

Nova Scotia Environment and Labour (“NSEL”)

Environmental Assessment Approval

Approval Date: *Original Dated February 1, 2005*

Wal-Mart Development

Plaza BNG Inc, Proponent

Yarmouth, Yarmouth County,
Nova Scotia

The Wal-Mart Development (the Undertaking), proposed by Plaza BNG Inc. (the Proponent) to be located in a commercially zoned area commencing approximately 250 metres northeast of the Starrs Road and Highway 101 intersection in Yarmouth, Nova Scotia, is given environmental assessment approval pursuant to Section 13(1) of the *Environmental Assessment Regulations*. The 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 Facility Construction and Operation

- 2.1 As part of the application for Part V Approval under the *Environment Act*, the Proponent shall provide for review and approval:
- an acceptable Contingency Plan that meets NSEL's Contingency Planning Guidelines (September 2004) or equivalent, and addresses accidental releases of dangerous goods or waste dangerous goods, including but not limited to, procedures for responding to incidents occurring during off-work hours (i.e. evenings, weekends, holidays);
 - a detailed site specific Erosion and Sediment Control Plan (including the drawing in Appendix B in the EA document), that maximizes the use of the remaining portion of the wetland, where appropriate, to improve drainage quality and retain wetland functions;
 - the Environmental Effects Monitoring and Environmental Compliance Monitoring Programs developed for the Site;
 - further information regarding the disposal of any excavated material from the project site. All materials must be disposed of in a manner acceptable to NSEL, the Town of Yarmouth and/or any municipality in which the material is disposed; and
 - plans for designated areas for refuelling and performing any maintenance of equipment. These designated areas must have measures in place to prevent petroleum products and other hazardous materials from impacting the surrounding environment.
- 2.2 No hazardous materials or petroleum products are to be stored on the Site unless otherwise approved by NSEL.

3.0 Water Resources

- 3.1 All discharges from the Site must meet the NSEL requirements.
- 3.2 The Proponent shall consult the Town of Yarmouth with respect to stormwater management/flooding in the Broad Brook watershed, prior to developing the EEM and ECM Programs.
- 3.3 The Proponent shall ensure that annual maintenance of the Stormceptor is conducted as per the manufacturer's instructions.
- 3.4 The Proponent shall verify that runoff flows through the Stormceptor as proposed, and that the Stormceptor capacity is adequate for its proper function.
- 3.5 The Proponent shall provided NSEL, for review and approval, details regarding stormwater discharges, to assess whether suitable measures are in place to protect surface water.
- 3.6 The Proponent shall ensure that all contractors hired to maintain the property adopt best management practices for road salt application and use of all hazardous materials.

4.0 Wetland

- 4.1 The Proponent shall, in consultation with NSEL, develop and implement an approved Wetland Compensation Plan.

5.0 Archaeological and Cultural Resources

- 5.1 The Proponent shall cease work and contact the Director, Heritage Division, Nova Scotia Department of Tourism, Culture and Heritage, and the 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 Transportation

- 6.1 The Proponent shall apply to TPW (Yarmouth area office) for a Building Access Permit, under Section 22 (1) c of the *Public Highways Act*.

Original Signed By

Kerry Morash
Minister of Environment and Labour