



FRIENDS OF THE NORTHUMBERLAND STRAIT

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December 2, 2021

The Honourable Tim Halman  
Minister of Environment  
Via email: [minister.environment@novascotia.ca](mailto:minister.environment@novascotia.ca)

NSECC Environmental Lead on Northern Pulp  
Via email: [EA@novacotia.ca](mailto:EA@novacotia.ca)

Dear Minister Halman and NSECC Environmental Lead on Northern Pulp:

**Re: Northern Pulp Environmental Assessment Registration Document**

I am writing on behalf of Friends of the Northumberland Strait (FONS) in relation to Northern Pulp's Environmental Assessment Registration Document (EARD), submitted to NSECC on November 30, 2021. We understand that Northern Pulp seeks to register its new Effluent Treatment Facility project (ETF) for environmental assessment (EA).

FONS has been deeply involved with Northern Pulp's proposals for a new effluent treatment facility (ETF) since 2017. We continue to follow developments closely. We have no knowledge of the contents of the EARD submitted by Northern Pulp as it has not yet been made public. However, we note that, at a minimum, the EARD must contain all the information required by section 9 of the *Environmental Assessment Regulations*<sup>1</sup>. For reasons explained below, we are concerned that the EARD is likely to be incomplete and will therefore put the EA of this project off track at the very outset of the process. We would like to express our strong hope and expectation that in the interests of a meaningful, efficient and fair Environmental Assessment process, the Minister only accept Northern Pulp's EARD **if and when** it fully complies with the requirements of Section 9.

While full compliance is required, FONS is particularly concerned that the EARD only be accepted once it has gathered and supplied all required information in relation to:  
9(1A)(b)(vi) details of the nature and sensitivity of the area surrounding the proposed undertaking;  
9(1A)(b)(ix) a description of the proposed undertaking, and  
9(1A)(b)(x) environmental baseline information.

FONS is concerned that Northern Pulp has not submitted an EARD that complies with the *Regulations*. On October 18, 2021 the company filed evidence in the Supreme Court of British Columbia showing it had spent only \$55,000 on EA preparation.<sup>2</sup> Northern Pulp presented a project implementation schedule and EA spending timeline indicating that baseline studies, marine studies, effluent characterization and a receiving water study had not yet been started, and projecting that such work will only begin months from now, and only after they hoped to have completed the

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<sup>1</sup> *Environmental Assessment Regulations*, NS Reg. 221/2018, s. 9 (the "*Regulations*").

<sup>2</sup> Affidavit #10 of Bruce Chapman, October 18, 2021, In the Supreme Court of British Columbia

registration process.<sup>3</sup> (see Appendix A) However, such information must be provided prior to registration and a failure to do so at this stage is contrary to the clear requirements of section 9.

In addition to the information presented to the British Columbia Supreme Court in Northern Pulp's current petition for relief under the Companies' Creditors Arrangement Act, our concerns are based on the history of missing and inadequate baseline information in Northern Pulp's initial EARD and Focus Report, and on the fact that the company's project description submitted to NSECC on May 14, 2021, contained many generalities and few hard facts. It did not address the nature and sensitivity of the area surrounding the proposed undertaking and contained virtually no environmental baseline information.

One of the most obvious omissions to date has been the lack of a proposed discharge point, despite the clear requirements of subsection 9(1A)(b)(ix). We would like to draw your attention to a letter dated April 23, 2015, from Northern Pulp's consultants KSH to Mrs. Terri Fraser of NPNSC.

"There are **two distinct projects** within any project that would be aimed at replacing the existing treatment system; the treatment facility itself and the new outfall, which would be required to discharge the treated effluent away from Boat Harbour. ... Therefore, time must be allocated **at the outset of this project** to determine where the proposed effluent system will discharge and then carry out a receiving water study at that unknown location. The iterative nature of this process will require time (months) to answer prior to any other steps taking place."<sup>4</sup> (Emphasis ours)

In response to questions at municipal council meetings about location of the discharge point, Northern Pulp representatives replied that the discharge point would be determined once marine studies have been carried out. Northern Pulp's project description, submitted to NSECC on May 14, 2021, also states: "The new outfall would discharge the tertiary-treated effluent in the receiving environment through a multi-port diffuser at a yet-to-be determined point, following the conclusion of receiving water studies as well as public and First Nations consultations."<sup>5</sup> Documents provided by Northern Pulp to the Supreme Court of British Columbia indicate that the receiving water study has not yet been done and will not be available for at least the next 6 months.

FONS believes that a specific discharge point is an essential component of a "description of the proposed undertaking" that must be clearly delineated in the EARD if it is to be accepted.

Another significant potential information gap is provision of the full chemical characterization of the effluent. Although Northern Pulp has provided predicted reductions in certain parameters, they have not provided hard numbers or calculations respecting the quantities and concentrations of substances of concern that would be discharged, nor have they provided the full chemical characterization of the effluent they plan to discharge. The company has been asked for this information numerous times, including at public meetings with municipal councils.

Given that the company has stated that they will reduce certain parameters by specific amounts in comparison to earlier effluent composition, FONS believes Northern Pulp should be able to include in the EARD an accounting of the predicted amounts of parameters which they plan to discharge as well as the full chemical characterization of the effluent in the EARD. This information is critical to

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<sup>3</sup> Chapman, *ibid*

<sup>4</sup>KSH Consulting, April 23, 2015, letter to Mrs. Terri Fraser, NPNSC, attachment to Submission to Law Amendments Committee by Terri Fraser, Technical Manager, NPNSC About Bill No. 89, Boat Harbour Act, April 27, 2015

<sup>5</sup> P 79, NPNS Project Description, May 14, 2021

understanding the nature of the proposed undertaking and its potential impact on the surrounding area.

In addition, FONS is concerned that the sparse baseline information collected by Northern Pulp for its earlier ETF proposal will again be insufficient to meet the requirements of Section 9 of the Regulations. Some (but not all) of the subject areas for which baseline information would reasonably be expected to be included in the present EARD would not have been collected for the previous proposal, for example, information relating to the East River. Some information may have changed over the intervening years, and some information submitted earlier has been noted by the then Ministers and/or reviewers as incomplete or incorrect.

FONS believes that in addition to the above points, to meet even basic regulatory requirements, the EARD must contain meaningful baseline information in the following areas. The list below is not exhaustive but is meant to illustrate some areas of importance for a complete EARD. In some cases, these points reflect issues included in the two sets of terms of reference (TOR) developed to guide the Focus Report and the EAR for Northern Pulp's earlier proposed new ETF.

1. Baseline information for all areas that could reasonably be affected by the project and/or that would be exposed to effluent, mill emissions or contaminants emanating from the mill site. Given existing knowledge of tides, currents, depths and flushing in the area, baseline marine information should be provided for Pictou Harbour, East River, Middle River, West River, Boat Harbour and the Northumberland Strait, Baseline information relating to the East River is of particular importance, given the proposed area for effluent discharge.
2. Snapshot baseline information as provided in earlier reports submitted by Northern Pulp has been noted as insufficient to accurately represent a baseline or to allow an assessment of the nature and sensitivity of the area. Comprehensive primary surveys must be conducted, and baseline information must be provided for all seasons, to capture seasonal variations, e.g., in water depths, benthic surveys and presence and variation of foundational species such as phytoplankton, zooplankton, as well as migratory birds, fish, marine life, and species at risk at all life cycle stages.
3. Baseline information, both recent and historical, must be presented on ice cover, ice thickness and movement in potentially affected areas.
4. The proposed discharge area is tidal. The upriver tidal reach of the East River flows through and past the towns of Trenton and New Glasgow. There are two-way tidal flows in Pictou Harbour and within the rivers twice a day. Comprehensive baseline information is required in respect of water depths, bathymetry, tidal patterns and reach, currents and flushing for all of Pictou Harbour, East River, Middle River, West River, Boat Harbour and the Northumberland Strait to reflect variations in the areas as well as cyclical and seasonal variations.
5. Baseline information on sediment quality and water quality, temperature, salinity, and freshwater inflows for sufficient representative areas of Pictou Harbour, East River, Middle River, Boat Harbour, West River and Northumberland Strait. Again, detailed baseline information for the East River is of particular importance.
6. Current baseline air quality measurements for all components of concerns for all areas potentially impacted by air emissions from an operating mill.
7. Full characterization of all expected air emissions, including particulate levels. We note that information on particulate levels is not given significant attention in the project description, nor has it been addressed in meetings with municipal councils.

8. Baseline information on each Valued Environmental Component (VEC). This should include, but is not limited to, the full uses and values of Pictou Harbour, East River, Middle River, West River, Boat Harbour and the Northumberland Strait as well as surrounding communities, recreation areas, and commercial users of the areas.
9. Full chemical and quantitative baseline information on storm water and leachate generated from the Northern Pulp site, presently being treated at Colchester Municipal Water Treatment Facility, which may be treated by the proposed new ETF.
10. Baseline information regarding ground and surface water flow patterns and water monitoring results, for both Canso Chemicals and Northern Pulp sites with particular attention to potential changes in water flow patterns and delineating soil contaminants, including concentrations and risk of mobilization of mercury and other toxins during proposed construction activities on the Northern Pulp site.
11. Complete information including technical data on all proposed in-mill changes in sufficient detail to allow regulators, government departments, and independent experts to assess whether systems will achieve predicted results and identify potential areas of risk.
12. An assessment of the full health, environmental and socio-economic impacts of a restart of Northern Pulp. As well as the impact on surrounding communities, water bodies, air quality, marine and other life forms, the EARD should address the full socio-economic costs, as well as benefits, of Northern Pulp's proposed restart over the 25 years of the proposed project. The EARD should provide baseline information on the forested areas of Nova Scotia including present identified risks to forest sustainability and health, biodiversity, habitat loss and climate impacts that could be impacted by the cumulative impacts of the proposed production of 280,000 tonnes of pulp per year as well as the generation of operating power from biomass over a 25-year period.
13. Although the following four points may not be strictly required for an EARD to be registered under EA regulations, FONS believes including this information as part of the description of the proposed undertaking is important in assessing the potential impact of the proposed project, especially given that Northern Pulp has provided information to NSECC and the public asserting that after implementing proposed changes that the "transformed" mill will be one of the cleanest, most environmentally friendly mills in Canada.
  - i.) Detailed information explaining how predicted outcome results have been determined, in sufficient detail to allow regulators, government departments and independent experts to verify whether systems will achieve the predicted results.
  - ii.) Detailed water usage information including maximum predicted daily water use and effluent discharge as well as seasonal variation in water use and effluent discharge amounts.
  - iii.) Information on effluent temperature at point of entering secondary treatment process, at entering tertiary treatment process, and at discharge at outfall, including an explanation of how that information was calculated and information on retention times at each stage of the treatment process.
  - iv.) The EARD should address the issue of how, in the absence of Boat Harbour, the company will ensure start-up of the proposed new ETF along with other new systems components will avoid adverse environmental effects or adverse health impacts.

In the above mentioned 2015 letter to Fraser, KSH consultants underlined this as an issue of importance, stating:

"Past experience has shown that the start-up of an activated sludge wastewater treatment system at a facility that has no experience operating such a system would take approximately 4-6 months."<sup>6</sup>

(Note: This 4-6 month start-up period was originally planned to take place while a functioning Boat Harbour ETF and Boat Harbour Basin were in operation and able to process any exceedances in effluent contaminants during this start-up period.)

14. Finally, based on the experience of the last EARD and Focus Report presented by Northern Pulp, FONS also requests that the Minister require that in order to be accepted the EARD must be accessible in its organization and presentation. This would be consistent with Northern Pulp's claims of a new transparency in its relations with the community.

Specifically, an acceptable EARD should have the following characteristics, among others:

- a) Appendix and section titles should accurately reflect the content of the appendix and/or section.
- b) Attribution of authorship must be provided for studies, charts etc. We note that in the May 2021 project registration document this has not been done consistently.
- c) Information should be organized so readers can find all data relating to a particular subject in one place.
- d) Where reference to external documentation is made (e.g., reference to regulations from other bodies or cited studies), a working link must be provided to allow public access to the document. This is important so that readers can determine the full context of the information provided in order to avoid information being presented in a way which could be misleading.
- e) Responses to public or government questions should be available in the section referenced in the response chart.
- f) Baseline information must accurately reflect the current situation and must be relevant to the current project proposal. It cannot be assumed that baseline information submitted several years ago will accurately reflect the present situation. In some areas it clearly will not. Historical information may also be required, e.g., for ice impacts.
- g) The area of concern must be defined expansively and comprehensively, given the potential impacts of the mill on the entire region. Overly narrow study boundaries can only skew results and prevent an exhaustive assessment of all impacted areas and ecosystems. Without a full set of studies and baseline information, the Minister will be unable to assess cumulative effects on the region and its residents.

In conclusion, FONS feels it is vitally important that the EARD provide sufficient information so that all stakeholders, including affected communities, businesses, government departments and the forestry industry can begin the process of evaluating, based on facts, the extent to which Northern Pulp is putting a viable proposal on the table. The EARD must also provide sufficient information to allow the Minister, with public input, to develop meaningful TOR that address all areas of potential impact or risk.

When Northern Pulp representatives have been questioned about their "Transformation Plan" by stakeholders, the company has described it as more a concept or vision than a plan. In evaluating whether Northern Pulp's EARD meets the requirements set out under the EA Regulations, we hope that you, as Minister of NSECC, will require Northern Pulp to provide sufficient information to show that the company is presenting more than generalities describing a concept, but a detailed plan based on information that can be evaluated and fact-checked to determine potential environmental, health and socio-economic impacts and risks.

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<sup>6</sup> KSH Consulting, *ibid*

Step 1 of a rigorous Class II EA process is a solid EARD that provides all required baseline information, a detailed project description including the proposed discharge point, full chemical characterization and quantities of effluent and air emissions, and complete technical data on proposed in-mill changes. It must also include a full description of the nature and sensitivity of the area(s) which could be impacted by the proposed project, as well as all other required information.

The fact that an Environmental Assessment Report (EAR) will ultimately be required as part of this Class II Environmental Assessment does not relieve Northern Pulp from its clear obligation to provide all necessary information at the registration stage, and to full comply with all the requirements of Section 9 of the *Regulations*.

FONS feels it is important that sufficient fact-based information be contained in the EARD to allow for meaningful discussion of Northern Pulp's proposal sooner rather than later. Complete primary and baseline studies are essential. It could be as long as two years after the TOR are finalized that information not contained in the EARD becomes available to stakeholders within the EAR itself.

Thank you for your attention to our thoughts on this matter. FONS would be happy to answer any questions you might have.

Sincerely,



Jill Graham-Scanlan  
President, Friends of the Northumberland Strait

Chief Andrea Paul, Pictou Landing First Nation  
Dennis McGee, Northumberland Fishermen's Association  
Mayor Jim Ryan, Town of Pictou  
The Honorable Karla MacFarlane, MLA for Pictou West  
Sean Fraser, MP, Central Nova

# Appendix A

Activity	Reason for Activity	Vendor	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22
GW / SW Testing - Mill Site	As required by Ministerial Order	Dillon	\$ 5,050.00			\$ 5,050.00			\$ 5,050.00
Effluent Testing	As required by Ministerial Order	Bureau Veritas Lab	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Ambient Air Maintenance/Calibration	As required by Ministerial Order	Ferro Environmental				\$ 2,650.00			
Ditching around Canso	Waste Water Treatment								
Waste Water Treatment			\$ 105,000.00	\$ 244,200.00	\$ 244,200.00	\$ 97,680.00	\$ 97,680.00	\$ 146,520.00	\$ 195,360.00
Environmental Insurance	As required by Ministerial Order								
Mill Waste Water Operations Costs			\$ 115,050.00	\$ 249,200.00	\$ 249,200.00	\$ 110,380.00	\$ 102,680.00	\$ 151,520.00	\$ 205,410.00
Cash Cost (incl HST)			\$ 132,307.50	\$ 286,580.00	\$ 286,580.00	\$ 126,937.00	\$ 118,082.00	\$ 174,248.00	\$ 236,221.50
<b>Environmental Assessment</b>									
EARD and Terms of Reference	EA Process	WSP		\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 25,000.00	\$ 25,000.00	
Marine Geotech	EA Process								
Marine Ice Scour	EA Process								
Marine Pipeline Design	EA Process	Makai							
Land based Pipeline Design	EA Process	Wood							
Receiving Water Study (RWS)	EA Process	Stantec							\$75,000
Baseline Marine Conditions	EA Process	Stantec							
Effluent Characterization	EA Process	Stantec							\$50,000
Air Dispersion Modelling	EA Process	Stantec							
Baseline Fish Tissue Testing	EA Process	EcoMetrix							
Baseline Phytoplankton/Zooplankton	EA Process	EcoMetrix							
Baseline Benthic and Sediment	EA Process	EcoMetrix							
Toxicity Testing on Key Marine Species	EA Process	Toxicity Testing							
Wetland Studies	EA Process	Dillon							
Flora/Fauna Studies	EA Process	Dillon							
ETF Detailed Design Engineering	EA Process	KSH Engineering		\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$100,000
PLFN Country Food Survey	EA Process	TBD							
HHRA	EA Process	EcoMetrix							
GW/SW Testing	EA Process	Dillon							
Report Writing	EA Process	TBD							\$25,000
EA Review Panel Support	EA Process	WSP							
Contingency - 10%	EA Process		\$ -	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00	\$ 4,500.00	\$ 4,500.00	\$ 25,000.00
Environmental Assessment Costs			\$ -	\$ 77,000.00	\$ 77,000.00	\$ 77,000.00	\$ 49,500.00	\$ 49,500.00	\$ 275,000.00
Cash Cost (incl HST)			\$ -	\$ 88,550.00	\$ 88,550.00	\$ 88,550.00	\$ 56,925.00	\$ 56,925.00	\$ 316,250.00

