

Environmental Assessment Approval

Approval Date: Original Dated June 6, 2003

Remediation of Soils Containing Perchloroethylene and its Daughter Products

Envirosoil Limited

**Waverley,
Halifax County, Nova Scotia**

Remediation of Soils Containing Perchloroethylene and its Daughter Products (the "Undertaking"), proposed by Envirosoil Limited (the "Proponent"), 315 Rocky Lake Drive, Waverley, Halifax County, is approved pursuant to Section 13(1)(b). 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 project is limited to the project as described in the registration document. Plans for any proposed extension, expansion, modification or relocation of any aspect of the Undertaking from that proposed in the registration document shall be submitted to the Environmental Assessment Branch for review and may require an environmental assessment.
- 1.2 Unless granted a written extension by the Minister, the Environmental Assessment Approval shall expire within two years of the date of its issuance unless the Proponent commences work on the Undertaking by the end of the two year period.

- 1.3 The Proponent shall implement all mitigation and commitments in the Registration Document, unless approved otherwise by the NSDEL or as indicated in the attached terms and conditions.
- 1.4 a) The Proponent shall not transfer, sell, lease, assign or otherwise dispose of this approval without the written consent of the Minister.
- b) 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 under 1.4(a) of these Terms and Conditions.

2.0 Groundwater Resources

- 2.1 The Proponent, as part of the application for amendments to the Part V Approval under the *Environment Act* shall provide for review and approval:
- a) details of a groundwater monitoring program. This program shall be designed to confirm impacts to groundwater resources and provide an early warning of any unexpected groundwater impacts migrating from the facility. Based on the results of monitoring programs, the Proponent shall make necessary modifications to monitoring programs, equipment, facility operation and/or mitigation measures to prevent continued unacceptable environmental effects to the satisfaction of NSDEL.

3.0 Surface Water

- 3.1 All discharges from the site must meet the NSDEL requirements.
- 3.2 The Proponent, as part of the application for amendments to the Part V Approval under the *Environment Act*, shall provide for review and approval:
- a) details regarding erosion and sediment control protection
- b) details regarding the monitoring, maintenance and upgrading of the collection pond
- c) details regarding the program to monitor surface water, including sampling locations and parameters. Sampling shall include event sampling as well as routine sampling. Stations shall include the collection pond and Lily Lake outfall. Based on the results of monitoring programs, the Proponent shall make necessary modifications to monitoring programs, equipment, mitigation plans and/or facility operations to prevent continued unacceptable environmental effects to the satisfaction of NSDEL.

4.0 Public Consultation

- 4.1 The Proponent shall form a Community Liaison Committee (CLC) in consultation with the NSDEL and with municipal and community representatives. The NSDEL *Guidelines for the Formation of a Community Liaison Committee* (attached) shall be used for the guidance of the Proponent and community.

5.0 Archaeological Resources

- 5.1 The Proponent shall cease work and contact the Director, Heritage Division, Nova Scotia Department of Tourism and Culture, immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed project.

6.0 Noise

- 6.1 All equipment is to be operated with standard noise suppression exhaust systems and kept in good repair.
- 6.2 The Proponent shall monitor for noise at the request of the NSDEL.

7.0 Facility Operation and Maintenance

- 7.1 The Proponent, as part of the application for amendments to the Part V Approval under the *Environment Act*, shall:
- a) provide for review and approval details of a plan to perform a test burn(s) of soils contaminated with perchloroethylene and its daughter products, the results of which must meet the requirements established by the NSDEL
 - b) undertake a test burn(s) as per an approved NSDEL plan
 - c) provide for review the results of the test burn(s). Based on the results of the test burn and the ability of the facility to meet the required emission limits and soil remediation criteria, the Proponent may be required to submit for review and approval plans for further test burns, undertake these, and provide results to the NSDEL.
- 7.2 The Proponent can only begin full-scale treatment of soils contaminated with perchloroethylene and its daughter products once and if the NSDEL is satisfied with the results of the test burn(s).

- 7.3 In the event the Proponent is able to meet the parameters required by the NSDEL, the Proponent shall submit for review and approval prior to beginning full-scale treatment of soils contaminated with perchloroethylene and its daughter products:
- a) details of an air monitoring program, which shall include but not be limited to, stack emission and ambient air parameters and monitoring protocols. The monitoring program shall also include vapours from stockpiled material. If monitoring program results do not meet NSDEL requirements, the Proponent shall make necessary modifications to monitoring programs, equipment, facility operation and/or mitigation measures to the satisfaction of the NSDEL
 - b) detailed plans for facility operation including but not limited to plans for any modifications necessary to meet NSDEL requirements, operation and shutdown schedules
 - c) details of a handling and monitoring program for accepting untreated materials which ensures the only halogenated organic solvent in soil accepted by the facility is perchloroethylene and/or its daughter products
 - d) details of a handling and monitoring program for screened and treated materials ensuring NSDEL treatment criteria are met
 - e) details of stockpiling, including, as a minimum, locations, volumes, characteristics, duration, and erosion protection measures
 - f) details of the facility liner system capable of handling perchloroethylene and its daughter products to meet the NSDEL requirements.
- 7.4 The Proponent shall participate in future airshed management program(s) as required by the NSDEL.
- 7.5 Petroleum products shall not be used as a dust suppressant.
- 7.6 The facility can only handle materials as approved by the NSDEL.

8.0 Decommissioning and Reclamation

- 8.1 The Proponent shall provide NSDEL's Regional or District Manager, Central Region, with a finalized abandonment plan three months prior to the permanent shut down of the undertaking for approval.

9.0 Contingency Plan

- 9.1 As part of the application for amendments to the Part V Approval under the *Environment Act*, the Proponent shall provide an acceptable contingency plan that addresses:
- a) accidental occurrences, including but not limited to contingencies for fires
 - b) procedures for responding to fire incidents and incidents occurring during times when the facility is not staffed (e.g. evenings, weekends, holidays).

Original Signed By

Ronald S. Russell, CD
Minister of Environment and Labour

GUIDELINES FOR THE FORMATION OF A COMMUNITY LIAISON COMMITTEE

PREAMBLE

The following guidelines are presented to assist Proponents and community representatives in establishing a Community Liaison Committee. Conditions of Release under the *Environment Act* may necessitate further guidance by the Department.

The earlier the formation of the Committee, the more likely it will be that the Committee will be able to address in a timely and sensitive fashion the issues which may be raised by a particular project. Proponents are encouraged to establish, where warranted, a Community Liaison Committee as early as possible in the planning stages of the proposed undertaking.

PURPOSE AND STRUCTURE

A Community Liaison Committee is an advisory body to the project Proponent and provides input on matters regarding operations or approvals/permits that have or are perceived to have environmental impacts. Community representatives provide an avenue for the exchange of information on the project to interested individuals.

The Community Liaison Committee is intended to be an ongoing mechanism established with the following terms of reference:

- a) for consultation between the Proponent and the residents of the area on the final design and operational stages of an approved undertaking as stipulated in the Conditions of Release, which impact or are perceived to impact on the environment and the quality of life of the residents in the area;
- b) the establishment of a forum for ongoing dialogue between the facility operators and area representatives for consideration of any issues of public concern;
- c) a means for the facility operator to provide information to, consult with, and obtain advice from a body representative of the community; and
- d) a provision whereby the residents can bring any issues which occasion public concern to the attention of the facility operators.

A Committee may choose to establish additional terms of reference that address specific issues of interest to the community.

It is the Proponent's responsibility to hold an organizational meeting with any interested parties to determine the make-up and mandate of the Committee. Interested parties or representatives could be ascertained during the public consultation review process. The Committee should be kept to a manageable size, in most cases no greater than ten members.

Members of the Committee may be chosen from individuals or groups representing the geographic area which will be impacted by the project. However, if there are specific groups impacted by the project who do not reside within the immediate area, the Proponent, in consultation with the Community Liaison Committee, may decide to select additional members.

The Proponent is to be represented at all Committee meetings.

The Committee shall ensure that the views of the Committee are made available to the public in an appropriate manner. This could include the posting of minutes in a public place in the affected area or the provision of minutes to interested parties.

Where the Committee is established by Conditions of Release under the *Environment Act* notice of the formation of said Committee shall be made known to the residents of the affected area and include a list of Committee members.

The selection of a Chairperson shall be the responsibility of the Proponent. This may be achieved through an election by CLC members, the appointment of Co-chairs, the selection of an impartial third party, or through another process chosen by the Proponent.

The mandate and membership of the Committee is to be reviewed on an annual basis.

The Committee shall establish a schedule of meetings.

PROCEDURES

The Proponent shall be responsible for the provision of meeting space, copying of minutes (copies to be sent to regulatory agencies) and, where applicable, an annual meeting and annual reporting.