

Environmental Assessment Approval

Approval Date: *Original Dated May 04, 2009*

**Tufts Cove 6 Waste Heat Recovery Project
Nova Scotia Power Incorporated, Proponent**

Halifax Regional Municipality, Nova Scotia

The Tufts Cove 6 Waste Heat Recovery Project (the "Undertaking"), proposed by Nova Scotia Power Incorporated (the "Approval Holder"), Halifax Regional Municipality, 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, 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 undertaking as described in the Registration Document. 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 commence work on the Undertaking unless granted a written extension by the Minister within 2 years of the date of issuance of this approval.

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.

2.0 Site Development and Operation

2.1 The Proponent is required to make application and obtain an amendment to the existing operating Industrial Approval for Tufts Cove Generating Facility prior to the commencement of construction of Tufts Cove 6.

2.2 Prior to or as part of the application to amend the Industrial Approval, the Proponent shall provide NSE, Central Region, 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:

- environmental management roles and responsibilities
- environmental protection plans
- all monitoring and inspection requirements and parameters
- training and education requirements
- communication and reporting protocols
- process and schedule for plan updating

2.3 The Proponent shall use natural gas only in Units 4, 5 and 6, unless otherwise approved by NSE.

2.4 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.

2.5 The Proponent, as part of the EMP, must submit for review and approval a Stormwater Management Plan (SMP) to minimize impacts and monitor effects to surface water during site development, construction and operational stages of the Undertaking. The plan shall include:

- sedimentation and erosion control measures
- emergency spills prevention and management measures
- details for monitoring surface water quality including proposed monitoring locations, sampling parameters, and sampling frequency

2.6 The Proponent will implement notification procedures in accordance with s. 69 of the Environment Act in the event of a release of a substance.

2.7 All plans related to the site operation must be resubmitted over the lifetime of the Undertaking, at a schedule required by NSE.

3.0 Air Quality

3.1 The Proponent, as part of the EMP, must submit for review and approval an air monitoring and reporting program which shall identify mitigation measures and contingency plans to be implemented during site development, construction and operations. The plan must include an evaluation of the existing ambient air monitoring network for total emissions for the facility and demonstrate the adequacy of monitoring stations and suitability of monitoring station locations.

3.2 The Proponent must conduct air quality monitoring at the request of NSE.

3.3 The Proponent shall implement a continuous emissions monitoring system (CEMS) for NOx on Unit #6 stack as detailed in the registration document.

4.0 Noise

4.1 The Proponent, as part of the EMP, must submit for review and approval a Noise Management Plan that addresses noise during site development, construction and operational stages of the Undertaking.

4.2 Unless otherwise approved by NSE, the proponent shall comply with Industrial Approval requirements associated with Tufts Cove Units 1 through 5 under full operational load.

5.0 Archaeological and Cultural Resources

5.1 Prior to any excavating, the Proponent must submit a detailed work plan for review and consideration by the Manager of Special Places, Nova Scotia Department of Tourism, Culture and Heritage. The work plan must include:

- the location of the excavation;
- the size and depth of the excavation; and
- the depth to the interface of fill and native / original ground surface

5.2 The Proponent shall arrange for an archaeologist to be on site to monitor excavating activities and examine any soils from excavations that reach the interface with the original ground surface to confirm the presence or absence of artifacts and/or archaeological remains.

5.3 The Approval Holder must cease work and contact the Executive 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 the proposed Undertaking.

6.0 Consultation

6.1 Prior to or as part of the application to amend the Industrial Approval, the Proponent shall provide NSE, Central Region, for review and approval, a complaint resolution program to address public concerns associated with the construction and operation of the facility. The complaint resolution program must include, but not be limited to, the appointment of a contact person designated to deal with concerns from the public.

7.0 Contingency

7.1 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 and must be developed in consultation with local emergency service providers.

8.0 Decommissioning and Reclamation

8.1 The Proponent shall provide NSE, Central Region, with a finalized abandonment plan, for review and approval, three months prior to the permanent shut down of the Undertaking.

Original Signed By

David Morse
Minister of Environment