

COMMENTS RECEIVED DURING THE REVIEW OF THE PROPOSED  
ST. JOHN'S (NORTHERN POND ROAD) MOTORSPORT PARK

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Pollution Prevention Division

General

- All activities associated with this project are subject to the *Environmental Protection Act (EPA)* and the *Water Resources Act (WRA)* and their regulations. Official copies of these may be obtained from the Queen's Printer. Unofficial versions are available through the Government of Newfoundland and Labrador website ([www.gov.nl.ca](http://www.gov.nl.ca)).
- These comments highlight the pertinent issues of these acts and regulations and the PPD's policies and guidelines.

**EPA Part IV - Waste Disposal and Litter**

- All activities associated with the construction and/or operation of this proposal are subject to the EPA and the regulations.
- All waste material shall be considered, prior to disposal, for reuse, resale or recycling.
- Waste receptacles shall be installed at all active areas for use by workers.
- The company shall ensure that all lunch waste and empty oil containers are recovered and disposed of appropriately.
- Waste materials not reused, resold or recycled, shall be disposed at an approved waste disposal site, provided the owner/operator is willing to accept such waste and the local Government Service Centre (GSC) has agreed with the disposal of the waste materials at the site.

**Part VI - Air Quality Management**

- All activities associated with this proposal are subject to Air Pollution Control Regulations, 2004
- Schedule E of the regulations prohibits the open burning of tires; plastics; treated lumber; asphalt and asphalt products; drywall; demolition waste; hazardous waste; biomedical waste; domestic waste; trash, garbage, or other waste from commercial, industrial or municipal operations; manure; rubber; tar paper; railway ties; paint and paint products; fuel and lubricant containers; used oil; animal cadavers; hazardous substances; materials disposed of as part of the removal of decontamination of equipment, buildings or other structures.
- Non-treated woody debris may be disposed of on site through opening burning provided it is in compliance with the Environmental Code of Practice for Open Burning (1992). The Department of Natural Resources shall be contacted to obtain a permit to burn.

**EPA Part XI - Approvals**

- A Certificate-of-Approval from the PPD for construction and/or operation is not required.

**EPA - Storage and Handling of Gasoline and Associated Products Regulations**

- Petroleum storage and handling, associated with construction and operation of this project/facility, shall be in compliance with the *Storage and Handling of Gasoline and Associated Products Regulations, 2003*, as amended.
- All petroleum storage tanks shall be registered with the GSC and all leaks/spills must be reported to the Department.
- Oils, greases, diesel, gasoline, hydraulic and transmission fluids should be stored at least 100 m from any body of water. Re-fueling and maintenance activities should also occur at least 100 m from any body of water and on level terrain.
- An environmental emergency contingency plan should be developed which includes information regarding the location of spill response equipment and a trained contractor, in the event of a spill. A spill kit containing granular absorbents for land spills, synthetic sheet absorbents for recovery of oil from a water surface and open topped barrels for collection of the soiled debris and absorbents, should be available on-site. The barrels shall have appropriate tight fitting covers which are always on except when material is being placed in them.

**EPA - Used Oil Control Regulations**

- The proponent shall maintain constant compliance with the *Used Oil Control Regulations*.
- Waste oils and waste lubricants shall be retained in a tank or closed container, and disposed of by a company licensed for handling and disposing of waste oil products.

**WRA - Environmental Control Water and Sewer Regulations**

- All waters discharged from the proposed site, during construction and operation, are subject to compliance with the *Environmental Control Water and Sewage Regulations, 2003*.

**Inland Fish and Wildlife Division****Recommendations:**

The construction of the proposed site will involve vegetation clearing which will cause alteration of habitat. Many wildlife species use trees and the understory for shelter and cover, nesting and as a food source. Impacts from construction activities can be minimized by avoiding the breeding period (May to End July) or buffer existing shelters.

The smallest oil spill can have serious effects on wildlife. Therefore, every effort should

be taken to ensure that no spills will occur. Further measurements should be taken:

- A 100m buffer between the race track and any nearby brooks, streams, waterbodies or wetlands is recommended to protect the sensitive riparian habitat and its wildlife
- Ensure that the run-off from the tracks (motor oil/ transmission fluid etc) is directed away from the riparian zone and measures are put in place to reduce potential impact on the riparian habitat and the brook itself (e.g. elevated soil barrier)

The proposed area should be fenced in order to:

- prevent off-track riding (potential resulting in animal collision)
- minimize habitat modification outside the race tracks

For further details or questions on developing riparian buffer plans for the area, please contact the Wildlife Division at: (709) 637-2062.

#### Land Management Division

##### Regulatory Requirements:

The proponent has applied for crown land under application #127223. A recommendation will be held pending the outcome of the crown land application process and the environmental assessment review.

#### DEPARTMENT OF GOVERNMENT SERVICES

##### Occupational Health and Safety Division

##### Regulatory Requirements:

The Proponent is to ensure during the construction phase and with the operation of the facility:

- such work activities associated with the proposal are carried out in accordance with the provincial *Occupational Health and Safety Act* and its regulations;
- where a principal contractor is engaged, the principal contractor ensures employers, workers and self-employed persons performing work comply with the *Occupational Health and Safety Act* and its regulations;
- the provision for maintaining a workplace and the necessary equipment, systems and tools that are safe and without risk to the health and safety of his or her workers;
- the provision of providing information, instructions, training, supervision, and facilities as necessary for the health and safety of his or her workers;
- whenever a controlled product is used, stored or handled at the workplace, a supplier label is affixed to its container, its Material Safety Data Sheet is readily available at the workplace, workers receives education, instructions and training in the health and safety hazards of the product and in the proper use, handling,

- storage, and disposal of such products;
- his or her workers, and particularly his or her supervisors, are made familiar with any health or safety hazards that may be encountered by them in the workplace;
- where five or less persons are employed at a workplace, a workplace Health and Safety designate or a worker Health and Safety representative is designated to monitor the Health, Safety and Welfare of workers, and the designate or representative is consulted in developing and maintaining a workplace Occupational Health and Safety Policy;
- where more than five and less than ten workers are employed, a non-management worker is designated as the worker Health and Safety Representative to monitor the Health, Safety, and Welfare of workers, and the designated representative is consulted in developing and maintaining a workplace Occupational Health and Safety Policy;
- detailed health and safety procedures are communicated to workers, enforced by supervisors, and followed by workers on the project;
- that persons not in his or her employ are not exposed to health or safety hazards of the proposed undertaking;
- personal protective equipment and devices are worn according to the work being performed and that his or her workers are given operating instructions in the use of such equipment and devices provided for their protection;
- competent persons operate machinery and equipment;
- an emergency response plan is in place that details measures to be taken to effectively respond to any foreseeable mishap that may occur as a result of the undertaking;
- appropriate persons have the required first aid training, an appropriate stretcher is easily available for transporting an injured person, and the appropriate first aid supplies are readily available; and
- notification is given to Mr. George Flaherty, Manager, 5 Dundee Avenue, Donovan's / Mt. Pearl, Occupational Health and Safety Division on the start date of any construction activities.

#### DEPARTMENT OF NATURAL RESOURCES - Forestry and Agrifoods Branches

##### Regulatory Requirements:

##### Forestry Branch:

Cutting and burning during fire season require permits which may be applied for at the the District Forest Resources Office at Paddy's Pond.

##### Agrifoods Branch:

The closest agricultural activity is over 1 km from the proposed site and from an agrifood perspective the project may be released, however, as a condition of the release the Motor Sport park must not in any way adversely impact existing or potential agricultural activity in the surrounding area.

**DEPARTMENT OF TOURISM, CULTURE AND RECREATION**  
**Tourism, Strategic Tourism Product Development**

**Additional information required on the project and/or environmental planning of the project:**

The Department has reviewed this project through the Crown Land Application process and requested a business plan on March 24/05. To date, no business plan has been provided.

**DEPARTMENT OF MUNICIPAL AND PROVINCIAL AFFAIRS - Urban & Rural Planning**

**Regulatory Requirements:**

A Development Permit from the City of St. John's must be obtained. An amendment to the St. John's Municipal Plan and Regulations may be required to accommodate this proposal.

**DEPARTMENT OF TRANSPORTATION AND WORKS - Highway Design**

**Regulatory Requirements:**

Access to be located at old access opposite overpass. An access permit will be required. Contact the Supervisor in Foxtrap at 834-3961.

**WOMEN'S POLICY OFFICE**

**Original Impact Research:**

As women comprise 5.5% of those employed in trades, transport and equipment operators and related occupations, and 20% of those employed in natural and applied sciences and related occupations, the Women's Policy Office recommends that the proponent be required to identify employment equity provisions in any job advertisements or tender documents and consider gender equity when hiring workers and awarding contracts.

**FISHERIES AND OCEANS CANADA - Habitat Evaluation**

**Regulatory Requirements:**

Following its review of the environmental registration documentation, the Department of

Fisheries and Oceans (DFO) has determined that an environmental assessment based upon the habitat provisions of the *Fisheries Act* is not required.

## ENVIRONMENT CANADA - Environmental Protection

### Regulatory Requirements

The proponent should be aware of the general applicability of Section 36(3) of the federal *Fisheries Act* to the proposed undertaking. Deleterious substances (e.g. sewage, fuel, lubricating oils, etc.) cannot be deposited into water frequented by fish. Drainage from construction and operational drainage must not be harmful to fish.

Migratory birds, their nests, eggs, and young are protected under the *Migratory Birds Convention Act and Regulations*. The proponents should be reminded that they are expected to comply with the *Migratory Birds Convention Act and Regulations* during all project phases. Migratory birds include those species listed in the CWS Occasional Paper Birds protected in Canada under the *Migratory Birds Convention Act*.

Under the *Migratory Birds Convention Act and Regulations* no person shall deposit or permit to be deposited oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds. In addition, no person shall disturb, destroy, or take a nest, egg, nest shelter, eider duck shelter or duck box of a migratory bird. Migratory birds include those species listed in the CWS Occasional Paper "Birds Protected in Canada under the *Migratory Birds Convention Act*."

The proponent should be aware of the potential applicability of the *Canadian Environmental Protection Act (CEPA)*. The *Canadian Environmental Protection Act* enables protection of the environment, and human life and health, through the establishment of environmental quality objectives, guidelines and codes of practice and the regulation of toxic substances, nutrients, emissions and discharges from federal facilities, and ocean dumping.

### Information Required on the Project and/or Environmental Planning of the Project

In order to ensure compliance with Section 36 (3) of the *Fisheries Act* and with the *Migratory Birds Convention Act* and their Regulations, it will be necessary to prevent deleterious substances, such as petroleum products and other hazardous materials, from entering waters frequented by fish and migratory birds. The following mitigations are offered as suggestions which, when employed, may minimize impacts to nearby receiving waters:

### Migratory Birds

Clearing vegetation for the motor park will cause disturbance to migratory birds and their habitat. Many species use trees, as well as brush, deadfalls and other low-lying

vegetation for nesting, feeding, shelter and cover. This would apply to songbirds throughout the region, as well as waterfowl in wetland areas. Disturbance of this nature would be most critical during the nesting period; from May to around mid July in this region.

To help reduce any such impacts on migratory birds, the Canadian Wildlife Service recommends that if a nest is found:

- the nest site and neighbouring vegetation should be left undisturbed until nesting is completed; and
- construction activities be minimized in the immediate area until nesting is completed.

As part of its commitment to wetlands conservation, the Federal Government has adopted The Federal Policy on Wetland Conservation (FPWC) with its objective to "promote the conservation of Canada's wetlands to sustain their ecological and socio-economic functions, now and in the future." In support of this objective, the Federal Government strives for the goal of No Net Loss of wetland function on federal lands or when federal funding is provided. CWS recommends that the goals of the policy be considered in wetland areas, and that the hierarchical sequence of mitigation alternatives (avoidance, minimization, and as a last resort, compensation) recommended in FPWC is followed. Avoidance refers to elimination of adverse effects on wetland functions, by altering the siting or modifying the design of a project, and is the preferred option. A copy of the FPWC can be found at: <http://dsp-psd.communication.gc.ca/Collection/CW66-116-1991E.pdf>

The proponent should also ensure that no species at risk [as defined under the Species At Risk Act (SARA)] will be negatively impacted by the project. The prohibitions under SARA are now in force. For guidance on SARA and EA, the proponents may wish to make use of the Environmental Assessment Best Practice Guide for Wildlife at Risk in Canada available at: [http://www.sararegistry.gc.ca/virtual\\_sara/files/policies/EA%20Best%20Practices%202004.pdf](http://www.sararegistry.gc.ca/virtual_sara/files/policies/EA%20Best%20Practices%202004.pdf)

The Canadian Wildlife Service would be available to advise on any related details should the situation arise.

#### **Site Preparation and Construction Activities** **Vegetation Removal**

Existing vegetation should be preserved where possible and vegetated buffer zones should be maintained as appropriate to protect resources at risk. Where possible, other vegetation could be used to create or restore lost habitat. Vegetative debris should be chipped on-site, away from surface waters, for use as mulch or compost feedstock.

#### **Erosion and Drainage Control**

- Construction activities should be coordinated with seasonal constraints (e.g. time

clearing, grubbing and excavation activities to avoid periods of heavy precipitation; avoid sensitive periods for fish and wildlife; shut down and stabilize the work site in accordance with pre-established criteria in advance of the winter season).

- Exposed soil areas should be minimized by limiting the area exposed at any one time, and by limiting the amount of time that any area is exposed. Revegetation of disturbed areas, or covering disturbed areas with a thin layer of brush or slash is recommended to prevent erosion. Exposed soil should be stabilized with anti-erosion devices, such as rip rap, filter fabrics, gravel or wood chip mulches.
- A vegetated buffer zone should be maintained, as appropriate, to protect surface waters.

Erosion prevention and drainage control measures should be installed or implemented prior to any land disturbance. Control devices such as filter fabrics, sediment traps and/or settling ponds should be in place to receive all drainage from areas disturbed by site preparation and any site clearing, grubbing, scarification and general construction activities. Regular maintenance and repair should be undertaken to ensure continued effectiveness of such control devices.

### **Construction Materials**

At the planning stage of the project, it is important the proponent consider all available construction material alternatives (e.g., untreated hemlock, tamarack or cedar, treated wood, pre-cast concrete, corrosive-resistant steel, plastic lumber), and select those materials which are best suited to the conditions and intended use of the structure. Analysis of the preferred construction material should include a consideration of the full life-cycle of the material (ease of use, design factors associated with the construction material, maintenance requirements, and final disposal). Environmental implications (e.g. storm and ice damage) associated with each life-cycle phase should also be considered.

If pressure treated wood (e.g. CCA) is determined to be the most suitable material for the project, the proponent is expected to incorporate the following standards into the planning and management of construction activities:

- only proper construction techniques should be used (e.g. keep as much of the product above the high water mark as possible, capture sawdust to avoid entry into water bodies, etc.);
- only wood treated according to the Best Management Practices (BMP's) should be used;
- pressure treated wood should not be used in freshwater environments with low flow/flushing or in sensitive environments;
- wood treated with pentachlorophenol must not be used in aquatic environments.

Regarding the final disposal of pressure treated wood, the proponent should be aware that the only disposal option available at present is disposal at a landfill with permission from the owner or reuse of the material for another purpose. Although new technology



is being developed to remove the preservatives from used pressure treated wood, this procedure may not be economically viable at present.

**Transport, Storage, Use and Disposal of Petroleum Products and Toxic Substances**

- Refueling and maintenance activities should be undertaken on level terrain, at least 30m from any surface water, on a prepared impermeable surface with a collection system to ensure oil, gasoline and hydraulic fluids do not enter surface waters. Waste oil should be disposed of in an approved manner.
- Drums of petroleum products or chemicals should be tightly sealed against corrosion and rust and surrounded by an impermeable barrier in a dry, water-tight building or shed with an impermeable floor.
- In order to ensure that a quick and effective response to a spill event is possible, spill response equipment should be readily available on-site. Response equipment, such as absorbents and open-ended barrels for collection of cleanup debris, should be stored in an accessible location on-site. Personnel working on the project should be knowledgeable about response procedures. The proponent should consider developing a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event.
- The proponent should report any spills of petroleum or other hazardous materials to the Environmental Emergencies **24 Hour Report Line (St. John's 709-772-2083; Other areas 1-800-563-9089).**

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