

HANSARD

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COMMITTEE

ON

PUBLIC ACCOUNTS

Wednesday, February 14, 2018

Legislative Chamber

Northern Pulp Environmental Assessment

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Public Accounts Committee

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Mr. Ben Jessome
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Mr. Tim Houston
Hon. David Wilson
Ms. Lisa Roberts

In Attendance:

Ms. Kim Langille
Legislative Committee Clerk

Mr. Gordon Hebb,
Chief Legislative Counsel

Ms. Nicole Arsenault,
Assistant Clerk, Office of the Speaker

WITNESSES

Department of Environment

Ms. Frances Martin -
Deputy Minister

Ms. Lorrie Roberts -
Executive Director, Policy

Mr. Paul Keats -
Regional Director



House of Assembly
Nova Scotia

HALIFAX, WEDNESDAY, FEBRUARY 14, 2018

STANDING COMMITTEE ON PUBLIC ACCOUNTS

9:00 A.M.

CHAIRMAN

Mr. Allan MacMaster

VICE-CHAIRMAN

Mr. Gordon Wilson

MR. CHAIRMAN: Good morning. I call this meeting of the Public Accounts Committee to order. We have with us this morning the Department of Environment as our witness. Our topic is the Northern Pulp environmental assessment.

We will begin with introductions, starting with Mr. MacKay. Just a reminder for everyone to ensure that their phones are on silent.

[The committee members and witnesses introduced themselves.]

MR. CHAIRMAN: Ms. Martin, I'll let you open with comments.

MS. FRANCES MARTIN: Thank you very much, Mr. Chairman. I'd like to make a few opening comments this morning. First of all, good morning everyone. With me today, as introduced, are Lorrie Roberts and Paul Keats who are here to assist, to address many questions that I am sure you will have for us this morning.

I would like to thank you very much for inviting us here to speak today about the environmental assessment process for the Northern Pulp effluent treatment plant. How we ensure that the Northern Pulp mill remains in compliance with the environmental standards and how we hold the operator to account is perhaps one of the single most important issues that we face in the department.

As you know, a new effluent treatment plant is needed to ensure that the existing one at the Boat Harbour facility can close by 2020. We do know that this is a long-awaited cleanup for the province. Both the new effluent treatment plant and the Boat Harbour cleanup projects are very important to the communities surrounding the mill, to the residents of Pictou County and the Pictou Landing First Nations. All are watching that the new effluent treatment project proceeds. We welcome their attention to this important project.

It's important to note that the Northern Pulp effluent treatment plant must be built using today's technology to ensure that we meet environmental standards. This project will likely involve a monitored point of discharge that can be evaluated and held to standard. Under the Class 1 process for environmental assessment, the proponent - in this case Northern Pulp - must do a lot of environmental assessment leg work in advance of registering a project. They must identify potential impacts to the environment and come up with plans to mitigate any adverse effects.

This takes time and it takes research. It can sometimes take proponents a year or more to do the technical work that is necessary to register a project. Once this is complete though, it generally takes 50 days for the government to hear from Nova Scotians and make a decision.

The process allows the minister several options: to approve or reject the undertaking, to ask for additional information, or to ask for a focus report or an environmental assessment report. The process allows 30 days for any interested parties to make their voices heard.

Under the Act and the Regulations, the Class 1 environmental assessment was an appropriate level of regulatory oversight for the project. Is it a shorter process than the Class 2 environmental assessment? Yes, it certainly can be, but it is no less rigorous. Once the project is registered, we will engage experts from the federal Department of Fisheries and Oceans Canada, along with many other provincial and federal experts, to provide their opinion. If more information is needed, we will ask for it. If reports are needed, we will request them.

A Class 2 environmental assessment is typically used for larger-scale projects, such as oil refineries, petrochemical manufacturing plants or solid waste incinerators. If a company were to build a new pulp and paper mill, for example, that would require a Class 2 assessment. In a Class 2 assessment, a panel is struck and conducts public hearings.

A proponent must prepare an Environmental Assessment report and has up to two years to do that. That is in addition to the government's 275-day timeline to make a decision. The closure of the existing Boat Harbour effluent treatment plant and how a new one will be designed and built has inspired a great deal of debate - I understand that. This process is designed to take public concerns into account. However, it's my job and the job

of my department to ensure that decisions are made based upon science and expert opinion. That is what the environmental assessment process is designed to do.

Nova Scotia Environment, to clarify our role, will not be designing the project for the effluent treatment plant. This is for the proponent, Northern Pulp, to do. When it is submitted for environmental assessment, the department will evaluate the proposal based upon today's stringent requirements, and the minister will make a decision on that project.

I do want to inform you that on June 1, 2017, exercising my authority as deputy minister, I concluded that the new effluent treatment plant required a Class 1 environmental assessment. I concluded that a Class 1 assessment was needed, based on the Environment Act and the Regulations. While the effluent treatment plant will be a new plant and a new design, it is a modification of an existing undertaking, that is the existing mill as it is there today.

With that, I certainly look forward to the questions you may have for me or the other members of the department who are here this morning.

MR. CHAIRMAN: Thank you, Ms. Martin. I do hear a phone in the Chamber making beeps, so if you can place it on silent, please do so.

We'll start with Mr. Houston of the PC caucus for 20 minutes.

MR. TIM HOUSTON: Thank you for the introductory comments. The Boat Harbour Act passed in 2015. You just mentioned that on June 1, 2017, you determined that the new treatment facility would require a Class 1 assessment. June 1, 2017 - is that the first time you are aware that the mill was notified that this would be a Class 1?

MS. FRANCES MARTIN: June 1st was when I made the decision, based upon the documentation that was registered with us from Northern Pulp, that and the Environment Act and the Regulations. We actually formally informed Northern Pulp several days later, June 7th.

MR. HOUSTON: So that was based on information, some filings that were made by Northern Pulp, I think you just indicated. When was that filing made by Northern Pulp? They provided some information, and the department looked at it and said, this is a Class 1. When did Northern Pulp provide the information to the department?

MS. FRANCES MARTIN: Just to explain the environmental assessment process, as I indicated in my earlier comments, it can sometimes take proponents a year or even more to put together all the technical information that's necessary in order to actually file a registration document. That hasn't happened in this case.

One of the preliminary but important points is that a project description is filed. A project description does require a certain amount of technical information, but it is a higher-

level description of the project. It is that project description that is submitted earlier in the process that allows the staff in my department to review it from a technical perspective, to review it in the context of the Environment Act and Regulations, to make a decision in terms of whether it is an undertaking and if it is an undertaking, if it's a Class 1 or a Class 2.

To answer your question directly, that information was filed by the proponent at the end of April.

MR. HOUSTON: April 2017.

MS. FRANCES MARTIN: Correct.

MR. HOUSTON: Had the department been working with the proponent in between the passage of the Boat Harbour Act in 2015 and the April 2017 filing of the project description? Had the department been back and forth with the proponent in those two years?

MS. FRANCES MARTIN: To describe how EA projects go forward, generally whenever proponents are interested in proceeding with a project, they will be in conversations back and forth with our staff on a very regular basis to understand the process and to understand what documentation needs to be filed when. I will confirm that, like other proponents, Northern Pulp was in conversations back and forth with our department, which is a fairly typical part of the overall process.

MR. HOUSTON: A couple of years' worth of discussions, a year and a half worth of discussions - whatever - led to the filing of a project description in April 2017, which led to your determination July 1, 2017 that this would be a Class 1.

MS. FRANCES MARTIN: Correct.

MR. HOUSTON: I want to talk about that determination, but across Pictou Harbour, at the Northumberland Fisheries Museum, they put a new boardwalk along the front. Are you familiar with that project?

MS. FRANCES MARTIN: I'm not directly responsible, no.

MR. HOUSTON: I understand that project required a Class 2 assessment. I was wondering if you could confirm. Are any of your colleagues familiar with that project?

MS. FRANCES MARTIN: I would have to get back to the member on that. I don't have any independent recall.

MR. HOUSTON: I'll leave that for now. Maybe before the second round, somebody might be able to let us know on that project.

You have indicated that the new treatment facility is a Class 1 assessment. You have indicated that it's appropriate as a Class 1, as a modification to an existing undertaking. This is a quote from the minister: "It was a staff-level decision, actually. The regulations clearly stipulate that where there is a modification to an existing undertaking it would be a Class 1." One of your colleagues, Chrissy Matheson, has indicated that the project meets the regulatory requirements for a Class 1 assessment because it is a modification to an existing industrial site.

I always hear this. It's a modification; therefore, it's a Class 1. I looked through the regulations, and even in the case of a modification, the minister must still classify the undertaking as either a Class 1 or Class 2. That's my read of it. Is it the department's position that because it's a modification, it's automatically a Class 1?

[9:15 a.m.]

MS. FRANCES MARTIN: That's certainly among the considerations. That certainly is a prime consideration but there would be other considerations as well, related to the Environment Act - does it cause an adverse effect, the general attributes, to say it does need to register as an environment assessment project.

Certainly, if you look at the Schedule A that is attached to the Environmental Assessment Regulations, it lays out some triggers for what is categorized as Class 1 and Class 2 projects. Class 1 projects, for example, they include pits and quarries over four hectares. Certain highway projects, depending upon their length and complexity, classify as Class 1.

MR. HOUSTON: You are speaking about Schedule A to the Environment Act?

MS. FRANCES MARTIN: I am referring to the Environmental Assessment Regulations that come under the Environment Act.

MR. HOUSTON: I'm looking at Section 12 - is that the same section you are referring to? These are some of the considerations by the minister in formulating the minister's decision - the location of the undertaking, the size and scope, the concerns expressed by the public, potential and known adverse effects of the environment, project schedule.

I don't believe that the fact that it's a modification or not - I don't think that's relevant in determining whether it's a Class 1 or Class 2. You indicated that you believe that whether it's a modification - I forget the word you used, but something about a significant influence on it. That's not listed in the considerations but there is a list of considerations.

I guess my direct question is, do you believe that the department had to assess this as a Class 1, or do you accept that the department actually made a decision? This could have been a Class 2, but they decided to make it a Class 1.

MS. FRANCES MARTIN: If you were referring to the Environment Act - Section 12, as you are referring to - the information that I am referring to is actually in the Regulations. So with the attachment, Schedule A to the Environmental Assessment Regulations - as I know you well understand, legislation tends to be fairly broad. Regulations tend to narrow and be more specific than legislation.

If you look at the Environmental Assessment Regulations, the Schedule that's attached, it does lay out what we refer to as triggers for environmental assessment. That does help guide us in terms of the determination of Class 1 versus Class 2. In Schedule A to those regulations, it does identify that a Class 2 is the construction of things like major projects, like construction of a new petrochemical facility, and it does specifically refer to a pulp and paper mill.

MR. HOUSTON: As a Class 2.

MS. FRANCES MARTIN: As a Class 2. In this instance, based on the project description that was submitted to us in April, it was not a proposal to construct a new pulp and paper mill. It related to a proposal to make a modification to what is an existing mill. Therefore, it was clear to me that it fit within the Class 1 categorization.

MR. HOUSTON: It was clear to you that it fit within the Class 1? It fit because you made it fit, right? It wasn't automatic.

A very specific question - is this automatically a Class 1? Or did the department use its judgment, based on the regulations and determine that it's a Class 1? It is automatically a Class 1?

MS. FRANCES MARTIN: What I would say is that for any project that is registered, we receive documentation. We have a responsibility to be prudent in examining that documentation with our technical experts and our staff who work on a daily basis in the Environmental Assessment Division. Based upon the material submitted to us from the proponent, based upon the Act and based upon the Regulations, it was clear that in this case it was a Class 1.

MR. HOUSTON: Okay, not automatic, it was a judgment call? It's an important distinction for me - is it automatic?

MS. FRANCES MARTIN: I'm not sure how to answer your question directly, other than it was very clear, in looking in the documentation and the Act and the Regulations, that it was a Class 1. It wasn't the construction of a mill, it was a modification to an existing mill.

MR. HOUSTON: Modification, it doesn't matter. The department - and I had the language there just a second ago - the department still determines whether it's a Class 1 or Class 2, whether it's a modification or not. So the determination had to be made, and some of the criteria that the department would have looked at to reach the conclusion that apparently was obvious to the department was the size and scope and complexity of the project, concerns expressed by the public, potential known and adverse effects, project schedules. So these are the things that the department looked at and said, when we look at those it's obvious to us that this is a Class 1. I don't think that would be obvious to everyone.

Here's my real concern with all this. Northern Pulp is a vital employer in this province, very important to the forestry operations across the province. When the mill prospers, the industry prospers. Most people want the mill to operate, they want to feel confident that it's operating in the most environmentally-friendly manner. That's important to everyone. That's certainly what I want.

When I look at something like what's happening with the Alton Natural Gas Storage Facility, the department suggested that it should be Class 1 assessments. In fact Alton Natural Gas registered for Class 1 assessments in July 2007. It received the approval from the department in December 2007, five months later. But because the process that was taken as part of the Class 1 didn't provide enough confidence to the community, that project has been in court and challenged and stuff for going on 10 years now. We don't have 10 years on this. This has to be right from the beginning.

It's my concern that by the department making a judgment call - largely, I would say - that this requires a Class 1, they are failing to instill the confidence in the community as well and that's causing a lot of uncertainty for a lot of jobs. They are putting jobs at risk. That's why I was very interested in the timeline because the date of the Boat Harbour Act - that was just artificially plucked out of the air. It was a political date. Now we're almost three years past that and here we sit today, and we don't even have a project registered.

I think this determination by the department that this is a Class 1 - I'm concerned that it's not going to instill the confidence of the community. Would you say, as the Department of Environment, that part of your responsibility is to instill confidence in the community that projects are fine? Would you say that's part of your mandate, as the Department of Environment of Nova Scotia?

MS. FRANCES MARTIN: I would certainly state unequivocally that the prime objective of the Department of Environment is to protect the environment. That is our prime mandate.

I will say as well that a Class 1 environmental assessment is a very rigorous process. It does involve a considerable amount of technical information and research. It does very thoroughly review a proposal for what it is intended to achieve, as well as to investigate very deeply what impacts a proposal may have and, most importantly, to examine, based

on the science and evidence, what measures may be put in place to mitigate concerns that may arise.

In the Class 1 process there is a very important part of that assessment, which is the 30-day comment period. It is a very transparent process. When we receive the registered project, we virtually immediately make it available to the public. That document is available for 30 days. It's available to anyone who may wish to make comments on that proposal. Anyone who makes comments, those comments are public so that others who are interested in the project not only have the extensive detail of the proposal, but they are able to see all the other comments that are registered as it relates to that project.

MR. HOUSTON: Thirty days is not very long. Would you consider this a large project?

MS. FRANCES MARTIN: I don't have context for large. It's certainly . . .

MR. HOUSTON: It's in your top two or three issues on your website. You probably don't put small projects on your website as your top couple of issues in the province.

MS. FRANCES MARTIN: I certainly consider it a very important project to the community, to the mill, to the Pictou Landing First Nation and the residents of Pictou, absolutely.

MR. HOUSTON: I'm concerned. Alton Gas did everything the department asked them to do, and 12 years later they haven't started. I don't want the same fate here. I'm worried the department is walking Northern Pulp down the same fate as Alton Gas. That's what I'm worried about. What would you say to that? Do you have any guarantee that we're not on the same path, we won't suffer the same fate?

MS. FRANCES MARTIN: What I will say is that at this juncture, we have a project description registered, and on that basis, a decision was made that it is a Class 1 project. When the project description is registered, one of the benefits that we have under the Environment Act is that we have both a very extensive and robust process for reviewing projects. That process, as I just described, is a very transparent one. In addition to that . . .

MR. HOUSTON: Sorry, but is that process going to instill the confidence of the community? That's the question that needs to be answered. The Class 2 would require many more studies on marine life and things like that that aren't going to be part of the Class 1, are they? The question that I would think would be on the minds of the department staff would be, is this going to instill the confidence of the community? If it doesn't, welcome to the Alton Gas situation.

MS. FRANCES MARTIN: I will say that it will be a very rigorous process. We are working with the Department of Fisheries and Aquaculture federally. We will work with other federal agencies, and we will ensure that we have all the information and research

necessary for the minister to make a decision when a project is registered through the environmental assessment process.

MR. CHAIRMAN: Order, time has expired. We'll move to the NDP caucus, and Ms. Roberts.

MS. LISA ROBERTS: Can you tell us the opportunities for input that Pictou Landing First Nation - which you have referred to a number of times - and the Northumberland Fishermen's Association will have in a Class 1 assessment, and what opportunities would they have under a Class 2 assessment in terms of the potential to engage with the project?

[9:30 a.m.]

MS. FRANCES MARTIN: Under a Class 1 process or a Class 2 process, the Environment Act doesn't compel proponents to do consultation prior to registering a project, but we certainly do encourage proponents to do that as a best practice.

In the case of the effluent treatment facility, Northern Pulp elected to conduct consultations prior to the registration of a project. Those consultations, you are probably aware of - I guess they would have started a month or so ago and I am aware that their reach-out to the community is ongoing. That's an important stage of the project and it does certainly help identify some matters that the proponent would then build into the documents that they would ultimately register.

I just indicated on a previous question under the environmental assessment process for a Class 1, there is a 30-day comment period. I won't go through the detail of that again but that is certainly a key juncture for public participation at that stage.

Under a Class 2, a process is set up under a panel. The panel would provide opportunity for comment and there's a couple of junctures there. One is a 30-day period and later in the process, another 48-day period.

MS. LISA ROBERTS: There seems to be some discretion that is left to the minister in terms of requiring other reports. Can the minister require an extended consultation period? Can there be an extended period under the Class 1 process, based on community concerns?

MS. FRANCES MARTIN: I know that the minister certainly can request additional reports, additional information, absolutely. I know that as an outcome, for example, in other environmental assessments, there can be requirement for a proponent to make information available to communities and other transparency elements.

To answer your question can the minister commission other reports and information on a Class 1, absolutely.

MS. LISA ROBERTS: I think part of the challenge is that community groups that want to have a meaningful voice in this process are not financed. They are not resourced to - I mean it's great to have reports and I'm imagining that the file on this is getting very thick. Then if a community group has 30 days to both process that and then provide comment on it, they are scrambling to find volunteer scientists, they are scrambling to read the file with their computers open, Googling the terms and trying to have a robust understanding so they can make robust comment on that.

Do you see that imbalance and that time pressure from community groups as an important issue in terms of possibly undermining this process, in terms of the long-run community buy-in that the environment is being protected?

MS. FRANCES MARTIN: Certainly, I am aware what the environmental assessment process means for volunteer groups. I will say, though, in the context of this particular assessment that is the focus of our conversation today, one of the benefits in the company electing to commence consultations with the community and advance a registration is that it does give those who are interested in the project the opportunity to learn some of the detail in advance of that 30-day window. It does give them the opportunity to organize. It does give them, as you say, to look for others who may assist them ultimately in putting together comments during the 30-day period that is available.

MS. LISA ROBERTS: Northern Pulp was fined \$225,000 for spilling millions of litres of toxic effluent when one of their pipes ruptured in 2015. The judge in that case called it an accident waiting to happen, and Northern Pulp had not put any resources into maintaining that pipeline. What assures your department that the culture and practices within the company have changed?

MS. FRANCES MARTIN: What I would say is the industrial approval that is in place today, which is one that my department certainly spent an extensive period of time establishing. It took, I believe, close to 18 months for us from start to finish in putting together the various terms and conditions. It is an industrial approval that is over 60 pages long. It requires a considerable amount of reporting, and it provides us an opportunity to ensure that we have oversight on the aspects of the mill's operations that come under our mandate.

We do regularly inspect the mill. We do regularly receive reports. Where we have found potential for violation of a term or condition, we have followed up on that. We have taken 12 enforcement actions since 2012. We do ensure that we take the opportunity and dedicate the staff to ensure compliance.

Some of the aspects of their operation are quite technical. For example, when we receive some of their reports, we assemble a team of staff who are engineers and various other technical experts. We are prudent in that regard.

MS. LISA ROBERTS: One of the enforcement actions that the department took just last year was to fine Northern Pulp about \$700 for not meeting air emission standards, which hardly seems like much of an enforcement measure at all. Can you explain how your department arrived at that amount?

MS. FRANCES MARTIN: Sure. In fact, I'm really glad that you raised that question. That was one action among a number of actions that we took when we were concerned about the air emissions.

To answer your question quite narrowly, summary offence tickets, as they exist in regulation - each one of the infractions has a dollar amount associated with it. In this case, of course, we would use the accompanying dollar amount that was associated with that particular infraction.

If you allow me to elaborate a bit, a summary offence ticket was one action. With any summary offence ticket, the individual can go to court. They can contest it. In this case, Northern Pulp did plead guilty, which meant that we have that on our record.

That was just one step. Probably the more significant step is - bearing in mind that the Department of Environment's mandate is to ensure that we have compliance, that we are protecting the environment. Our interest in that case was to ensure that the air emissions were at a level that were compliant with the industrial approval.

Just a few comments on the ministerial order that was issued at the same time - we compelled Northern Pulp under the order to ensure that there were qualified independent professionals to come and examine their operations. We required them to submit that information to us. We required them to submit a plan. As a result of some of the activities that took place under the ministerial order, the mill is back in compliance for air emissions under the recovery boiler.

In addition to that, an important feature as well under that order was to require the mill to make information available publicly.

MS. LISA ROBERTS: The Auditor General's Report released in November highlighted that your department is, in many cases, even in the majority of cases, failing to ensure that terms and conditions are monitored and met. What specific changes has your department made to assure Nova Scotians that approved projects are properly monitored?

MS. FRANCES MARTIN: Thank you for that question. When the AG's Report was released, the minister did indicate that we did accept all seven of the AG's recommendations. We did recognize that we had issues related to documentation.

Just to describe a little further, the environmental assessment process is a planning process. It does allow us to look at a project and to carefully review, in a very detailed and

technical way, whether the project can proceed and, if it can proceed, if it proceeds as proposed or if it proceeds with various terms and conditions associated with it.

For an environmental assessment project, for the terms and conditions that are issued at the time of the minister's decision - before any project can actually proceed, they typically require a number of additional approvals. An industrial approval would be one, for example. When we issue an industrial approval for the project to actually proceed, that's where we carry forward the recommendations out of the EA into the industrial approval.

I am confident that before projects proceed, the ones that have gone through an environmental assessment, that the terms and conditions of the EA are, in fact, carried through into the industrial approval or other approvals that are necessary.

I do acknowledge that in terms of our documentation, that that wasn't clear. We have been developing over the past couple of years an IT system where we are better able to document. For example, EA recommendations will be captured. They will be uploaded to the system and the link between the EA process and the other approvals process will be clear. We've started to do some of that already and we'll be continuing to do more of it.

MS. LISA ROBERTS: Can you give me an example of what sorts of terms and conditions might be attached to this specific project - the effluent treatment project?

MS. FRANCES MARTIN: I can't give you really specific examples. Certainly there would be certain terms and conditions from the approvals that we issue for municipal waste water treatment systems that would be applicable, but there would be other terms and conditions that would be built on the Canadian Council of Ministers of the Environment Standards.

There will also be conditions that will be based upon monitoring requirements, sampling requirements, and given the nature of this project, we are working closely with the Department of Fisheries and Aquaculture. I would certainly anticipate that there would be requirements they would make, based upon some of the science and evidence they will be asked to examine.

MS. LISA ROBERTS: The Auditor General also raised concerns that even where terms and conditions are being followed by a proponent, by a company, the department is not assessing whether the terms and conditions are actually having the intended impact.

In this case, the goal of the terms and conditions would be that the effluent going into the Northumberland Strait is not having a negative effect, for example, on the fisheries. What measures are you able to put in place so that you can judge whether it's actually having the impact that you're seeking to have when those terms and conditions are put in place? How can you reassure the fishermen who are concerned about their livelihood in the Northumberland Strait?

[9:45 a.m.]

MS. FRANCES MARTIN: Just to clarify, we don't have a project registered yet. When we do, and as we go through the environmental assessment process, I anticipate that that will be a key consideration. That will be a very important consideration of the overall review process.

As I said, we will rely upon the experts for marine waters. That would include the Department of Fisheries and Aquaculture, and I'm certainly not ruling out that there may be other experts that we may rely upon and call upon to give the assurances that the monitoring is taking place and that the issue and the concern that you raised is addressed.

MS. LISA ROBERTS: I'm sure that you're aware that there is an issue of trust. There has been an erosion of trust both in the company in the Department of Environment itself over a period of time, recognizing that this pulp mill has had and has ongoing environmental impacts not just related to effluent but also water usage, also forestry practices, also air emissions.

One of the measures that the NDP has proposed to try to address those trust issues is an environmental bill of rights that would actually trigger independent investigations into possible violations of environmental standards of terms and conditions. Do you think that would help to keep Northern Pulp accountable to community members?

MS. FRANCES MARTIN: Just on the first part of your question, I'm certainly well aware that the mill has been in operation since 1967, and there is a considerable history. In reference to my comments earlier about the industrial approval, I will say that it is the mandate of my department to ensure that the environmental effects, based on the provincial mandate - that we have good, strong standards in place and that on a regular basis, we are ensuring that all of the obligations under the industrial approval are met. In terms of the go-forward with the effluent treatment facility, I'm confident that we will have a very rigorous environmental assessment process to address any of the concerns that may arise.

MR. CHAIRMAN: Order. Time has expired. We'll now move to the Liberal caucus. Mr. Gordon Wilson.

MR. GORDON WILSON: I thank the department for being here, and I was listening intently to the questions.

I had the privilege for 30 years to work directly with the Department of Environment in my role when I was working for the Province of Nova Scotia, when I was with Natural Resources. I will say that with my cousin colleagues in that department, we shared a lot of conversations.

It has been very interesting for me to watch the evolution of that department. We have certainly seen some transformational changes in the last few years; I commend you

for that. I would like to start off by thanking all the hard-working staff who are out there on the ground today, doing the job that they do to protect Nova Scotia's environment. I also want to remark quickly on comments by the Opposition about the level of trust. I think it's important for us to all realize that your department, of all departments, is key to all of us.

I'm going to refer my first few questions in regard to the Auditor General's Report that was tabled in November 2017. In that report, there were eight areas they touched on that they felt the department could move forward with and the department agreed wholeheartedly.

I think it's very key and important to the understanding of monitoring and tracking environmental assessments that go on, industrial approvals that go on, and terms and conditions within those, that great strides are being made to ensure comfort, I think, for a lot of us.

One of the first recommendations was to enter the approvals into the tracking system and monitor the terms and conditions to ensure they were met. Can you give me an idea of where we are with that?

MS. FRANCES MARTIN: Thank you very much; I certainly can give you an update on that. Before I do, I'd just like to note your comment about the staff in the department. It is a department of 400 or so and I want to assure you that it is a staff that is very committed to the protection of public health, animal welfare, the environment, natural resources. They are very dedicated, they work very hard, because of the importance of the inspection services and the other programs and services we do day in and day out.

In terms of the question specifically that you asked related to ensuring that we have a good continuity between the environmental assessment process, for example, in a year we do about 12 to 20 environmental assessments every year. I know this impending environmental assessment is of particular interest to Nova Scotia but there are many environmental assessments for projects that go forward every year. They are very thorough and it's not unusual for the minister to render a decision that has additional terms and conditions attached to it, to make sure that project can proceed and in a way that protects the environment and protects human health.

We do have an IT system that we've worked hard on, probably for the past three or four years we've been developing this system. We are fortunate that we are at a juncture where the system is up and running. We are starting to populate it, starting for example, with the environmental assessment process, the terms and conditions that come from that. That staff member in our department who is involved in providing another approval, which is at a different stage of development for a project - before projects proceed, they do need all the approvals necessary from our department in order for them to go ahead.

Under this system, we refer to it as SNAP - it's a system for notification and approvals. It's that system they will have in front of them so that electronically they will be able to see the continuity from the environmental assessment process to have the necessary information in front of them to make decisions on the other approvals as they proceed.

We've done a lot of work to put that in place. There has been a lot of investment of time. It certainly is an important development for a department like mine.

MR. GORDON WILSON: Thank you. I should have started my comments also by saying the Auditor General should be very pleased that I am following up on his report here also today. It's the perfect timing for that.

Another recommendation was to assess whether terms and conditions are effective at addressing the risk to the environment. Can you speak to that?

MS. FRANCES MARTIN: Yes, I can, and perhaps my colleague Lorrie Roberts may want to add some additional detail in that regard. But I can make a few introductory comments on that.

When we develop terms and conditions in an industrial approval, they are often built on national standards, and we may look further afield. Sometimes a unique project will prompt us to look beyond Canada for standards. But we do rely quite heavily on the Canadian Council of Ministers of the Environment in developing standards. Just to explain that briefly, this is a forum that involves all of the provinces and all of the territories, as well as the federal government.

When we're looking at a particular matter that requires an environmental standard under the Council of Environment Ministers, we in Nova Scotia have access to and benefit under that forum of all of the national experts in a particular topic. It could relate to air, it could relate to water, it could relate to soil, or it could relate to other matters. Under that forum, we have the benefit of all of the experts from across Canada identifying for a particular situation, a particular contaminant - be it in air, land, or water - they establish what is an acceptable level.

What I would say to you in terms of the question that you had raised about the effectiveness is, we rely upon standards that are developed from the best information that is available based upon the advice from our national experts when we develop terms and conditions. I think my colleague, Lorrie, may want to elaborate a little further on that.

MS. LORRIE ROBERTS: You started by referencing that we did accept all the recommendations of the Auditor General, and we are working on them actually with a fairly ambitious timeline, expecting that by the end of this year, we will have most of them addressed.

For that one in particular, we do look at our approvals and projects, and we monitor the success of those projects based on risk. What we are taking from the Auditor General's recommendation is that we also need to look at how individual terms and conditions contribute to that.

In the case of any project - Northern Pulp included - through the environmental assessment process, and as the deputy minister mentioned, we also hold other approvals for almost all of these projects. We would have systems in place now and have done always that allow us to look at the impacts of those individual projects. I think those two things work together - do the individual terms and conditions contribute to success, and is the project based on the monitoring and information we receive working to ensure the environment is protected?

MR. GORDON WILSON: I'm glad you touched on maybe the operational side of it, how it really does talk to an environmental assessment. Also, I would assume that those CCME guidelines would affect receiving water studies and terms and conditions on receiving waters and those kind of single-point discharges, when you look at those standards.

There were about four recommendations; I'll just group these all together. The first was in regard to meeting with project owners regarding the terms and conditions of the approval; meet with the project owners on the terms and conditions at the approval during the budget; a process for using reviewers to assess applications should be defined and followed; and document and review.

Maybe I'm putting too much out there, but it's my understanding that document and review project information before sending to the minister for decision - I'm under the understanding that those have all been completed. Can you speak to that, and confirm that they have?

[10:00 a.m.]

MS. FRANCES MARTIN: Sure, I'd be pleased to comment on that. When the report was released in November, we did accept all of the seven recommendations from the Auditor General. You are correct - in the intervening time, we've been working on those recommendations and we're pleased to report that we have completed the work necessary to address the recommendations raised in that report.

MR. GORDON WILSON: I think there is only one left - I just wasn't quite sure - and that's the fact that the terms and conditions should be developed with input from inspectors and include key details. Has there been work done internally to address that?

MS. FRANCES MARTIN: Correct. We've certainly redoubled our efforts to ensure that those who are involved in environmental assessment are discussing these recommendations with the individuals and the department to develop the approvals. As I

indicated earlier, the IT information management system that I referred to earlier, that is in place now. That certainly assists us in ensuring that those from one side of the department to the other who are involved in a given project, regardless of which end of it - whether it's the environmental assessment end of it, or if they are developing approvals and the detailed terms and conditions that may be required in an approval - that all that information is documented as identified as a need by the AG. We do have that in a system now, so all that information is available to them.

MR. GORDON WILSON: Just to shift back to maybe probably the reason we are here today. I mean we all have to be proud of what we've done for the governments that we work for, and obviously the cleanup of Boat Harbour, we all know that that's long overdue. In fact, that's the reason we're here, and we're cleaning up what was one of the worst environmental issues that we had in that area.

The fact that we are cleaning it up - and I know that until a proposal has been tabled on exactly what the outfall plant is going to look like, the discharge plant, it's hard to say exactly what the positive impact is going to be to that area. In generalities, can you give me an idea of the comparisons between what has been going on for 50 years in that area versus what potentially is going to happen in that area, as far as the environmental standards?

MS. FRANCES MARTIN: I guess in starting to address the question you asked, I want to be clear that we at the Department of Environment evaluate projects, we don't design them. In the case of the Boat Harbour cleanup, it would be the Department of Transportation and Infrastructure Renewal that will be developing that project.

What I will say in terms of a cleanup of a contaminated site, be it Boat Harbour or a variety of other sites, what the Department of Environment would be looking for is ensuring that the cleanup is at a level that would be reflected in national standards associated with site cleanup, ensuring that the materials of concern, the contaminants of concern, are contained and cleaned up in a way that is safe for the community. That would involve, as I indicated earlier, the Canadian Council of Ministers of the Environment have standards that would certainly guide us in that regard. But at this point, I can't comment really below that level of detail, simply because we're not at that stage where we've received a project design.

MR. GORDON WILSON: I think another hard understanding of comparing apples to apples would be, we have Port Hawkesbury and we also have a pulp mill in Saint John, New Brunswick. I believe both of those are discharging directly into receiving waters. Do you have any understanding of the technology that's used there and the environmental impacts that potentially would be going on with those mills?

MS. FRANCES MARTIN: In reference to the Port Hawkesbury mill, we do have an industrial approval in place for that mill. Regardless of what kind of industrial activity it is, certainly the mandate of our department is to ensure that we are protecting the

environment and human health. That is what we take into account first and foremost. We will look at all the emissions from the mills.

In this case, you're drawing attention to the waste water. We do require a treatment system in the case of the Port Hawkesbury mill, as well as terms and conditions to make sure that the release of that water into the receiving environment is at a level that is deemed acceptable.

MR. GORDON WILSON: One of the most interesting projects I had when I first started with the municipal government was to oversee the regulatory process for receiving waters for - it was a consolidation of three very large waste-water treatment facilities in the Annapolis Basin. The file landed on my desk almost the first day that I arrived there and I worked very closely with the federal government and the provincial Department of Environment.

From my understanding, how similar is the process for municipal? I know that certainly wasn't a Class 1, but I know that was a very - we had to do receiving water studies, we had a lot of monitoring work to prepare what our plans were for that. Can you give me an idea of what the difference might be?

MS. FRANCES MARTIN: Sure, I can start to address your answer in the time available. It is not unusual for the department to request a receiving water study. Just to explain what that involves, it certainly does require expertise. It requires expertise to look at what the acceptable standards are and in the case of a receiving water study, to look at specifically that water system, what may be unique to that. To specifically understand - in the case that you referred to for a municipality, if they're releasing discharge, what is a safe or acceptable level.

In all those cases, we do require an extensive amount of monitoring.

MR. CHAIRMAN: Order. I'm sorry, time has expired. We'll move to the PC caucus and Mr. Houston.

MR. HOUSTON: As I understand it, there are five possible outcomes of a Class 1 assessment: approve, reject, approve with conditions, call for a focus report, or call for an environmental assessment report.

Can you explain the difference between a focus report and an environmental assessment report?

MS. FRANCES MARTIN: Sure. I'm going to ask my colleague, Lorrie Roberts, to provide you the details of the focus report versus the environmental assessment report.

MS. LORRIE ROBERTS: As you mentioned, there are five options for the minister's decision. If it's determined that a focus report is required, a focus report tends

to be where there are some areas of research or information that needs to be gathered that are more substantive than the more information decision would be.

So the minister would go back and say, I require some additional information and study and research on a certain aspect of this project. In some cases, he might ask for one aspect or maybe two aspects - maybe three. But if the project comes to the minister, and in his review, he finds that there's a whole range of different issues from a science perspective and from a general understanding of the impacts perspective, then that is where he would require an environmental assessment report.

An environmental assessment report is almost like: go back to the drawing board, this whole project needs to be reconsidered, and the research needs to be broader and more in-depth than what was provided. An environmental assessment report triggers a process that is akin to a Class 2 process. It would be in a situation where the number of issues that are identified are broader and more numerous than in the case where a focus report would be required.

MR. HOUSTON: Are you familiar with that happening in Nova Scotia? Can you think of a situation where the minister has called for an environmental assessment report?

MS. LORRIE ROBERTS: Yes.

MR. HOUSTON: Is it common?

MS. LORRIE ROBERTS: It certainly has happened a couple of times. If you want a list of where an environmental assessment report has been provided, we could provide that.

MR. HOUSTON: That would be great, yes.

From receipt of the registration, which hasn't happened yet, how long does it generally take to satisfy a Class 1 assessment?

MS. FRANCES MARTIN: When we receive the registration document, as I indicated, it is virtually immediately uploaded and made publicly available.

MR. HOUSTON: So then that starts the 30 days. How long does it take from receipt of the registration to the minister's decision?

MS. FRANCES MARTIN: Receipt of the registration document does start the clock, as I think your question was implying. It starts the clock on the 50-day process. That means that the minister's decision is 50 days, typically, from receipt of that registration document.

MR. HOUSTON: If the minister requires an additional step, either a focus report or an environmental assessment report, how much longer can that take?

MS. FRANCES MARTIN: I don't believe that we have timelines specified in the regulations for that. It may depend upon the complexity, the subject matter that's necessary. (Interruption) The timelines are laid out in the regulations. We can get back to you on the specifics of that if you would like. There are a number of steps.

MR. HOUSTON: If the minister calls for a focus report, can you do some quick math on how much longer that would add?

MS. LORRIE ROBERTS: When a focus report is required, terms of reference are put together and provided to the proponent within 25 days. Then there's the public release of the focus report within 14 days, a public review period of 30 days, report and recommendation to the minister within 25, and then the minister's decision within 14 days.

MR. HOUSTON: So four months, roughly.

MS. LORRIE ROBERTS: Those are the steps in a focus report.

MR. HOUSTON: The minister can also compel a panel review. I think that's another thing. How long would that add to the process?

[10:15 a.m.]

MS. LORRIE ROBERTS: That would be akin to requiring an environmental assessment report. It's important to recognize when you look at the time - some of the time that will be within all these time frames includes the time that it takes the company to go back and answer the questions. Actually, the timing for an environmental assessment report in terms of the time that it takes within the process is similar to a Class 2, but there are also steps in there where the process stops, so that the company can do work and provide that information.

MR. HOUSTON: I've seen some indications that to meet the January 2020 deadline that was picked in the Boat Harbour Act, the new effluent treatment plant would need to be substantially complete by the summer of 2019, so we're not talking about a long way from now. Given the different options available under a Class 1 EA, are you comfortable that any and all of them could be met within the time available?

MS. FRANCES MARTIN: What I would say is that from the Department of Environment's perspective, it's our job to ensure that the environment is protected. We are responsible for ensuring that as we go through an environmental assessment process that it goes through the steps and process that is laid out in the Act and the regulations. That's our role, ensuring that there is a thorough review process.

MR. HOUSTON: When you made your decision that this would be a Class 1, there were a number of criteria that we talked about that influenced that decision, or were triggers I think you described them as. One of them was the project timeline; that was one of the triggers listed in there. How much of an impact did that have on your initial decision?

MS. FRANCES MARTIN: I didn't indicate that timeline was a trigger.

MR. HOUSTON: No, but I did, I listed them off.

MS. FRANCES MARTIN: Timeline was not a trigger, nor was it part of the consideration as I made the decision on Class 1. What I looked at was the Act and the regulations, as well as the project description. We didn't factor timing in our decision.

MR. HOUSTON: I'm looking at the regulations, Section 12. It's very specific, that all of the following information shall be considered by the minister in formulating a decision, and timeline is there. But you're saying it wasn't part of your decision to go with a Class 1.

MS. FRANCES MARTIN: I'm certainly aware of government's commitment on 2020 but in making the decision on Class 1, timing was not factored into that decision.

MR. HOUSTON: Are you aware of any contingency plan if the new effluent treatment plant is not up and running by January 2020, are you aware of any contingency plan?

MS. FRANCES MARTIN: That wouldn't be ours to be involved with. The next significant step of this undertaking for us is awaiting the registration of the project from the proponent.

MR. HOUSTON: When you receive the registration, and if the undertaking passes the Class 1, does the department typically play any role in championing the undertaking in the community? Would the department actively be discussing with the community, promoting in the community, that the project is safe? Or would it simply state that it is passed?

MS. FRANCES MARTIN: Our role is to evaluate the project. We don't have a role in project design so we will continue in our role. An important role with the community is helping those who are interested in the project understand the process. We are evaluators of projects that are registered so we don't perform the role that you have referred to.

MR. HOUSTON: By the same token, would the environmental assessment, would your review process take into account any other options outside those presented to it? In other words, is there any scenario where this application, the EA process, results in a closed-loop system?

MS. FRANCES MARTIN: Thank you for asking that question. I know that that's a question that does arise related to this project. Again, to go back to clarity on the process, when projects go through the EA process, we require all projects that go through an EA process to give consideration to feasible alternatives. That will be a component of this project as well. We would expect to see in the registration document some consideration of the alternatives.

MR. HOUSTON: The registration itself would assess feasible alternatives, and then the department would assess the proponent's assessment of feasible alternatives?

MS. FRANCES MARTIN: What I'm indicating is, yes, in the registration document for any project, we would expect to see some consideration for alternatives.

MR. HOUSTON: Would you weigh in on the assessment of those alternatives?

MS. FRANCES MARTIN: That is part of the assessment process.

MR. HOUSTON: Presumably, this regulation would assess whether a closed loop is possible, and then the department would analyze the registration's assessment of whether it's possible or not. How would you analyze that? Would you bring experts on board to look at whether it's feasible or not? What would you do?

MS. FRANCES MARTIN: Just to be clear on the process, in a document that is registered, we would anticipate that the main project that is being advanced is articulated in a way that we understand what the project is, what the potential implications of that project are, and we would expect to see some analysis of what would be necessary to mitigate any potential impacts. We would also expect to see some analysis of alternatives, whatever they may be. The sum total of that is analyzed, and is the basis upon which the minister will make a decision.

MR. HOUSTON: Have you seen any analysis or had any discussions with other departments or the proponent about who will pay for the new effluent treatment plant?

MS. FRANCES MARTIN: That's not our role at all.

MR. HOUSTON: But you haven't had any of those discussions, even anecdotally in hallways or anything?

MS. FRANCES MARTIN: Who pays, how much a project costs - all of those sorts of things are not our role. Our role is to evaluate.

MR. HOUSTON: As part of your evaluation, would you look at the economic impacts of the proponent on the community?

MS. FRANCES MARTIN: I'll ask Lorrie to elaborate on that. There is authority under the Environment Act for the minister to give broad consideration. I'll ask my colleague to speak.

MR. CHAIRMAN: Ms. Roberts, you have 10 seconds.

MS. LORRIE ROBERTS: As Frances indicated, for environmental assessment, the Environment Act does more broadly include socioeconomic aspects of the project. The minister is able to look at those within the context of that particular process.

MR. CHAIRMAN: Order. Thank you for responding in the short bit of time you had there.

We'll move back to the NDP and the Honourable David Wilson.

HON. DAVID WILSON: Thank you for being here today. I know many in the province watching this project are concerned - even if you're not from Pictou County - about what impact the new effluent treatment plant will have on the environment and on the province. I know that the government is in control of which level of assessment the project will fall under.

Just for context, when government makes decisions and try to move forward on a project like this, I think the most important part is ensuring that Nova Scotians buy into it or support it or feel that they had a part and a role in ensuring that the project is the best project to go forward with. With the Class 1 assessment, there's some requirement about 50 days of work that's being done, compared to a Class 2, which I think is just over 270 days - 274 days maybe is the minimum requirement.

You indicated that during the Class 1 assessment, there is a 30-day timeline for the public to have input. Knowing how the process works in the province when it comes to legislation and our ability to have the public come in and have a say in Law Amendments Committee, for example - it's a great opportunity, but often it's a very quick turnaround. So we introduce a piece of legislation, we could call it on one day and within two days we could have second reading on it and it could be in Law Amendments Committee. It doesn't give much time for the public to come to Halifax to have their say on legislation, for example. That's a lot of the criticism I've heard over the years that I've been here.

I know you answered a little bit from my colleague, but could you just tell me, when does that 30-day timeline begin? How much notice does the public have? Can you say we expect the 30 days to start here? Just so the public knows that okay, we're going to get information and we have a timeline. Can you anticipate when those 30 days would happen and how does it trigger or when does it trigger? When does the clock start?

MS. FRANCES MARTIN: The clock does start for any EA when the proponent registers their project and it is a business decision we don't control. It is a business decision

as to when a proponent believes they have all the information necessary to register a document.

Certainly one of the advantages we have in the EA process - you made reference to other processes where people would have to travel to Halifax. The advantage we have in the EA process is that comments can be submitted online, so it doesn't matter where you live in the province.

I certainly take your points. I'm well aware of the importance of this project and in general moving forward on the Boat Harbour cleanup for the residents of Pictou County, the people who work for the mill, the people who enjoy recreational property or residents of Pictou and, as I said earlier, the Pictou Landing First Nation. This is an important project.

The benefit of the 30-day public comment period is that you don't need to drive to any location, it can all be done online. That is a tremendous benefit.

I guess I'd underscore as well that just because of the public interest in this project, and certainly one of the benefits and outcomes of the opportunity we've had today to discuss this project, is that it keeps it in the minds of those who are either resident in Pictou County or elsewhere in the province. They are aware that there's an impending registration. The benefit of the mill getting out early and doing consultations means that the public is aware of this project and is aware that there will be a registration.

As I indicated earlier to your colleague, it means that there is an opportunity for those who are interested to organize early and be ready to participate during that 30-day period.

MR. DAVID WILSON: So will we find out through a news release when that registration happens? Do you feel that the government has a role to make sure that people know about it? I mean for myself, I am plugged in when I see the news releases from the government, but the general public are not; they are busy. My fear is that there could be a week before the information gets out that yes, they've registered, so there you have a week gone out of the 30 days.

I know we don't have a lot of time, but are there any other opportunities or how are you going to make sure that Nova Scotians know about the registration date and that that's when the clock starts?

MS. FRANCES MARTIN: That's a really, really good question. We have a regular list of those who are interested in the department. When we have a document that's registered, we immediately email out to that list of individuals and organizations. I don't know how many are on the list, probably . . .

[10:30 a.m.]

MR. DAVID WILSON: That's fine. As long as the government and the department is doing more than just issuing a press release that registration has occurred, I'm satisfied with that. I know there is a lot of tension with this, so I hope that that information gets out quickly.

We have talked about the environmental assessment. You mentioned the human health impact and making sure that that is taken into account when the project is going forward. One thing we don't hear a whole lot about - a little bit about the fisheries - is the impact around wildlife and wildlife habitat. Any project in our province does have an impact on the wildlife. If there's a wildlife corridor in that area - I'm not sure, as I'm not familiar with that area - what requirements are there through the assessment or other means that a company like Northern Pulp has to make sure that any impact to wildlife is taken into account with the project?

MS. FRANCES MARTIN: If I may, just on the previous one, if anyone is interested in being on the list to ensure that they get that immediate notification once the project is registered, they can certainly contact the department. We will make sure that they or their organization, as the case may be, is part of that immediate notification.

In comment to the question you just asked about wildlife in general, certainly in listening to the media and other sources of information, I'm well aware that the fisheries are of central interest here because of the nature of the project. You are right that as this project develops, if there is wildlife on land, be they birds or deer - as this project is undertaken, as a pretty standard feature, we would want to know if there are any special considerations.

Often an environmental assessment process, with particularly rare, endangered, or threatened insects, animals, or plants and so on - that's the benefit of an EA process. It is very broad in its reach. We will be looking at the effects on land if there are any anticipated, and we would expect to have scientific review and data associated with that as well, in terms of release in the marine system.

MR. DAVID WILSON: That would be part of the work Northern Pulp has to do to register, I would assume. Am I correct with that?

MS. FRANCES MARTIN: That is correct. That's why I indicated in my comments earlier that our main objective here is protection of the environment. When I indicated earlier that sometimes it can take a proponent a year or two years or more, it depends upon the nature of the project and the amount of study that they feel is necessary in order to get the information that's necessary for registration.

MR. DAVID WILSON: Have you or the minister or the Premier or government responded to the concerns brought up by Premier MacLauchlan and the Government of

P.E.I. recently? Has there been any discussion with them? Have you responded directly to maybe your counterpart, but more importantly, have the Premier and the minister reached out to the Government of P.E.I. to include them in the discussions and to address the concerns that they have?

MS. FRANCES MARTIN: I am certainly well aware of Premier MacLauchlan's letter. For the residents of P.E.I. as well as the residents of Nova Scotia and anyone else for that matter, that's the benefit of the openness of the 30-day comment period. Anyone who wishes to comment on a project once it's registered, that is the opportunity.

I recognize that Prince Edward Island - they are non-residents, but nonetheless they have the opportunity to participate and to voice their concerns they want to bring forward.

MR. DAVID WILSON: Are you aware if the Premier or if the minister responded to the letters? It's my understanding that the Premier of P.E.I. sent a letter to both the federal government and to Nova Scotia. The crux of his concern is the outflow pipe placed in Northumberland Strait and it could have unintended consequences around of course the commercial fisheries and aquaculture, which is hugely important to not only Nova Scotia but to P.E.I.

Are you aware if the Premier has responded directly? I understand that they have an opportunity just like anybody else, to do the 30 days but we have the Premier of a province indicating concerns. I would think that the Premier should have responded sooner than waiting for the opportunity in the 30-day notice.

MS. FRANCES MARTIN: I would have to get back to you on that.

MR. DAVID WILSON: Being in the spirit of openness and transparency, if you could provide a copy of the letter that was sent back, we would appreciate it.

Have you heard from the federal government or the department, more importantly specific to the Department of Fisheries and Oceans, or the Department of Environment and Climate Change regarding this project? Do you have an ongoing discussion with them? What would you expect the federal government's role to be in the project going forward?

MS. FRANCES MARTIN: That's a great question to help explain the process a little bit further. It is very typical, when we have a project that we will get in the early stages, we will assemble the other regulators or the other agencies that may have an interest in the project. In this case, it would include the Department of Fisheries and Oceans Canada. It would include the federal Department of Environment and Climate Change Canada, and there may be some other federal departments involved there.

In order to ensure that at the point of registration a proponent understands what other regulators or other agencies' interests are in the project, we would ensure that there was a meeting that takes place between those other agencies, ourselves, as well as any other

relevant departments provincially, with the proponent to have a discussion about the proposed project. That meeting did, in fact, take place.

MR. DAVID WILSON: I have probably only a minute left, but I'm glad you answered that; that was one of my questions. Do you expect there will be a federal environmental assessment with this project? Any indication from that meeting that that's the approach?

MS. FRANCES MARTIN: We don't anticipate that the federal government will conduct an environmental assessment on the effluent treatment.

MR. CHAIRMAN: Thank you, Mr. Wilson. We'll move to the Liberal caucus and Mr. Jessome.

MR. BEN JESSOME: Mr. Chairman, through you to our guests today, thanks for taking time out of your schedule to be here.

My first comment that I'd like to make right out of the gate is, I believe it's extremely important and perhaps it's important to acknowledge comments you made earlier in this session about the role of the Environmental Assessment Division, and the role of the Department of Environment as an entity. I'm referencing specifically your comments to say that the prime mandate of the Department of Environment is to protect the environment - go figure. I think it's important to acknowledge that and start by highlighting that.

In that spirit, I'd like perhaps for you, deputy - and I say this very humbly and with respect - to comment on the capacity of the branch of the Department of Environment, the Environmental Assessment Division. I say that with also making an assumption that the people within that division - and I guess generally throughout the department - want to be at the Department of Environment because they have a vested interest in protecting the environment. Is that fair to say? Can you comment on the capacity of the people who are working with you over in your shop?

MS. FRANCES MARTIN: That's great, I'd be happy to comment on that. Certainly, one of our main objectives is to protect the environment and human health. In the last couple of years, we have had an expansion of our mandate. I think it's a good opportunity to make reference to that now. We took on responsibility for enforcement for some of the legislation administered by the Department of Natural Resources, so the conservation officers are with us. Their duties related to enforcement related to inland fisheries and Crown land and so on are part of our responsibility now.

Additionally, from Agriculture we took on responsibility for animal welfare so we're responsible for farm animal welfare, as well as food safety. Then from Health and Wellness, we took on responsibilities for public health and that's quite a range, from smoking to snow sport, helmets and so on.

Then lastly, from the Department of Fisheries and Aquaculture, we took responsibility for oversight and aquaculture and certain other aspects of the provincial fisheries mandate. All told, we are about 400 staff now. It is quite a range of responsibility but at the heart of it is protection of the environment, natural resource and public health and animal health.

In addressing the point you raised, I want to also take the opportunity to draw attention again - earlier this morning the department announced the creation of a dedicated Public Prosecutor. When I described all of the responsibilities we've taken on, we have about 40 different Acts - 40 different pieces of legislation that we are responsible for and of course all the regulation that is underneath all that legislation. So it is a very important area of environment and public protection that we will have a Public Prosecutor dedicated to. To ensure that as we see infractions, as we believe it necessary in order to gain compliance, we can bring certain cases forward to the court system. The Public Prosecutor of course will be independent and will make judgment on which cases come forward.

With a dedicated prosecutor, we believe that that important array of legislation that we are responsible for that I know is very meaningful for many communities and many individuals as we do our work day in and day out to protect the environment, to protect the resources. This was a great opportunity, through answering your question, to draw attention to that announcement that was made just this morning.

MR. JESSOME: Thank you - that is a great step forward. I guess in keeping with the role that the department plays, I'll say thank you for your collective professionalism and scrutiny in the best interests of all Nova Scotians. I think this committee is a great example of our responsibility, as members, to ask questions and certainly I can appreciate the member for Pictou East as being a local rep, his important responsibility to ask tough questions and make sure that the voices within that community, as an adjacent community, are heard and are brought forward.

[10:45 a.m.]

Also, I would compliment the comments made by the member for Sackville-Cobequid to say that Nova Scotians are considerate of this project. There are questions to be asked more broadly throughout the province, so we as members certainly have an important role to play in asking questions. This committee is a great example of an opportunity to do that.

Earlier in the line of questioning, the deputy talked about the requirement for a project description to be submitted, in advance of making a decision on whether something is classified as a Class 1 or a Class 2. Can you elaborate on the level of description and the level of detail that falls into that submission that would enable you to make a decision on whether something is Class 1 or Class 2?

MS. FRANCES MARTIN: I'll actually refer that question to my colleague, Lorrie Roberts. She has a number of responsibilities with the department. Among those responsibilities is her responsibility to administer the environmental assessment process.

MS. LORRIE ROBERTS: As you can imagine, companies come to talk to our staff in the Environmental Assessment Branch all the time. Some with projects that they're considering, some with projects that are well thought through, some with projects that will proceed eventually, and some with projects that never do. In that conversation that staff generally have, they start the process of asking questions: What is your project? Can you describe the design? Describe what some of the things that you will be undertaking will look like. Those conversations are just that - conversations to help staff get an understanding of the project.

Usually, there comes a point where there's a question to be asked: Does this require an environmental assessment or not? Staff would consistently never either make the decision if it's on the Schedule A or recommend anything to the minister without asking the company to put in writing the details that have been discussed.

The project description is generally a culmination of the conversation that we would have where we come to understand what the project is and then to ensure that we have something solid that has the information we need to determine either whether it's a requirement under Schedule A - that it is a project that triggers an environmental assessment - or whether it's something that we would have to bring to the minister to determine whether it's, as is the case here, a modification or a rehabilitation or any of those things. Once that conversation is mature, then we ask the company to put that in writing.

Depending on the type of project and the size of the project and the scope of it, the project description that we get is intended to inform that decision. It's variable in that it gets sized with the project. It ensures that the information we're using is the information the company intends us to use, that it's based on the facts of their project.

MR. JESSOME: I appreciate that response. It was brought up before, and certainly through any government application non-exclusive to the Department of Environment, public consultation is something that - without beating a dead horse - is very important.

Talk about the acknowledgement that this is a pending application - we're not sure exactly when it will come forward, but it's on its way. The public knows about it. Presumably, there are pieces of correspondence that have already come forward to your office in regard to public submissions. Are these pieces of correspondence eligible to be considered as part of the public consultation process in the environmental assessment?

MS. FRANCES MARTIN: That's a great question and I'm glad you asked it. Yes, certainly we've been receiving correspondence related to this project. When we receive that correspondence we do take the care to respond to the individuals, whether they've written to us or corresponded through email.

The correspondence we would receive on an ongoing basis is not considered public comment inside the EA process. I indicated earlier that when we receive the submission - the actual registration of the project from Northern Pulp - we will have a site available on the web and it will contain the project registration. As well, it will be clear in terms of anyone who wishes to have their views formally considered, it will be obvious to them on that site how to actually register within that 30-day time frame.

It will also be clear - obviously the time frame I said earlier begins when the document is registered, but it will also be clear when the 30-day comment period is over.

MR. JESSOME: Thank you. I know my time is short, so I'll just end my time by saying I have received express concerns with respect to environmental racism as a systemic problem throughout the history of this province and I'm proud that government is taking it upon ourselves to break that mould and, in this instance, to clean up Boat Harbour.

MR. CHAIRMAN: Thank you, Mr. Jessome. That concludes questions. I would like to give an opportunity to Ms. Martin to provide some closing comments.

MS. FRANCES MARTIN: Thank you very much, Mr. Chairman, I do appreciate that. I would also like to thank the members of the committee for your very thoughtful questions.

One thing I would like to reiterate, when we are making the decision that the environment is always first and foremost our concern, our decisions are based upon science and expert opinion. While we know that the public takes a great deal of interest in projects like this one, it's important to make decisions about mitigating the environmental impact based upon the best available information.

As I mentioned earlier this morning, Northern Pulp's new effluent treatment plant does qualify as a Class 1 environmental assessment. While the effluent treatment plant will be a new plant and a new design, it is a modification to an existing undertaking and that is the pulp mill itself.

Under the Act and Regulations, I believe a Class 1 environmental assessment was the appropriate decision to make. While a Class 1 EA is a 50-day process, we discussed this morning that it is by no means less stringent. A Class 1 EA process allows the Minister of Environment to make several decisions. He can accept or reject the undertaking, he can ask for more information, he can ask for a focus report or an environmental assessment report.

There is plenty of opportunity for interested parties to have their voice heard and we reviewed that a number of times this morning - that is an extremely important component of the overall review.

Mr. Chairman, I'd like to thank you for the opportunity to appear here this morning and discuss this important project.

MR. CHAIRMAN: Thank you for being with us and answering our questions.

We have some committee business. We had a piece of correspondence from the Department of Labour and Advanced Education, which was related to information requested from our January 10th meeting. Everyone has that correspondence. Are there any questions or comments on it?

Hearing none, we have an opportunity, and I will ask for a motion - I believe Mr. MacKay is going to provide it - to formally accept and endorse recommendations contained in recent Auditor General's Reports. Mr. MacKay, perhaps I'll call upon you to make a motion.

MR. HUGH MACKAY: I move that the Public Accounts Committee formally accept and endorse recommendations contained in the October 2017 report of the Auditor General, the November 1, 2017 report of the Auditor General, and the November 22, 2017 report of the Auditor General that have been accepted by the audited departments or agencies, and ask that those departments and agencies commit to and take responsibility for full and timely implementation of the recommendations accepted by those departments and agencies.

MR. CHAIRMAN: Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried. The clerk will make note of that.

If members are agreeable, I would like to write a letter to each of the ministers of the departments responsible to make them aware that we have passed this motion. Is everyone in agreement? Is anybody opposed?

There is unanimous agreement. Thank you.

We do have meetings scheduled for next week, on February 21st, as well as on the 28th. Our next meeting on the 21st will be with the Department of Communities, Culture and Heritage to discuss funding and grants.

Is there any further business to come before the committee?

Hearing none, this meeting is adjourned.

[The committee adjourned at 10:57 a.m.]