

APPROVAL

**Province of Nova Scotia
Environment Act, S.N.S. 1994-95, c.1 s.1**

APPROVAL HOLDER: J.D. IRVING, LIMITED

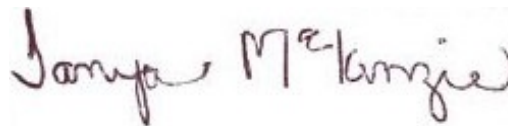
SITE PID: 25086448, 25089483, 25091158, 25129925, 25131327,
25137258, 25142654, 25160508, 25251653, 25251687,
25256249, 25256322, 25258070, 25261751, 25266743,
25374380, 25468117, 25469123, 25471897, 25471905,
25471921

APPROVAL NO: 2020-2706292-00

EXPIRY DATE: December 31, 2020

Pursuant to Part V of the *Environment Act*, S.N.S. 1994-95, c.1 s.1 as amended from time to time, approval is granted to the Approval Holder subject to the Terms and Conditions attached to and forming part of this Approval, for the following activity:

Pesticide - Application of Pesticide - Aircraft



Administrator: Tanya MacKenzie

Effective Date: August 11, 2020

The Minister's powers and responsibilities under the Act with respect to this

Approval have been delegated to the Administrator named above. Therefore, any information or notifications required to be provided to the Minister under this Approval can be provided to the Administrator unless otherwise advised in writing.

TERMS AND CONDITIONS OF APPROVAL

Nova Scotia Environment

Approval Holder: J.D. IRVING, LIMITED

Project: Jersey 1, Jersey 2, Jersey 3, Jersey 4, Jersey 5, Oxford Junction 1, Oxford Junction 2, Salt Springs 1, Salt Springs 2, Salt Springs 3, Salt Springs 4, Salt Springs 5, Salt Springs 6, Athol 1, Athol 2, Athol 3, Athol 4, Athol 5, South Brook 1, South Brook 2, Joggins 1, Joggins 2

Site:

PID	Civic #	Street Name	Street Type	Community	County
25086448				WEST WENTWORTH	CUMBERLAND COUNTY
25089483				WEST WENTWORTH	CUMBERLAND COUNTY
25091158				WEST WENTWORTH	CUMBERLAND COUNTY
25129925				BLACK RIVER ROAD	CUMBERLAND COUNTY
25131327				ROSE	CUMBERLAND COUNTY
25137258				LEAMINGTON	CUMBERLAND COUNTY
25142654				ATHOL ROAD	CUMBERLAND COUNTY
25160508				WEST WENTWORTH	CUMBERLAND COUNTY
25251653				SOUTHAMPTON	CUMBERLAND COUNTY
25251687				SOUTH BROOK	CUMBERLAND COUNTY
25256249	843	ATHOL	RD.	ATHOL	CUMBERLAND COUNTY
25256322				SALT SPRINGS	CUMBERLAND COUNTY
25258070				MAPLETON	CUMBERLAND COUNTY
25261751				LITTLE RIVER	CUMBERLAND COUNTY
25266743				THOMSON STATION	CUMBERLAND COUNTY
25374380				SPRINGHILL JUNCTION	CUMBERLAND COUNTY

25468117 6530	SHULIE	RD.	JOGGINS	CUMBERLAND COUNTY
25469123			JOGGINS	CUMBERLAND COUNTY
25471897			SPRINGHILL JUNCTION	CUMBERLAND COUNTY
25471905 613	HIGHWAY 142	HWY.	SALT SPRINGS	CUMBERLAND COUNTY
25471921			SALT SPRINGS	CUMBERLAND COUNTY

Approval No: 2020-2706292-00

File No: 35200-30-AMH-2020-2706292

Grid Reference: Easting - 423779, Northing - 5067159, Easting - 413790, Northing - 5057339, Easting - 413002, Northing - 5051363, Easting - 431065, Northing - 5055558, Easting - 417776, Northing - 5058196, Easting - 405180, Northing - 5042326, Easting - 446982, Northing - 5055966, Easting - 445325, Northing - 5056183, Easting - 433346, Northing - 5056563, Easting - 415148, Northing - 5057040, Easting - 387635, Northing - 5056797, Easting - 385543, Northing - 5056607, Easting - 423453, Northing - 5061564, Easting - 418645, Northing - 5060396, Easting - 444511, Northing - 5055585, Easting - 440436, Northing - 5054309, Easting - 420275, Northing - 5065774, Easting - 422774, Northing - 5063194, Easting - 409090, Northing - 5053482, Easting - 410720, Northing - 5053808, Easting - 411400, Northing - 5043304

Reference Documents

- Application submitted July 9, 2020 and attachments.

1. Definitions

- a. Act means Environment Act, 1994-95, c.1, s.1 , and includes, unless the context otherwise requires, the regulations made pursuant to the Act, as amended from time to time.
- b. Department means the Department of Environment, and the contact for the Department for this approval is:
Nova Scotia Environment
Central Region, Amherst Office
71 East Victoria St.
Amherst, Nova Scotia B4H 1X7

Phone: (902) 667-6205

Fax: (902) 667-6214

- c. Minister means the Minister of Environment and includes any person delegated the authority of the Minister.
- d. Site means a place where a designated activity and/or undertaking is occurring or may occur.
- e. Surface Watercourse means a watercourse as defined in the Environment Act, excluding groundwater.

2. Scope

- a. This Approval (the "Approval") relates to the Approval Holder(s) and their application and all documentation submitted to the Department prior to the issuance of this approval for the Application of Pesticid situated at or near Athol 1, Athol 2, Athol 3, South Brook 1, South Brook 2, Joggins 1, Joggins 2, Athol 4, Athol 5, Jersey 1, Jersey 2, Jersey 3, Jersey 4, Jersey 5, Oxford Junction 1, Oxford Junction 2, Salt Springs 1, Salt Springs 2, Salt Springs 3, Salt Springs 4, Salt Springs 5, Salt Springs 6.
- b. The Approval Holder(s) shall ensure the designated activity is carried out in accordance with this Approval and reference documents, including the application and supporting documentation.

3. General

- a. The Approval Holder(s) shall conduct the Designated Activity in accordance with the following provisions:
 - i. The Act, as amended from time to time;
 - ii. Any standard adopted by the Department, as amended from time to time.
- b. Nothing in this Approval relieves the Approval Holder(s) of the responsibility for obtaining and paying for all licenses, permits, approvals or authorizations necessary for carrying out the work authorized to be performed by this Approval which may be required by municipal by-laws, provincial or federal legislation, or other organizations. The Minister does not warrant that such licenses, permits, approvals or other authorizations will be issued.
- c. If there is a discrepancy between the reference documents and the terms and conditions of this Approval, the terms and conditions of this Approval shall apply.
- d. Upon any changes to the Registry of Joint Stock Companies information, the Approval Holder(s) shall provide a copy to the Department within five business days.
- e. The Approval Holder(s) shall ensure that this Approval, or a copy, is present at the treatment site or loading/mixing site when the spray program is occurring and

that personnel directly involved in the designated activity are made fully aware of the terms and conditions which pertain to this Approval.

- f. If this work is being undertaken on land owned by a person other than the Approval Holder(s); written authorization to treat the property from the landowner shall be forwarded to the Department before the work is undertaken. If this written authorization was submitted at the time of application for approval; it is not necessary to resubmit.

4. Operation

- a. Pesticides shall not be applied when wind speeds exceed 10 km/hr, unless otherwise specified in this Approval. If the allowable wind speeds indicated on the manufacturer's product label are less than 10km/hr, the wind speeds on the manufacturer's product label shall apply.
- b. When using the Radiarc sprayer, a single swath along all boundaries and buffer zones shall be undertaken in wind speeds of 10 km/hr or less and the remainder may be treated in winds of up to 15 km/hr.
- c. When the application of a pesticide is underway; wind speed shall be checked at 15 minute intervals during aerial application.
- d. When the application of a pesticide is underway, wind speed shall be checked at 30 minute intervals during ground application.
- e. Should a wind speed reading exceed the maximum; a second reading shall be taken 10 minutes later and if it still exceeds the maximum; the application shall cease. It will require 2 consecutive acceptable readings 10 minutes apart to restart the application.
- f. Records shall be maintained of the time and results of all wind speed readings taken and be made available to the Department upon request.
- g. Equipment and supplies at mixing/loading sites shall be stored and maintained to prevent an adverse effect from a uncontrolled pesticide release.
- h. Pesticide shall not be applied within 30 m of any surface watercourse which is not located in Municipal potable water supply watersheds.
- i. Pesticide shall not be applied within 60 m (measured horizontally) of a well or other source of domestic water.
- j. Pesticide shall not be applied within 15 m (measured horizontally) of a Wetland.
- k. Pesticide shall not be applied within 100 m of dwellings, businesses, schools, public buildings or other structures designated by the Department during aerial spraying. Dwellings or businesses owned by the Approval Holder(s) are exempt.
- l. Pesticide shall not be applied within 15m of agricultural areas, including, but not limited to hay fields, grain fields, blueberry fields, commercial and domestic vegetable gardens, or other sensitive terrestrial areas.

- m. Pesticide shall not be applied within 10 m of any treatment site boundary that is also a property boundary. This buffer may be waived with written permission from the adjacent property owner.
- n. If the buffer zone indicated on the manufacturer's product label is greater than the buffer zones indicated in this Approval, the distance on the manufacturer's product label shall apply.

5. Aerial Applications

- a. The aerial applicator shall fly over the treatment area immediately before beginning any pesticide application to ensure that there are no unauthorized people in the vicinity of the target area.
- b. The Approval Holder(s) shall notify the Department in writing at least 48 hours, but not more than 7 days, before the spray program commences, if ground application is used on aerial sites.
- c. GPS data shall be recorded during aerial spraying. GPS data shall show flight path (including physical location), altitude, and speed.
- d. All GPS data recorded shall be retained by the Approval Holder(s) for a period of two years following the completion of the spray program and shall be made available to the Department upon request. GPS data shall be in .kml format.

6. Notification

- a. The Approval Holder(s) shall notify the Department at least 48 hours, but not more than 7 days, prior to commencement of the spray program.
- b. Once the spray program commences, the Approval Holder(s) shall keep the Department up to date with the progress of the spray program as per an arrangement deemed acceptable by the Department.
- c. The Approval Holder(s) shall ensure that all access points to all sites have posted signs deemed acceptable by the Department no less than 30 days prior to pesticide application. All signs shall:
 - i. include a space for colored fluorescent decals which shall be applied when the program commences;
 - ii. display the following wording "There is to be no consumption of berries and fruit within this spray site(s) for the remainder of the growing season";
 - iii. contain the Pesticide trade name, PCP number, Approval number and company contact information;
 - iv. not be removed during the growing season; and
 - v. all signs shall be removed by November 1, 2020.
- d. The Approval Holder(s) shall deliver a written notice to the owner or occupier of all structures (e.g. dwellings, businesses, schools, public buildings or other

structures designated by an administrator) located within 500 m of the treatment site. The Approval Holder(s) shall deliver written notices at least 30 days prior to applying pesticide.

- e. The Approval Holder(s) shall publish newspaper advertisements in a manner acceptable to the Department outlining the spray program at least 20 days before spraying commences. The Approval Holder(s) shall forward to the Department proof that the media notice has been published prior to program commencement.

7. Contingency Plan

- a. The Approval Holder(s) shall adhere to the contingency plan on file with the Department during an uncontrolled release or other emergency involving pesticides. A copy of the plan shall be at the treatment site or mixing/loading area at all times when the work is being undertaken.
- b. The Approval Holder(s) shall develop a contingency plan. This plan is to meet the requirements of the Department's "Contingency Planning Guidelines", as amended from time to time. The plan is to include, but is not limited to:
 - i. general procedures for routine or major emergencies (e.g. equipment break-down, upset conditions, maintenance, etc.);
 - ii. a plan for dealing with emergency issues including but not limited to fires, explosions, and releases;
- c. The Approval Holder(s) shall ensure that the Contingency Plan is reviewed and updated whenever equipment or products change. The Contingency Plan is to be dated to reflect the most recent update.
- d. The Approval Holder(s) shall prepare and submit a Contingency Plan for review and acceptance by the Department. The Contingency Plan shall include, but is not limited to, the following:
 - i. criteria levels at which mitigation actions for well interference will be triggered and
 - ii. a description of the relevant mitigation actions to be taken
- e. A copy of the Contingency Plan is to be maintained on Site at all times and is to be available for review immediately upon request by the Department.
- f. The Approval Holder(s) shall ensure that all employees are trained in accordance with the contingency plan and shall keep a record of training at the facility for a minimum period of five (5) years.
- g. A copy of the current contingency plan shall be sent to the local fire department.
- h. The Approval Holder(s) shall ensure that all necessary materials and equipment are available at all times to respond to emergencies in accordance with the Facility's Contingency Plan.

8. Reporting

- a. The Approval Holder(s) shall submit all reports required by this Approval to the Department no later than one month after the completion of the spray program.