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Nova Scotia Environment  
Environmental Assessment Branch  
P.O. Box 442  
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**Re: Replacement Effluent Treatment Facility (ETF) Project for Northern Pulp**

I am a resident of the Town of Pictou who is very concerned about Northern Pulp's Environmental Assessment (EA) application. After reviewing the company's application documentation, I remain wholeheartedly opposed to the proposal because i) many aspects of the proposal are inconsistent with the principles of sustainable development that are supposed to be protected with the *Environment Act*, ii) the information provided in the documentation is misleading, and iii) there is a lack of trust that, if approved, Nova Scotia Environment has the capacity to monitor and enforce compliance with regulations. Each of these points will be addressed separately below.

- i) The proposal is inconsistent with the principles of sustainable development protected by the *Environment Act*.

The proposal is inconsistent with the principles of sustainable development that are supposed to be protected with the *Environment Act*. In particular, the absence of critical information in the application documentation suggests that the precautionary principle identified in Nova Scotia Environment's Guide to the Environment Act (<https://www.novascotia.ca/nse/ea/docs/EAActGuide.pdf>) ought to outweigh any other consideration. According to the precautionary principle, an activity whose effects are disputed or unknown should be avoided, and therefore, the proposal ought to be rejected because:

- The final characteristics of the effluent are admittedly **unknown** by Northern Pulp and will remain **uncertain** until the new treatment system is up and running as indicated in Section 9.0 Human Health Evaluation, page 502,

“there is presently uncertainty regarding the likely chemical composition and characterization of the marine treated effluent discharge (including the potential concentrations of substances in the effluent”

- The proposal does not include lobster larvae tests or tests on herring spawning grounds, thereby indicating these effects are **unknown**. This is a particularly glaring omission

given that these tests were specifically requested by those directly affected by potential negative effects of the effluent.

- The proposal does not mention the known mercury contamination in the soil and bedrock proximal to the proposed new treatment plant and basins, nor does it acknowledge the potential for disturbing the mercury contamination during construction. (Baxter, J., The Canso Chemicals mystery: With the chemical plant long gone, why is the company still alive? And what about all that mercury pollution?, *Halifax Examiner*, March 7, 2019, <https://www.halifaxexaminer.ca/province-house/the-canso-chemicals-mystery-with-the-chemical-plant-long-gone-why-is-the-company-still-alive-and-what-about-all-that-mercury-pollution/>). Yet, Section 2.5.2 (p.15) of the proposal explicitly identifies that siting decisions of the treatment facility were made with consideration for sensitive environmental features and that mitigation and compensation measures were developed where avoidance was not possible.

“NPNS has emphasized project design and siting so that the location and configuration of the project facilities considers the above measures wherever possible so as to avoid or minimize the potential environmental effects of the project. To the extent possible, project facilities have been sited to avoid and reduce interactions with watercourses, wetlands, areas of elevated archaeological potential, and other sensitive environmental features. Where avoidance was not possible, mitigation or compensation measures have been developed as part of the EA, and will be implemented in consultation with the applicable regulatory authorities.”

It is a gross oversight that the potential disruption of mercury contamination has not been addressed in the proposal and one can conclude that, on the basis of this proposal, the potential risk of mercury disturbance that, while present, is **unknown**.

- Northern Pulp has exhibited a poor track record with their current pipe, experiencing a number of breaks and leaks in recent years. Northern Pulp’s inability to effectively maintain the integrity of their equipment over time would suggest that the ability of the company to prevent environment damage from effluent pipe breaks in the future is **uncertain** at best, not in keeping with the precautionary principle, and, therefore, too risky a prospect.
- Finally, the new effluent treatment system requires burning sludge, but the proposal does not indicate additional pollution abatement equipment that will be a part of the power boiler stack to minimize environmental impacts of burning something with **unknown** characteristics. This lack of information is particularly troubling given Northern Pulp’s historical problems with the power boiler pollution filtration and the limited stack testing currently required. Furthermore, while Northern Pulp has had permits for test burns of sludge in the past, those test burns offer no assurance the sludge burning with the new system would be safe since effluent processing is entirely different and the sludge will be different given that it will undergo less ‘polishing’.

ii) Some of the information provided in the application is misleading.

Some of the information provided in the application is misleading, specifically with respect to the quality of effluent that will result from the new treatment facility.

- First, in the public information sessions presented by Northern Pulp in December 2017, the effluent quality promised was contingent on Northern Pulp installing an oxygen delignification system. The proposal has been revised since the plans presented in 2017, but the promise of improved effluent quality remains despite oxygen delignification not being part of this proposal. If oxygen delignification is required to achieve the predicted effluent quality as promised, why is it not included in the proposal? And, if the proposal is assessed at face value and approved based upon predicted effluent quality dependent upon oxygen delignification, but oxygen delignification is not proposed, can the facility proceed and have poorer quality effluent as a result?
- Second, Northern Pulp's promise of improved effluent quality is misleading based upon the company's own admission in internal communication. Despite publicly claiming the effluent will be better, internal documents acquired by environmental lawyer Jamie Simpson acknowledge that it will, in fact, be worse due to losing the 'polishing' time that Boat Harbour affords. (Jamie Simpson's interview with CBC Information Morning can be accessed here: <https://www.cbc.ca/listen/shows/information-morning-ns/segment/15672343>)
- The two points above refer to promises by Northern Pulp that effluent quality will be improved. Yet, as previously indicated, by the company's own admission, the actual characteristics of marine effluent are unknown. Therefore, it is challenging to understand how a promise of improved effluent quality can be made, if the effluent characteristics are uncertain.
- In addition, Emma Hoffman, the author of one study cited by Northern Pulp in their EA proposal has recently responded to the interpretation of their work within the EA document and have explicitly stated that Northern Pulp has misrepresented its scientific contribution, thereby raising concern about the representation of other studies included in the proposal (Pannozzo, L., Dalhousie researcher breaks silence over pulp mill's cancer-causing air emissions, *Halifax Examiner*, March 7, 2019, <https://www.halifaxexaminer.ca/province-house/dalhousie-researcher-breaks-silence-over-pulp-mills-cancer-causing-air-emissions/>).

iii) There is a lack of trust that, if the project is approved, Nova Scotia Environment has the capacity to monitor and enforce compliance with regulations.

- Lastly, there is a lack of trust that Nova Scotia Environment has the capacity to monitor and enforce compliance with regulations or adequately monitor the terms and conditions of this environmental assessment, should it be approved. The provincial Auditor General has identified this specific issue as a concern as recently as 2017 where his November 2017 report clearly stated that "Nova Scotia Environment is not monitoring terms and conditions attached to approved projects", (Report of the Auditor General to the Nova Scotia House of Assembly, November 1, 2017, p. 45; [https://oag-ns.ca/sites/default/files/publications/FullNov2017\\_1.pdf](https://oag-ns.ca/sites/default/files/publications/FullNov2017_1.pdf)). And, using history as a guide,

NSE has demonstrated numerous challenges with effectively monitoring Northern Pulp and enforcing the regulations it has imposed as highlighted below.

- Nova Scotia Environment (NSE) has the responsibility of creating and enforcing the rules for Northern Pulp’s current effluent pipe, yet there have been at least three pipeline leaks in recent years (2008, 2014 and 2018). And, despite increasing efforts by the regulator to improve pipeline monitoring by the company in response to the recent pipe breaks, those efforts did not result in preventing future leaks.
- The current monitoring and enforcement model employed by Nova Scotia Environment (NSE) requires companies self-report problems and breaches. More than a decade ago, in 2008, a review of NSE by the Office of the Auditor General identified this as an area of concern and recommended that,

“The Division should establish procedures to obtain objective evidence to validate the accuracy of monitoring reports received from approval holders”.

(Recommendation 3.2, <https://oag-ns.ca/sites/default/files/publications/2008%20-%20Feb%20-%20Ch%2003%20-%20Environment%20and%20Labour%20-%20Env%20Mon%20and%20Compliance.pdf>)

Yet, the 2017 Report to of the Auditor General to the House of Assembly ([https://oag-ns.ca/sites/default/files/publications/FullNov2017\\_1.pdf](https://oag-ns.ca/sites/default/files/publications/FullNov2017_1.pdf)) notes that this recommendation had not yet been addressed. As a result of failing to implement a solution per the Auditor General’s decade-old recommendation, NSE has proven to have lessened awareness of certain problems and have been unable to minimize what could be preventable environmental damage. Some examples that illustrate NSE’s limited objective oversight with respect to Northern Pulp include the following:

- Northern Pulp had problems with their power boiler scrubber identified to them by a consultant in 2006, but NSE did not become aware of the situation until 2008. Had NSE been relying on objective oversight, the problem could have been identified much sooner rather than obviously allowing the company to continue operations.
- Subsequently, NSE issued an industrial approval in 2011 despite the company failing to address their air pollution problems. The Minister of the Environment stated that NSE was unaware of the ongoing air pollution issues when the 2011 Industrial Approval was issued despite evidence to the contrary provided by NSE to the environmental group Clean the Mill (CBC News, Northern Pulp air quality monitors years behind schedule, October 7, 2014, <https://www.cbc.ca/news/canada/nova-scotia/northern-pulp-air-quality-monitors-years-behind-schedule-1.2789892>). It was not until 2012 that NSE finally issued a directive to the company to address the problem. This example illustrates a lack of communication within NSE, further reinforces the need for objective information to be used in decision making within the Department in order to prevent damage from environmental regulation violations and further justifies the decreased public trust in NSE’s ability to protect the environment.

- When the effluent pipe broke in 2014, NSE grossly underestimated the volume of effluent lost at be 4 to 5 million liters ((CBC News, Northern Pulp charged with releasing effluent into fish habitat, October 14, 2015, <https://www.cbc.ca/news/canada/nova-scotia/northern-pulp-spill-charge-1.3270154>). However, the actual volume released turned out to be 47 million liters which was only revealed in court proceedings after a federal investigation (Withers, P., Northern Pulp fined \$225K for 'toxic' effluent pipe leak, CBC News, March 23, 2016, <https://www.cbc.ca/news/canada/nova-scotia/northern-pulp-mill-effluent-leak-fine-1.3504203>). NSE has no way to independently monitor the current pipe or that proposed in this EA application not does it have the ability to validate the information reported by the company. As a result, NSE must rely on the face value of information provided by the company, a situation that has proved problematic in the past.
- Despite Northern Pulp's 2015 Industrial Approval requiring the company 'operate and maintain real time flow monitoring equipment ... designed to immediately notify the approval holder in the event of a total loss of flow or a reduction of flow below normal operating conditions', it was a member of the public that identified and reported the most recent pipe leak in October 2018. (Brimicombe, H., Northern Pulp line springs another leak, *The Advocate*, <http://pictouadvocate.com/2018/10/24/northern-pulp-line-springs-another-leak/>).
- Where Northern Pulp's information has proved inaccurate in the case of the 2014 pipe break, was missing in the case of the malfunctioning power boiler scrubber between 2006 through 2008, and the public needed to report the pipe break case of 2018, it seems unrealistic to think that NSE has the capacity to effectively monitor a new pipe and proactively limit environmental risks.
- Over the years, NSE has issued multiple directives to Northern Pulp to correct air emissions violations. Yet, these directives were ineffective at generating an immediate solution. Instead, Northern Pulp was given excessive timelines (often years) to correct problems. If a problem occurs with the proposed pipe or at the proposed new on-site treatment facility, problems need to be able to be identified and addressed immediately not with the excessive timelines we have become accustomed under the current monitoring and enforcement model. There is no amount of time that would be acceptable to fix problems that risk damaging the Town of Pictou's watershed or the commercial fishery.

In summary, I remain wholeheartedly opposed to Northern Pulp's effluent treatment proposal. Several aspects of the proposal are inconsistent with the principles of sustainable development that are supposed to be protected with the *Environment Act*. The information provided in the proposal documentation is misleading. And, finally, there is a lack of trust that, if approved, Nova Scotia Environment has the capacity to monitor and enforce compliance with regulations.

Sincerely,

Bobbi Morrison