to address any noise related complaints that occur during site development, construction or operation.

8.0 Transportation

- 8.1 Prior to site development, the Proponent must enter into an agreement with Nova Scotia Transportation and Infrastructure Renewal regarding upgrades and modifications to Route 344.
- 8.2 The Proponent must consult with the Town of Mulgrave and the Municipality of the District of Guysborough regarding upgrades and modifications to Route 344.
- 8.3 Prior to construction, the Proponent shall develop a traffic management plan in consultation with the Town of Mulgrave and the Municipality of the District of Guysborough.

9.0 Archaeological and Cultural Resources

- 9.1 The Proponent, as part of the EMP, must submit for review and approval, an Archaeological Monitoring and Contingency Plan which includes details of monitoring procedures and locations, and protocols to be implemented in the event of the discovery of an archaeological site or artifact. The Plan shall be developed with input from the Mi'kmaq community and the Heritage Division of the Nova Scotia Department of Tourism, Culture and Heritage.
- 9.2 The Proponent must cease work and contact the Director, Heritage

Division, Nova Scotia Department of Tourism, Culture and Heritage, the Executive Director, Confederacy of Mainland Mi'kmaq and the Executive Director, Union of Nova Scotia Indians immediately upon discovery of an archaeological site or artifact unearthed during any phase of development.

10.0 Contingency Plans

- 10.1 The Proponent, as part of the EMP, must submit for review and approval, an Emergency Response Plan which is consistent with or exceeds the requirements of NSE's Contingency Planning Guidelines. The plan shall be implemented to address spills, fire and environmental emergencies throughout site development, construction and operation of the Undertaking.
- 10.2 The Proponent must consult with local emergency service providers and the Municipality of the District of Guysborough regarding emergency response planning and preparedness.

11.0 Community Involvement

- 11.1 The Proponent shall submit to NSE for review and approval, a plan for the formation and operation of a Community Liaison Committee (CLC) for the Undertaking, including a terms of reference. The NSE Guidelines for the Formation of a Community Liaison Committee shall be used for guidance.
- 11.2 The Proponent must solicit CLC membership from municipal units, the Mi'kmaq community, local fishers, as well as the general public.
- 11.3 The Project CLC must be established prior to any development of the project site.
- 11.4 The Proponent, as part of the EMP, shall submit for review and approval, a public communication and complaint response plan.

original signed by

Mark Parent
Minister of Environment