

Nova Scotia Environment and Labour (“NSEL”)

Environmental Assessment Approval

Approval Date: *Original Dated February 3, 2004*

Point Tupper Marine Coal Terminal

Nova Scotia Power Inc., Proponent

**Point Tupper, Richmond County
Nova Scotia**

The Point Tupper Marine Coal Terminal (the “Undertaking”), proposed by Nova Scotia Power Inc. (the “Proponent”), Point Tupper, Richmond 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. Any proposal by the Proponent for expansion, extension, 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.
- 1.2 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, unless granted a written extension by the Minister.

- 1.3 The Proponent shall 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 Proponent shall implement all mitigation and commitments in the Registration Document, unless approved otherwise by NSEL.

2.0 Surface Water Resources

- 2.1 The Proponent, as part of the application for Part V Approval, shall provide for review and approval:
 - a) details of surface water resources including watershed areas, and site drainage patterns.
 - b) design and operation details for a coal pile run-off collection system capable of diverting all run-off to the holding pond and treatment facility.
 - c) details of the treatment process used at the treatment facility.
 - d) details regarding the construction and maintenance of the holding pond and treatment facility.
 - e) details regarding a program to monitor water quality. The location of all monitoring stations must be approved by NSEL.
- 2.2 All dredge material disposed of on land must be at a site approved by NSEL.

3.0 Groundwater Resources

- 3.1 The Proponent as part of the Application for Part V Approval, shall provide for review and approval:
 - a) A groundwater monitoring plan which includes details on the number of monitoring wells, well locations, well construction details, sampling parameters, and sampling frequency. This plan will also include the following site information: locations of the nearest water wells and their purpose; location of any ground water receptors; description of groundwater flow direction; depth to the water table; groundwater velocity

and groundwater quality.

b) a mitigation plan to be implemented if any groundwater resources are impacted by the construction, operation, or decommissioning of the facility.

4.0 Noise and Dust

- 4.1 The Proponent shall submit an air monitoring plan for review and approval. This plan shall include but not be limited to sampling locations, parameters, monitoring methods, protocols and frequency.
- 4.2 The Proponent as part of the Application for Part V Approval, shall submit a dust control contingency plan for review and approval.
- 4.3 The Proponent shall monitor for noise at the request of NSEL.
- 4.4 Petroleum products shall not be used as a dust suppressant.

5.0 Archaeological and Cultural Resources

- 5.1 Prior to commencing work on the undertaking, the Proponent shall complete an archaeological reconnaissance survey to the satisfaction of the Nova Scotia Museum.
- 5.2 The Proponent shall cease work and contact the Curator of Special Places, Heritage Division, Nova Scotia Department of Tourism and Culture; and Executive Director, Union of Nova Scotia Indians, immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed project.

6.0 Contingency Plan

- 6.1 The Proponent shall, as part of the application for Part V Approval, submit a written emergency spills contingency plan which shall include, but not be limited to, contingencies for petroleum and hazardous material spills and surface water control structure failure.

Original Signed By:

Kerry Morash
Minister of Environment and Labour