

November 8, 2019
Minister Gordon Wilson
Nova Scotia Environment

Re: Northern Pulp's Proposed Replacement ETF

Dear Minister Wilson,

I am writing to share my very serious concerns about Northern Pulp's proposed replacement Effluent Treatment Facility, and to ask the Minister to reject this project. Northern Pulp has not fulfilled multiple requirements of the TOR, has again presented information which is incomplete and, in many cases, inaccurate. Serious risks are not addressed, are misrepresented or downplayed.

I live in River John, 30 minutes from the proposed outfall in Caribou Harbour. When I moved to this area, I chose River John because I wanted to live close to the water, but I also wanted to avoid the air pollution closer to the mill. I believe a healthy environment is an essential foundation on which to build healthy lives and a healthy economy. It seems that becomes truer and more essential every day.

I have chosen to focus on these issues in my submission. They are not my only concerns.

1. Black liquor spills may compromise new ETF, leading to release of effluent which would not meet federal or provincial regulations.
2. Risks of Mercury on adjacent Canso Chemicals site must be fully evaluated before the project can be approved.
3. Northern Pulp has not met the requirements of the TOR in multiple instances.
4. The conclusion that the project will cause no significant residual harm to anything because any negative impacts will be mitigated is not meaningful or credible
5. Northern Pulp non-compliance with Industrial Approval and provincial regulations
6. Barriers to public participation in the EA process
7. Misrepresentation of basic facts

- 1. Black liquor spills: The need to determine whether they could compromise the effectiveness of the AST system, resulting in release of effluent into the Northumberland Strait which would not meet federal and/or provincial regulations.**

Given the information provided in Addendum 2.0, there appears to be no argument that significant black liquor losses take place at NPNS. The 2015 Industrial Approval, "requires daily testing and reporting of incidents where COD levels are more than double the benchmark of 1900, "indicating that an incident outside of normal operations has occurred." (Addendum 2.0) "The intention of this IA condition was to drive continuous improvement in black liquor losses

at NPNS.” “(KHS Consulting, Addendum 2.0, p. 3). It appears that these “incidents outside of normal operations” continue to occur, according to information in Addendum 2.0.

However, Addendum 2.0 contains no information about the frequency of these incidents, or the levels of COD measured at these times. There is also no information provided on results of the required daily COD test results that are less than two times the 1900 mg/l benchmark, i.e. up to but less than 3800 mg/L.

The issue of black liquor spills is both recognized and unresolved at NPNS. It arises from conditions in the mill itself. KHS states, “... the BHEFT (Boat Harbour Effluent Treatment Facility) provides effective treatment even during upset conditions.” Academic literature indicates that the same is not true of the impact of black liquor spills or upset conditions on AST systems. This is not my area of expertise, and I am not going to attempt to interpret the literature. But it is clearly a recognized issue that has been the subject of concern and study.

Before this project is approved, it is necessary to evaluate the potential impacts of these black liquor spills, (aka upset conditions, process interruptions or incidents outside of normal operation) on the operation of the proposed new ETF including the live bacteria that are essential to the effective operation of the AST system. A compromised ETF system could result in the release of untreated, or under-treated effluent that would not meet PPER and/or provincial regulations and could cause significant and irreversible harm to Caribou Harbour and the Northumberland Strait. This issue has not been discussed at all in the EARD or Focus Report. Although the issue of high levels of COD has been flagged in Addendum 2.0, the section only looks at whether NPNS can reduce COD levels to the levels required by the Industrial Approval. (NPNS does not provide any data to indicate that they can.) But even in the event average annual COD is reduced, that does not rule out the possibility that peak events caused by upset conditions may take place.

Northern Pulp often says that with the new system, no untreated effluent will leave the mill site. That is only true if the new ETF is not compromised, and if any problems with the effectiveness of the system are caught in a very timely way, before effluent leaves the plant on its way to the Northumberland Strait. Prevention, timely identification and timely response are critical.

Northern Pulp’s record in timely identification of problems is poor. Although NPNS’s Industrial Approval requires 24/7 flow monitoring which immediately notifies the company of a leak, as recently as October 2018, an effluent pipe leak was not detected by the company but by a neighbor walking their dog. The investigation of the circumstance of that leak to determine why there was no timely identification have not yet been made public. The IA requirement for monitoring and preventive action to avoid effluent pipe leaks was clearly also ineffective.

In the case of black liquor losses, until this time, lack of timely identification of the problem did not compromise the BHETF, at least to the extent that PPER and provincial regulations have continued to be met. (KHS Consulting, Addendum 2.0, p. 3) Addendum 2.0 shows that the

prevention of such incidents at NPNS has not yet been achieved, although the issue has been identified for years and arises from existing practices at NPNS, which will not change with the introduction of a new ETF.

For whatever reason, the problem is ongoing. There must be a full understanding of how black liquor spills or process interruption events impact the new AST system, or its components, such as the MMBR system, in order to determine whether the system could be compromised in these circumstances, resulting in potentially undetected release of untreated, or insufficiently treated, effluent into the Strait.

Conclusion 1: In TOR 2.3, NPNS is required to assess the appropriateness of the proposed treatment technology under normal conditions. The issue of black liquor spills is a different, but related issue. Black liquor spills are not normal conditions, but they appear to be common enough at NPNS to require a specific IA condition to address the situation.

Before the Minister can approve this project, there needs to be a complete evaluation of the potential impacts on the effectiveness of the proposed new treatment technology during and after “upset conditions,” and into all measures that are needed to provide 100% assurance that untreated or undertreated effluent will not reach the Northumberland Strait for undetermined periods of time. The viability of this system for this company given existing mill equipment and practices is not a settled question. For this reason, among others, I ask the Minister not to approve this project.

2. Risks of Mercury on adjacent Canso Chemicals site must be fully evaluated before the project can be approved.

I raised the issue of potential environmental and health risks from mercury on or from the Canso Chemicals site adjacent to the location of NPNS’s proposed new ETF in my earlier response to Northern Pulp’s proposal. My concerns were not addressed in the Focus Report. Northern Pulp’s sole response to this issue, raised in multiple public comments, is that “Monitoring will be conducted as part of construction. Contingency plans will be in place to address contaminant if identified.” ((Appendix 1.1, multiple places.)

This is an unacceptable response to a potentially very serious environmental risk. The proposed construction of the new ETF would be very close to a site known to be highly contaminated with mercury. No evaluation of the present condition of mercury on or near the site has been presented in the original EARD or the Focus Report. There has been no evaluation to determine whether the mercury is present in groundwater that could be disturbed or redirected by construction, or even whether mercury has moved over the past 20 years and is present on the NPNS site. There has been no attempt to address potential risks that could arise from construction or operation of the new facility due to acknowledged mercury contamination in close proximity. Nor has there been any attempt to identify measures that must be taken to minimize risks. The acknowledged presence of large amounts of mercury in bedrock, and in test water wells on the adjacent site, should require that this issue be addressed prior to approval of the project.

Key Facts:

- The NPNS proposed replacement ETF is in close proximity to the site of the now-decommissioned Canso Chemicals plant.
- Mercury has seeped into the bedrock on the decommissioned site, but could not be excavated and placed in the landfill because of its depth – eight metres -- and because of the risk of disturbing and spreading the contamination.^{1 2}
- According to the Canso Chemicals Decommissioning Report, “there is potential for it [mercury] to dissolve into groundwater and migrate towards Pictou Harbour” which lies only 700 metres away.
- A diagram of the proposed ETF, on page 77 of the EARD, Section 1-7, shows the clarifiers and the activated sludge basins with depths of seven metres and greater very close to the former Canso Chemicals site.³
- Mercury concentrations in test wells on the decommissioned site have exceeded 8 ug/litre, 300 times greater than the CCME freshwater guideline, and 500 times greater than CCME marine environment guideline.⁴
- No monitoring for mercury is being done on the Northern Pulp property that is adjacent to the contamination at the Canso Chemicals site and on the projected path of the mercury plume, according to NSE spokesperson Adele Porier.⁵
- NSE has accepted a site-specific mercury guideline of 60 ug/L. This means NSE would not be notified unless on-site testing showed mercury levels higher than 60 ug/L,⁶ – 2000 times higher than the CCME freshwater guideline and 3700 times higher than the CCME marine guideline.
- Results of monitoring done for provincial compliance are not available without a freedom of information request; the public is not entitled to know whether the mercury contamination on the site has changed over the past 20 years.⁷

Queen’s University Professor Peter Hodson is a fish toxicologist who has assessed the extent of mercury contamination of fish in the St. Lawrence River at Cornwall. Journalist Joan Baxter discussed the mercury contamination at the Canso Chemicals site and the proposed construction of a new ETF by Northern Pulp close to that site with Professor Hodson.⁸ Hodson noted that there are important questions to be answered at the planning stage of a development when there is known mercury contamination in close proximity. Among these, Hodson pointed to the need to understand how construction

¹ Joan Baxter, Nova Scotia Has a Mercury Problem, April 9, 2019, Halifax Examiner, <https://www.halifaxexaminer.ca/province-house/nova-scotia-has-a-mercury-problem/#Contamination%2520at%2520Canso%2520Chemicals>, attached

² Canso Chemicals Decommissioning Report, submitted by Ecojustice in response to NPNS EARD

³ Baxter, *ibid*

⁴ NG News, June 6, attached, <https://www.ngnews.ca/news/local/what-we-know-about-mercury-at-abercrombie-point-318884/>

⁵ Baxter, *ibid*

⁶ *ibid*

⁷ *ibid*

⁸ *ibid*

of any new facilities in the area would affect surface penetration of water and groundwater flow rates and directions.⁹

Baxter lists some specific information gaps and questions that Professor Hodson suggested need to be addressed at the planning stage of the NPNS proposed project.

- There was no estimate made of how much residual Hg [mercury] was in soil or bedrock underneath the chlor-alkali cell. Without such an estimate, it is difficult to have any confidence in models predicting future movement of Hg from the site. If the Hg has penetrated deep into fissures in bedrock, and there are deep pathways for groundwater flow, what is the total movement of Hg off-site at all depths, and is any Hg migrating vertically (up or down)?
- The groundwater surveys (flow, Hg concentration) were made within a few years of dismantling and excavating the site. How much has groundwater flow changed in response to these surface disturbances and to subsequent re-vegetation? Is the model still valid?
- The monitoring of Hg in groundwater demonstrated that one sample well (W-4) was particularly contaminated. However, the [Dillon] report included a recommendation that this sampling well be closed (p 49)! This seems counter-intuitive if the intent of long-term monitoring is to track Hg concentrations over time.
- Was a long-term monitoring program implemented and are the results available? Has the database of groundwater flow and Hg concentrations and overall assessment of risks been updated to reflect the two decades of Hg movement since the last studies? Is monitoring well W-4 still sampled? [For unknown reasons, sampling was stopped on well W-4, which showed high levels of mercury contamination.]
- Have surveys been done of soil and groundwater Hg concentrations around the sludge-disposal sites, and are there groundwater wells that are sampled regularly? Even though these sites are described as 'secure,' they can age and start to leak due to frost damage, disturbance by animals, and construction or maintenance activities.¹⁰

Conclusion 2:

- There is critical baseline information missing on this issue, which could result in significant harm to human health and to the environment. In spite of the documented presence of high levels of mercury in close proximity to the planned construction, Northern Pulp has not conducted, and Nova Scotia Environment has not to date required, any evaluation of the potential risks from mercury from

⁹ Ibid, p. 22

¹⁰ Ibid

construction and operation of the proposed new ETF. None of the above questions have been answered.

- The Minister cannot approve the proposed new ETF before this issue is fully examined and the results available for public examination and comment, as part of the decision making process for the proposed new ETF.

3. Many TOR requirements have not been met.

The Terms of Reference for the Focus Report were developed to fill critical gaps in Northern Pulp's EARD, and provide the Minister with information required to determine whether the project could be approved. Northern Pulp has not provided the information required by the TOR for most of the points I have reviewed. This is the second opportunity that NPNS has had to provide critical information. They submitted the Focus Report six months earlier than they were required to, yet there continue to be significant information gaps on critical questions.

1. TOR Introduction:

During the preparation of the Focus Report, it is strongly recommended that NPNS continues to engage with relevant stakeholders and the Mi'kmaq, including Pictou Landing First Nation, and to share relevant studies and reports.

No studies or reports were shared with the public, even after the Fishermen's Working Group wrote to Northern Pulp requesting that they share any completed studies and reports. At that point in time, Northern Pulp stated on their website that they were 90% finished with the Focus Report work, and that a number of studies were complete. Northern Pulp did not respond in any way to the request. As a result of Northern Pulp not complying with this "strong recommendation," the public was disadvantaged by having to read and respond to almost 4000 pages of documentation in 37 days.

2. TOR 1.1 Provide a response (via a concordance table) to questions and comments raised by the public, Mi'kmaq and government departments, and incorporate these comments in the Focus report where applicable. Comments may be summarized prior to providing the response.

Northern Pulp has not fulfilled this requirement. I will provide just one example. I submitted two questions about ice risks to the marine portion of the pipe. This question was asked many times in the Concordance table. The response given is "Refer to section 3.5 for comments concerning pipeline leak detection and enhanced pipeline protection options." There is no discussion about the marine pipe in section 3.5. The section explicitly excludes the marine portions of the pipe from the options discussed for leak protection.

3. TOR 2.2: Conduct geotechnical surveys and provide the survey results to confirm viability of the marine portion of the pipeline route. The surveys must determine the potential impacts of ice scour on the pipeline.

a) There is still no specific marine pipe route determined. The only specific information presented are the co-ordinates for the start point (which is contradicted by information in another section of the Focus Report saying the exact point has not been determined),

and the end point. Aside from that information, there is a 200m wide corridor which has been surveyed. Northern Pulp has provided no hard information about the location of the marine pipe route. Without this information, the viability of the marine route cannot be determined.

b) The survey information was gathered at one time in one year. Ice scour information from that survey is described by CSR as coming from the winter of 2018-2019. It is also described as being measured from the top of infill of the scour; thus, it does not represent the full depth of the scour impact.

Evaluation of the survey results does not include the potential risks to the marine pipe from the pressure of ice grounding in an area of 7,000 square metres (70m x 100m) identified in the survey. Standard practices, reflected in the report of Makai Engineering, state that historical data must be considered. Information earlier presented by Stantec, citing the case of an MT&T cable severed at depths of 18 metres, points to the fact that ice evaluation is not always accurate, and that scouring can happen at much greater depths than predicted. This information from Stantec was omitted from the Focus Report. The viability of the marine portion of the pipe cannot be determined on one year's survey data. It must be determined on a worst-case scenario basis. What has been confirmed by the survey is that ice scour and ice grounding is common in the exact area of the proposed marine pipe and that the viability of a marine pipe is highly questionable.

4. *TOR 2.3 Submit data regarding the complete physical and chemical characterization of NPNS's raw wastewater ... and TOR 2.4 Submit a complete physical and chemical characterisation of NPNS's expected effluent following treatment by the proposed technology.*

I was interested to look at this information, as the lack of complete physical and chemical characterization of the raw, and especially the treated wastewater, was a key omission in the original EARD. Knowing the full effluent characterization is critical to being able to evaluate the potential impacts on marine life, the environment and human health. Appendix 2.3 is a document of 541 pages. It has no table of contents. I attempted to find the pages which provided a complete characterization of the treated effluent but could not. I found one section that provided part of the characterization in one place, and another section that provided another part many pages further on. Clearly, I was going to have to spend many hours just looking for the data, then compiling it myself to determine whether it appeared to be complete. I did not have the time to do that, so I cannot comment on whether this requirement was fulfilled. I can comment on the fact that if this information was provided, it was done in a way that was extremely difficult to access. There is no valid reason for the absence of a Table of Contents and well organized, easy to find information on such a critical question.

5. *TOR 2.5: Provide any proposed changes to the pipeline construction methodology and other associated pipeline construction work, related to the potential changes to the*

marine portion of the pipeline route (e.g., infilling, trenching, temporary access roads, excavation, blasting, disposal at sea, and others where applicable).

Northern Pulp has not fulfilled TOR 2.5. None of the above questions have been answered. Appendix 2.5 is an opinion from Makai Ocean Engineering. Makai states, "This report provides an opinion of the **likely** construction methods and design features of the pipeline, **based on the available data and standard practices for marine pipelines.**" They further state, "**The exact method used for dredging will be determined by the selected marine contractor based on schedules, costs, and available equipment resources.**" (emphasis mine)

There is no plan for what dredging method will be used; options are discussed. There is no plan for how excavated material will be dealt with during construction; options are discussed. There is no plan for how spoils will be dealt with; options are discussed. The existence of spoils is minimized, which is unrealistic given the volume required for a 36" diameter pipe extending for 4 kilometers. There is no discussion about whether disposal at sea will be required. There is no decision about how the trench will be finished, maybe it will be graded, maybe it will be left as is, maybe some armour rock will be used in some places. There is no discussion about how soil with exceedences of arsenic and other contaminants will be handled. No decision made about whether blasting is needed, only the statement that blasting will be "very unlikely." Northern Pulp has not provided definitive answers to any of the questions in TOR 2.5. The requirements of TOR 2.5 have definitely not been met.

6. TOR 3.2 *Provide flow data for Point A*

Northern Pulp states that they do not have accurate flow data for Point A. Their effluent flow estimates are based on flow data at Point C, which means the effluent estimates are not accurate. Northern Pulp has not met this requirement.

7. TOR 3.2 *If the 85,000 m³ cannot be justified based on historical data, identify water reduction projects, or re-evaluate the treatment system design and update the receiving water study accordingly.*

Since the historical data is based on point C, not point A as required, one could assume the numbers cannot be justified. The only water reduction project proposed in Appendix 3.2 is one which will run only in the summer months and is said to reduce water use in those months by 5,000 cubic metres daily. It appears that to meet the limit of 85,000 cubic meters, some water reduction during summer months is necessary, because summer usage has been consistently over 85,000 cubic metres. I find it interesting that Northern Pulp has chosen to use this equipment only to reduce water use for the months in which they would exceed their effluent capacity, rather than choosing to use it to reduce water use year round. It appears that Northern Pulp is not interested in reducing water use beyond the minimum reduction required.

8. TOR 3.5 *Provide the following information regarding the effluent pipeline:*

- *Provide viable options **including the selected option** for leak detection technologies and inspection methodologies, with specific consideration to any portion of the pipeline located in the Town of Pictou's water supply protection area.*
 - a) Northern Pulp has provided a number of options, but they have not specified a selected option for leak detection and inspection for the on-land portion of the pipe. They state that the leak detection methodology would be one of three options presented.
 - b) Section 3.5 is titled Effluent Pipeline Leak Detection. However, there is no leak detection technology or inspection methods presented for the marine portions of the effluent pipeline. Discussion in 3.5 refers to "A leak detection system... to monitor for potential leaks **in the overland portion of the route between Pictou and Caribou.**" Questions in the Concordance Table relating to the risk of leaks in the marine portion of the pipe receive the response, "Refer to section 3.5 for comments concerning pipeline leak detection and enhanced pipeline protection options." However, the marine portions of the pipeline are explicitly excluded from Section 3.5.

On both these points, Northern Pulp has not fulfilled the requirements of TOR 3.5.

9. TOR 3.6 *Clarify where the potential releases of waste dangerous goods at the Project site will be directed for treatment and/or disposal. It is important to note that the new treatment facility is not proposed to treat waste dangerous goods based on the information provided in the EARD and requirements of NSE.*

Section 3.6 answers this question in relation to specific sites where spills might be predictable. However, this does not appear to fully answer the question. From what I have learned from people who have worked at Northern Pulp, it appears that all or most of the drains in the main plant, parking area, and wood yard, lead to the effluent stream. During plant shut downs, drainage or cleaning of mill systems and pipe lines containing many hazardous chemicals go directly into the drains, becoming part of the effluent stream and ending up in Boat Harbour ETF. Oil or gas spills in the parking lot and drains in the wood lot are also directed into the effluent stream and end up in Boat Harbour.

I assume these would fall into the category of waste dangerous goods referred to in TOR 3.6. It would appear that these sources of waste dangerous goods may not be covered by the "Spill Prevention" measures outlined in Northern Pulp's response to TOR 3.6, as they are not "spills" as such. It is unclear whether effective measures are in place to prevent these materials entering the effluent stream, and potentially compromising the AST system itself, or ending up in the Northumberland Strait.

Note: it is concerning to read in the Concordance Table the comment of a NS government department that waste dangerous goods from Northern Pulp have been part of the effluent stream, and sent to the Boat Harbour Effluent Treatment Facility for years, in spite of the fact that it has been recognized that "Northern Pulp has not been in compliance with the Dangerous Goods Management Regulations as the BHETF is not Approved to accept and/or treat dangerous or waste dangerous goods."

10. TOR 10.1 *Complete an Archaeological Resource Impact Assessment for the marine environment related to the Project.*

The Focus Report contains a summary of work done for the Archeological Resource Impact Assessment. However, Appendix 10.1, Archeological Resource Impact Assessment, does not include the report submitted to CCH, so the public has not been able to review the information provided to CCH by Northern Pulp to determine its accuracy. Appendix 10.1 contains only a letter from Nova Scotia Communities, Culture and Heritage to Dr. Fred Schwartz of Stantec saying, "We have received and reviewed your final report ... CCH staff finds the report and associated recommendations acceptable as submitted."

11. TOR 11.1 *Complete a Mi'kmaq Ecological Knowledge Study (MEKS) for the Project*
Section 11.1 of the Focus Report states, "A MEKS was completed between May and July 2019. (p. 188) Appendix 11.1, titled Mi'kmaq Ecological Knowledge Study, contains only a letter from Membertou Geomatics Solutions stating that drafts of the report have been submitted to KMKNO for review. The Mi'kmaq Ecological Knowledge Study Report itself is not included in Appendix 11.1. This means the public has not been able to review the information contained in the MEKS.

12. Addendum 1.0 *Provide information regarding whether and when new technology and equipment will be installed at the NPNS pulp mill to improve the effluent quality, including but not limited to the following:*

- *Will O2 delignification be installed at the NPNS pulp mill?*

NPNS states that O2 delignification will be installed, but gives no firm date. They also state, it "will be managed as a separate project to be undertaken after the ETF project is completed. This project is a significant capital expenditure for the mill and an implementation schedule has not been determined at this time."

Northern Pulp has not answered the "when" part of the question, except to clarify that **it will not be undertaken** as part of the proposed ETF, but after that project is completed. Without a firm when, the question of whether O2 delig will be installed remains an unanswered question. Northern Pulp has not complied with this TOR.

13. Addendum 2.0 *With respect to the effluent discharge parameters:*

- *Provide data to support assertions that chemical oxygen demand (COD) can be reduced to the proposed limit.*

Northern Pulp provides a table showing COD levels are decreasing, and a list of changes that have contributed to those decreases over a number of years. Besides the table, the Addendum provides only this information: "NPNS has made significant continuous improvements in untreated effluent quality realized in part by in-mill improvements undertaken by Paper Excellence Canada since it purchased the mill in 2011" and lists some of those improvements, including the item, "Continuous Improvement Activities (ongoing)."

No details are provided about any specific plans that would lead to reductions in COD. There is no data to support the assertions. The report that is said to be attached is not attached.

These are the sections of the TOR I have studied. In these 13 areas, with the possible exception of unlocated information about full effluent characterization in Appendix 2.3 , and the possibility that the response provided about waste dangerous goods does cover all the issues mentioned, Northern Pulp has not fulfilled the requirements of the TOR in any of these sections.

Conclusion 3: Due to the many instances where NPNS has not provided the information required under the Terms of Reference, I ask the Minister to reject this project.

4. The conclusion that the project will cause no significant residual harm to anything because any negative impacts will be mitigated is not meaningful or credible

Northern Pulp's ultimate conclusion that no significant residual harm will be done, because any negative impacts will be mitigated is not meaningful or credible. There is no assessment as to what the actual effects over 20 years or more of operation might be. No science is provided to determine the actual harms that might be done; any possible studies of the effects on fish, for example, are put off to a later date. Even then, there is only a commitment to the feasibility of doing a study on the effects of pulp effluent on lobster. There is no science presented to establish that the effects are mitigable, and there are no plans for how any specific effects might be mitigated. Without any substantive information, these claims cannot be given any weight, nor can the conclusion that the project will not result in any significant, irreversible harm or adverse effects. On the other hand, there is both credible information and past experience, at Boat Harbour, and at other pulp and paper mills, as well as the results of EEM monitoring, which show that even when meeting PPER regulations, harm is being done by 70% of pulp and paper mills in Canada.

5. Northern Pulp non-compliance with Industrial Approval and provincial regulations

The Focus Report revealed the interesting fact that Northern Pulp is non-compliant with at least one condition of its Industrial Approval and one provincial regulation. The two examples mentioned were that NPNS uses Boat Harbour ETF to dispose of Waste Dangerous Goods, contrary to the Dangerous Goods Management Regulations and that NPNS does not keep flow data for Point A as required by its IA.

Conclusion 5: This casual approach to IA conditions and provincial regulations, as documented in the Focus Report, should be a warning to the Minister that it would be unwise to deal with all of the issues that have not been answered in this Focus Report by granting an approval with conditions.

I request that the Minister decisively reject this option.

6. Barriers to public participation in the EA process

There have been significant barriers to public participation in the EA process, including at this latest stage. Northern Pulp ignored the strong recommendation of NSE to share information with the public as it was completed. The Focus Report documents were not only lengthy, they were poorly organized which increased the difficulty of finding information and the length of time needed to do so. Appendix 2.3, Characterization of Effluent, a 541-page document with no table of contents, is just one example. There were also numbers of missing documents, some of which have been noted above.

With 4000 pages of information dumped at one time, and an inadequate period of 37 days to digest it, this created additional barriers to public participation and compromised the Environmental Assessment process. .

Conclusion 6: Given the missing documents in the Focus Report, the Minister cannot approve this project.

7. Misrepresentation of basic facts

I cannot conclude without mentioning how disturbing it has been to see what can only be described as deliberate misrepresentation of basic facts about where fishing takes place, and where fish are present. The EARD and Focus report are not the first times this has happened. At the first Open House more than a year ago, Northern Pulp's consultants claimed there was no fishing in the Pictou Harbour area where the first outfall was planned. They were firmly corrected by fishers, who explained that this is exactly where intensive fishing takes place. Northern Pulp continued to deny that fishing took place in the area where they wanted to place that outfall. Now the proposed outfall is in a new place, and magically, according to Northern Pulp's diagrams, no fishing takes place there either, and fish, rock crab and lobster avoid the area in a 2 km radius of the diffuser.

Conclusion 7: The misrepresentation of such basic facts should throw into question both the good faith intentions of NPNS, and the credibility of the entire EARD and Focus Report. This behavior speaks to an increased likelihood of significant environmental harms and adverse human health effects if this project is given approval.

CONCLUSION:

If Northern Pulp's proposed replacement ETF would truly do no harm to the waters and the valuable fisheries of the Northumberland Strait, and the people of the area, Northern Pulp would not need to misrepresent where the fisheries exist or where the proposed effluent pipe lies in relation to the marine refuge area. They would provide clear and complete answers to the TOR, and to questions from the public. They would welcome public engagement in the environmental assessment process. They would not need to hold back reports until the last minute, and make critical facts difficult to find in thousands of pages of documents, some without tables of contents.

Northern Pulp's Focus Report is our modern-day version of 1967, when the Chief and councillor from Pictou Landing First Nation were shown water coming from a water

treatment plant that had not yet begun operating and told, this is an effluent treatment plant, this is what the water going into Boat Harbour will be like. The Focus Report uses many, many words to convince us of the same thing, that the proposed new ETF is benign, just as was done to representatives of Pictou Landing First Nation in 1967.

This community is not likely to be fooled again. I have read a number of submissions written by professionals in many fields, by fishers and community members. Together we have presented you with facts about the waters, the ice, the fisheries, the tides, the chemicals in effluent and much more, to establish that Northern Pulp's assertions are not credible, and that the proposed project will harm the eco-system of Caribou Harbour and beyond, and the fisheries and tourism industries that are vital to our communities and to the province.

The people of this area know the fisheries, the tides and the waters of the Northumberland Strait. We not only know them, they sustain us, and we are determined to protect them. Northern Pulp has not proven that this project can be done without significant, long term harm to the environment, and adverse effects to human health. I believe that the information submitted will show clearly that if this project is allowed to proceed, very serious and widespread harm will be done.

Minister Wilson, I ask you to please reject this proposal.

And finally, while I recognize that this decision is not in your hands alone, I ask your government to continue to Honour the Boat Harbour Act. The actions of Northern Pulp in the years since the Boat Harbour Act was passed, and in this Focus Report, should not be rewarded with an extension. Northern Pulp is responsible for their own actions.

Sincerely,

Barbara Harris
River John, Nova Scotia

Attached:

Joan Baxter, Nova Scotia Has a Mercury Problem, April 9, 2019, Halifax Examiner,
<https://www.halifaxexaminer.ca/province-house/nova-scotia-has-a-mercury-problem/#Contamination%2520at%2520Canso%2520Chemicals>,

Brendan Ahern, What We know about Mercury, NG News, June 6, 2019

<https://www.ngnews.ca/news/local/what-we-know-about-mercury-at-abcrombie-point-318884/>

