



**Environment
Office of the Minister**

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Our File number:

23000-30-105
10700-40

Ms. Terri Fraser, Technical Manager
Northern Pulp Nova Scotia Corporation
PO Box 549
New Glasgow NS B2H 5E8

Dear Ms. Fraser:

Re: Notice of Appeal Form Dated April 9, 2015 and additional information filed June 12, 2015 – Industrial Approval for a Pulp Mill Operated by Northern Pulp Nova Scotia Corporation Approval No. 2011-076657-A01

I am writing regarding your Notice of Appeal Form dated April 9, 2015 respecting the decision of an Administrator to issue Approval No. 2011-076657-A01 for the operation of a bleached kraft pulp mill at 260 Granton Abercrombie Road, Abercrombie Point, Nova Scotia.

After careful review of the "grounds for appeal", the information you submitted in support of your appeal, other information held by the department, and the applicable statutory provisions, I hereby render my decision pursuant to Section 137 of the *Environment Act* and order that the following be implemented pursuant to Section 137(5) of the Act:

- Term and condition 6(g) is open to interpretation and its due date approaches the expiration date of this approval, so this term and condition shall be removed effective immediately.
- Term and conditions 5(j), 6(i), and 6(j) reference a new effluent treatment facility that would be regulated by a separate approval, so these terms and conditions shall be removed effective immediately.

- Term and condition 6(e) required additional clarity pertaining to COD concentration baseline and shall now read as follows:
 - o “The Approval Holder shall undertake a study to identify all sources of COD contributing to the effluent treatment system and develop a plan, together with an implementation schedule, to achieve the following reductions, from baseline COD concentrations that shall be derived, to the satisfaction of the department, from information gathered under Condition 6(d), in COD concentrations at Point A:
 - i) a 10% reduction by January 30, 2017;
 - ii) a total of 20% reduction by January 30, 2018;
 - iii) a total of 50% reduction by January 30, 2020.”

- Term and condition 8(d) is open to interpretation, which makes it difficult to ensure compliance, thus this term and condition shall be revised to ensure clarity between Northern Pulp Nova Scotia Corporation and the Department of Environment.

- Term and condition 8(f) has language more restrictive than intended and shall now read as follows:
 - o “If the Approval Holder is unable to achieve the objectives established in Condition 8(d) of this Approval, the Approval Holder shall submit a plan which meets the satisfaction of the Department, by October 30th, 2016, detailing a program to meet the objectives. This plan shall include a proposed schedule for implementation of the program.”

- Term and condition 12 (ag) shall be removed effective immediately. After review of the record, I conclude that ongoing testing of phenanthrene is no longer required because the measurement was at or near detection limits.

- Term and condition 12 (ad) referenced incorrect surface water monitoring locations and therefore locations SW1, SW3, SW7, and SW8 are to be removed and replaced with locations SW12-1, SW12-2, and SW12-3. This term and condition 12(ad) shall now read as follows:
 - o “The Approval Holder shall ensure the following surface water stations are analyzed for parameters listed in Table 7 and 8, in Appendix A, as well as total suspended solids (TSS), biological oxygen demand (BOD), chemical oxygen demand (COD): SW4, SW5, SW6, SW9, SW11, SW12, SW12-1, SW12-2, SW12-3 and SW13. Once annually, during the low flow period, all surface water samples shall be analyzed for mercury.”

- Term and condition 22(b) is unnecessary, as the communication plan defined under Condition 22(a) provides the means for the necessary sharing of information between parties, so term and condition 22(b) shall be removed effective immediately.
- Term and condition 5 pertaining to water use reduction shall be reassessed by the Department of Environment. The information contained in the record reviewed for this appeal provides multiple and varying opinions as to the technical feasibility of the targets identified. The assessment and revisions, if any, shall establish technically feasible targets that meet desired environmental outcomes. This review must also consider changes to other terms and conditions that may be impacted by changes to water usage criteria, for example, it is necessary to ensure consistency between water usage and effluent outflow.

Terms and conditions requiring further review shall be reviewed and revised as necessary by the Department of Environment and submitted to the Minister for approval prior to inclusion in the Industrial Approval.

Pursuant to Section 138 of the *Environment Act*, you have thirty (30) days to appeal my decision to the Supreme Court.

Sincerely,

Randy Delorey, MLA
Minister of Environment