

AUG 03 2018

COR/2018/02168-01

Terrence Penney
Metro Environmental Services Inc.
P.O. Box 19, 10 Point Road
Heart's Desire, NL
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Dear Mr. Penney:

Re: Appeal of Environmental Impact Statement Decision for the Argentia Access Road Industrial Compositing Facility

I write in reply to your appeal of July 4, 2018 regarding the Argentia Access Road Industrial Compositing Facility project. The appeal is pursuant to section 107 of the *Environmental Protection Act* concerning my decision on May 17, 2018 that an environmental impact statement was required for the undertaking.

Your appeal was sent to the Environmental Assessment Committee appointed to advise on this project, including the Departments of Municipal Affairs and Environment (Pollution Prevention Division and Fire and Emergency Services), Tourism, Culture, Industry, and Innovation, Fisheries and Land Resources, and Advanced Education and Skills. The public was invited to provide comments on the appeal from July 19 - 31, 2018 as announced in the Environmental Assessment Bulletin of July 19, 2018. A copy of the appeal was posted on the project website: www.mae.gov.nl.ca/env_assessment/projects/Y2016/1838/index.html. There were two public comments received on the appeal for consideration in my decision. Both comments were in opposition to the undertaking proceeding.

After consideration, there are no changes to my original decision of May 17, 2018 and the appeal is dismissed. In reply to questions and statements raised in your appeal, I offer the following answers and comments. I trust you will find this information helpful in understanding my decision to require an environmental impact statement for this undertaking.

This undertaking has received public opposition since the onset of the environmental assessment process. During the registration phase, we received public opposition from residents and business owners located within a 35 km radius of the proposed project site, including a petition containing in excess of 800 signatures, and more than 200 individual emails and letters. During our review of the environmental preview report, including the

review of the first and second addendum, we received 90 individual emails opposing the undertaking from residents and business owners in the local area. Additionally residents submitted 32 copies of a form letter, 439 copies of another form letter, and a 90-signature petition opposing the undertaking and identifying potential effects.

Public comments have focused on the following potential environmental and socio-economic effects:

- 1) Odours at the facility and during the transportation of feedstock to the facility;
- 2) Increased fly, insect, rodent, animal, and gull populations;
- 3) Visibility of the facility from Route 100 for residents and tourists;
- 4) Risk of airborne pathogens;
- 5) Risk of spontaneous combustion and fire;
- 6) Contamination of groundwater, surface water, wetlands, soils, and the surrounding environment;
- 7) Unproven technology in Newfoundland and Labrador; and
- 8) Limited development potential for adjacent land area within the municipal boundary of Whitbourne.

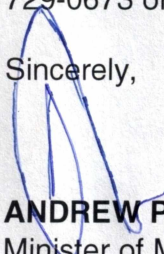
In your appeal letter, you request copies of this public correspondence. Section 40 of the *Access to Information and Protection of Privacy Act* prevents government officials from sharing personal identifying information, including the names and contact information of persons submitting project specific comments. The environmental preview report guidelines, decision letters, and the forthcoming environmental impact statement guidelines ask for information that reflects the public comments. To understand the public concerns, please refer to these guidance documents and correspondence, copies of which are on the undertaking website referenced above.

During the environmental assessment process you provided information and proposed mitigations directed towards addressing the public concerns; however, the public acceptability of the project remains very low. As per section 25 of the *Environmental Assessment Regulations*, the screening criteria for requiring an environmental impact statement includes consideration of when there is significant public concern and when the public acceptability of an undertaking is seriously questioned. I have determined that this undertaking raises significant public concerns and the public acceptability of it is seriously questioned.

In asking for an environmental impact statement, we are requiring, among other things, that you consider a program of public information that can be implemented to demonstrate how the undertaking will be carried out in an environmentally acceptable manner, including a demonstration of the economic viability of the undertaking.

If you have any questions regarding this matter, please contact Dr. Susan Squires at (709) 729-0673 or by email at susansquires@gov.nl.ca.

Sincerely,



ANDREW PARSONS, QC
Minister of Municipal Affairs and Environment