

# Environmental Assessment Approval

Approval Date: *Original Dated July 24, 2012*

## Provincial Energy Ventures Wharf Approach Deepening Project Provincial Energy Ventures (PEV), Approval Holder

Sydney Harbour, Cape Breton Regional Municipality, Nova Scotia

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The Provincial Energy Ventures (PEV) Wharf Approach Deepening Project (the "Undertaking"), proposed by PEV (the "Approval Holder"), at the former Sydney Steel Corporation docks located in the Cape Breton Regional Municipality (CBRM), Nova Scotia, is approved pursuant to Section 40 of the *Environment Act* and Section 13(1)(b) of the Environmental Assessment Regulations. 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 and by-laws before commencing work on the Undertaking. It is the responsibility of the Approval Holder 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 Document.

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### Terms and Conditions for Environmental Assessment Approval

#### 1.0 General Approval

- 1.1 The Environmental Assessment Approval for the Undertaking is limited to the Undertaking as described in the Registration Document. Any proposal by the Approval Holder for expansion, modification or relocation of any aspect of the Undertaking 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 Approval Holder 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 Approval Holder 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 Approval Holder must implement all mitigation and commitments in the Registration Document, unless approved otherwise by Nova Scotia Environment (NSE).

## **2.0 Facility Construction and Operation**

- 2.1 As part of the application for Part V Approval under the *Environment Act*, the Approval Holder 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 EMP shall include:
  - a) environmental management roles and responsibilities
  - b) environmental protection plans
  - c) all monitoring and inspection requirements and parameters
  - d) training and education requirements
  - e) communication and reporting protocols
  - f) process and schedule for plan updating
- 2.2 As part of the application for Part V Approval under the *Environment Act*, the Approval Holder must provide for review and approval detailed engineering design drawings and specifications for the confined disposal facility (CDF).
- 2.3 As part of the EMP, the Approval Holder must develop and implement a CDF monitoring plan in consultation with NSE's Environmental Monitoring and Compliance Division. The monitoring plan shall be designed to identify and mitigate the release of any contaminants from the CDF and must include details of pre-construction and post-construction monitoring parameters, frequency and duration over the development and operation of the Undertaking.
- 2.4 The Approval Holder must update and revise the EMP as required by NSE throughout the life of the Undertaking.

## **3.0 Ground Water and Surface Water**

- 3.1 All discharges from the site must meet NSE requirements.
- 3.2 The Approval Holder, as part of the application for Part V Approval under the *Environment Act*, must submit to NSE for review and approval:
  - a) a plan to complete a quantitative assessment of the potential effects of dissolved aqueous phase contaminant transport from the proposed CDF facility to Sydney Harbour. The plan shall include the

methodology to be used for the assessment, and a schedule to complete the assessment; and

- b) a report on the results of the above referenced assessment, including the proposed mitigation and monitoring plans to address any unacceptable effects identified.

#### **4.0 Air Quality and Noise**

- 4.1 All emissions from the site must meet NSE requirements.
- 4.2 The Approval Holder, as part of the EMP, must submit for review and approval an air quality and dust management plan, which shall identify mitigation measures and contingency plans to be implemented during site development, construction and operations. The plan must include control measures that will be utilized to prevent dredge materials from becoming airborne when exposed to the atmosphere.
- 4.3 The Approval Holder, 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.
- 4.4 The Approval Holder must conduct air quality monitoring at the request of NSE.
- 4.5 At the request of NSE, the Approval Holder must submit for review and approval a project Greenhouse Gas Management Plan to be developed in consultation with NSE.

#### **5.0 Archaeological and Heritage Resources**

- 5.1 The Approval Holder must cease work and contact the Coordinator, Special Places, Communities, Culture and Heritage immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed Undertaking. If the find is of certain or suspected Mi'kmaq origin, the Approval Holder must also contact the Executive Director of the Kwilmu'kw Mawklusuaqn Negotiation Office.

#### **6.0 First Nation and Aboriginal Engagement**

- 6.1 The Approval Holder must develop plan, to engage the Mi'kmaq of Nova Scotia, to discuss any impacts on traditional Mi'kmaq resources, clarify project activities, and identify associated mitigation measures.

## **7.0 Public and Stakeholder Consultation**

- 7.1 As part of the EMP, the Approval Holder shall submit for review and approval a public communication and complaint response plan.
- 7.2 If requested by NSE, the Approval Holder must develop and implement a plan for the formation and operation of a Community Liaison Committee for the Undertaking, including a terms of reference. The NSE Guidelines for the Formation of a Community Liaison Committee shall be used for guidance.

## **8.0 Contingency Plans**

- 8.1 The Approval Holder, 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 and must be developed in consultation with local emergency service providers.

### ***Original Signed By***

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Sterling Belliveau

Minister of Environment