

Environmental Assessment Approval

Approval Date: *Original Dated November 9, 2010*

Yarmouth Petroleum Contaminated Soil Remediation Facility Yarmouth County Solid Waste Park Management Authority

Yarmouth County, Nova Scotia

The Yarmouth Petroleum Contaminated Soil Remediation Facility (the "Undertaking"), proposed by Yarmouth County Solid Waste Park Management Authority (the "Approval Holder"), Yarmouth County, 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.

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 Surface Water Resources

- 2.1 All discharges from the site must meet NSE requirements.
- 2.2 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 surface water monitoring program including sampling locations and parameters. Based on the results of the monitoring programs as proposed, the Approval Holder must make necessary modifications to mitigation plans and/or operations as required by NSE;
 - b) plans for erosion and sediment control;
 - c) a stormwater management plan including details regarding the plans for monitoring, maintenance and upgrading of the flow retention/siltation treatment areas. Design criteria must recognize increased likelihood of more intense precipitation events in coming decades; and

3.0 Groundwater

- 3.1 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 groundwater monitoring plan including location of monitoring wells and monitoring parameters. This program must be designed to evaluate potential impacts to both groundwater levels and groundwater quality. Based on the results of the monitoring programs, the Approval Holder must make necessary modifications to mitigation plans and/or quarry operations, if required, to prevent unacceptable environmental effects, to the satisfaction of NSE. This program shall be updated at a frequency as determined by NSE
- 3.2 The Approval Holder must replace, at their expense, any water supply which has been lost or damaged as a result of the operations to the satisfaction of NSE.

4.0 Air Quality and Noise

- 4.1 The Approval Holder must provide a sound monitoring program at the request of NSE. If required, based on the results of the monitoring programs, the Approval Holder must make necessary modifications to mitigation plans and/or quarry operations to prevent continued unacceptable environmental effects to the satisfaction of NSE.
- 4.2 The Approval Holder must implement an air monitoring program (particulate emissions), at the request of NSE. If required, based on the results of the monitoring programs, the Approval Holder must make necessary modifications to mitigation plans and/or quarry operations to prevent continued unacceptable environmental effects to the satisfaction of NSE.

5.0 Archaeological & Heritage Resources

- 5.1 The Approval Holder must cease work and contact the Director, Heritage Division, Nova Scotia Department of Tourism, 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 Maw-klusuaqn Negotiation Office.

6.0 Public Engagement

- 6.1 The Approval Holder must appoint a contact person designated to deal with environmental concerns and complaints from the public, and must provide the contact person information to NSE 30 days prior to the commencement of any work. Complaints and associated actions must be recorded and made available to NSE upon request.
- 6.2 The Approval Holder form a Community Liaison Committee (CLC), at the request of NSE. The NSE Guidelines for the Formation of a Community Liaison Committee should be used for guidance.

7.0 First Nation and Aboriginal Engagement

- 7.1 At the request of NSE, the Approval Holder must develop and implement a Mi'kmaq Communication Plan for the Undertaking, which will include a process for communicating project details and seeking input from the Mi'kmaq community.

8.0 Contingency Plans

- 8.1 The Approval Holder, as part of the application for Part V Approval under the *Environment Act*, must submit to NSE for review and approval details a contingency plan that meets NSE's Contingency Planning Guidelines and addresses (including but not limited to):
- a) accidental occurrences, and includes the location of spill equipment kept on-site and emergency phone numbers;
 - b) training to be delivered to staff, including contractors;
 - c) procedures for responding to incidents occurring during times when the facility is not staffed (e.g. evenings, weekends, holidays);
 - d) impacts to watercourses and water resources and domestic water supplies;
 - e) releases of dangerous goods or waste dangerous goods;

f) potential fire at the facility (to be reviewed and approved by the local fire and emergency service providers);

g) petroleum and hazardous material spills and surface water control structure failure; and

h) such other information as required by NSE.

8.2 Contingency plans must be updated/revised to reflect the progressive development of the quarry. This is to take place over the lifetime of the Undertaking, at a schedule acceptable to NSE, and revised as approved by NSE.

8.3 Hazardous materials or petroleum products that are to be stored on the site must be stored in a manner that is approved by NSE.

9.0 Reclamation

9.1 The Approval Holder must submit a reclamation plan to NSE for review and approval 6 months prior to closure. Revegetation will be limited to the use of native species unless otherwise approved by NSE.

Original Signed By

Sterling Belliveau
Minister of Environment