

Environmental Assessment Approval

Approval Date: APR 22 2013

Disposal of Waste Dangerous Goods Facility (Asbestos)

Marinus Verhagen Enterprises Limited

McLellans Brook, Pictou County, Nova Scotia

The Disposal of Waste Dangerous Goods Facility (Asbestos) (the "Undertaking"), proposed by Marinus Verhagen Enterprises Limited (the "Approval Holder"), in McLellans Brook, Pictou 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 project is limited to the project as described in the registration document. Any proposal by the Approval Holder for expansion, modification or relocation of any aspect of the project from that proposed in the Registration Document must be submitted to the Environmental Assessment Branch for review and may require an environmental assessment (EA).
- 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 Site Operation

- 2.1 As part of the application for amendment to the 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 amendment to the Part V Approval under the *Environment Act*, the Proponent must submit to NSE for review and approval written assurance that all solid waste is properly sorted for recycling, reuse, composting, or landfilling. The segregated materials must be stored in a manner so that they will not degrade, burn, or become buried on site until they are sent to the appropriate, provincially approved waste disposal, recycling or composting facilities.
- 2.3 As part of the application for amendment to the Part V Approval under the *Environment Act*, the Approval Holder must submit to NSE for review and approval written assurance that all transporters of asbestos waste are required to comply with the requirements set forth in the Asbestos Waste Management Regulations.

- 2.4 The Approval Holder must update and revise the EMP as required by NSE throughout the life of the Project.

3.0 Flora and Fauna

- 3.1 Prior to clearing and grubbing, the Approval Holder must submit to NSE for review and approval a management plan for glossy buckthorn.
- 3.2 Clearing and grubbing must be conducted outside of the breeding/nesting/fledging season for most bird species (April 1st to August 31st), unless otherwise approved by NSE.

4.0 Wetlands

- 4.1 If avoidance of wetlands is not possible during the development of the Undertaking, any loss of wetland habitat through direct infilling or indirectly through alteration of wetland hydrology will require a wetland evaluation and application for alteration under the Activities Designation Regulations.

5.0 Ground Water and Surface Water

- 5.1 All discharges from the site must meet NSE requirements.

6.0 Public and Stakeholder Consultation

- 6.1 If requested by NSE, the Approval Holder shall submit for review and approval a public communication and complaint response plan.
- 6.2 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.

7.0 Archaeological & Heritage Resources

- 7.1 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 development. 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.

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.
- 8.2 The Approval Holder, as part of the application for amendment to the 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.

- 8.3 Contingency plans must be updated/ revised to reflect the progressive development of the waste dangerous goods facility. This is to take place over the lifetime of the Project, at a schedule acceptable to NSE, and revised as approved by NSE. Notification of any changes /updates shall be provided to NSE in the annual report for the facility.
- 8.4 Hazardous materials or petroleum products that are to be stored on the site must be stored in a manner that is approved by NSE.
- 8.5 Refueling must not be conducted within 100 metres of any surface water resource, unless otherwise approved by NSE.
- 8.6 The Approval Holder must provide a copy of the site plan with details outline in s. 20(1) of the Asbestos Waste Management Regulations.
- 8.7 The contingency plan must list the NSE 24-hour environmental emergency reporting number (1-800-565-1633).
 - 8.7.1 The contingency plan must include that Nova Scotia's Emergency Spill Regulations require that an unauthorized release of 50 kg of asbestos waste is reportable unless alternate reporting requirements have been described in the approval. A lesser amount may also be considered reportable if it has the potential to cause an adverse effect. The contingency plan must be kept on site at all times and made available to NSE upon request.

9.0 Reclamation

- 9.1 The Approval Holder must submit a cell reclamation plan to NSE for review and approval six months prior to cell decommissioning.

10.0 Liability Insurance and Security

- 10.1 An approved security and environmental liability insurance that is satisfactory to Nova Scotia Environment shall be maintained on the property. A copy of the insurance coverage shall be made available to the Department prior to start-up of operations, and updated as required. Any changes in the coverage and the policy must be approved by NSE.

ORIGINAL SIGNED BY

Sterling Belliveau

Minister of Environment