

COR-2023-181

FEB 01 2023

EA Reg. #2228

Kyle McGrath
APC Industrial Ltd.
6 Mountaineer Drive
Paradise, NL
A1K 1A2

Dear Kyle McGrath:

RE: Torbay Powder Coating Facility (the Project)

Your proposal has been reviewed by an interdepartmental environmental assessment screening committee and an opportunity to comment has been provided to the public as required by Part X of the Newfoundland and Labrador **Environmental Protection Act, SNL 2002, cE-14.2**. Please be advised that the Project undertaking is **released** from further environmental assessment subject to the following conditions:

- You must uphold all commitments made in your environmental assessment submission to mitigate the effects of the Project on the environment.
- You must update the Environmental Assessment Division on the status of the Project, including a copy of all permits, licences, certificates, approvals and other authorizations required for the Project, one year from the date of this release letter and to provide additional updates if required. Please email the Project updates to EAProjectComments@gov.nl.ca.

Federal and provincial government departments and agencies that reviewed the Project during the environmental assessment provide the following advice:

The Climate Change Branch (CCB) of my Department advises that better energy efficiency can lower operating costs and energy bills by reducing energy required for heating, cooling, lighting, etc., and encourages you review the takeCHARGE NL initiative at <https://takechargenl.ca/business>. The CCB further advises that all heavy-duty equipment used in the operating phase of the Project should be operated in a manner to maximize fuel efficiency, thereby reducing greenhouse gas emissions that could



contribute to climate change. For further information, please contact the CCB at (709) 729-1485.

The Pollution Prevention Division (PPD) of my Department advises you to develop a Waste Management Plan and an Environmental Health and Safety Contingency Plan for the Project. To assist with the development of a Waste Management Plan, the PPD refers you to a document titled 'Best Management Practices for the Storage of Waste Dangerous Goods/Hazardous Waste (WDG/HW) at Business Sites,' at <https://www.gov.nl.ca/ecc/files/env-protection-waste-guidancedocs-gd-ppd-077-best-management-practices-for-the-storage-of-waste-dangerous-goodshazardous-waste-wdghw-at-business-sites.pdf>. Further, the PPD advises you to ensure that the contingency plan is specific to the proposed undertaking, and spill response equipment is readily available on site to enable a quick and effective response should a spill occur. Response equipment, such as absorbents and open-ended barrels for collection of clean up debris should be stored in an accessible location on site and personnel working on the Project should be knowledgeable about response procedures. Any spill or leak of gasoline or associated product is to be reported immediately by calling the Environmental Emergencies Telephone Line at 1-800-563-9089. For further information, please contact the PPD at (709) 729-5782.

The Water Resources Management Division (WRMD) of my Department you to apply for and obtain a water use licence under the **Water Resources Act, 2002** for the use of water from any water source for any purpose. This applies for all non-domestic uses with an existing, new or planned water use from any water source. Any effluent or runoff leaving the site will be required to conform to the Environmental Control Water and Sewage Regulations, 2003. For further information, please contact the WRMD at (709) 729-2563.

The Government Service Centre (GSC) of the Department of Digital Government and Service NL advises that the storage, handling, and disposal of used and or waste oil must be in compliance with the Used Oil and Used Glycol Control Regulations. For further information, please contact the GSC at (709) 256-1426.

The Occupational Health and Safety Division (OHS) of the Department of Digital Government and Service NL advises you to ensure that the activities associated with the Project are conducted in compliance with the **Occupational Health and Safety Act** and its regulations. This includes ensuring that contractors hired to perform work also comply with this legislation. OHS advises you to have an emergency response plan in place that details measures to be taken to effectively respond to any foreseeable mishap that may occur as a result of the undertaking. OHS also advises you to ensure that atmospheric contamination of the workplace by hazardous substances is kept as low as reasonably



practicable and the booth areas and ventilation systems are exhausted in a way as not to interfere with air intakes or other residences and/or buildings in the area. For further information, please contact the OHS at (709) 729-6690.

The Department of Municipal and Provincial Affairs advises that the Town of Torbay Municipal Plan and Development Regulations list the proposed Project as a light industry use, which may be approved on a discretionary basis in the proposed location. Approval from the Town is required before the Project may proceed. For further information, please contact the Department of Municipal and Provincial Affairs at (709) 729-3090.

Environment and Climate Change Canada (ECCC) encourages you to prepare a Contingency Plan that considers potential accidents and malfunctions for site specific activities. For further information, please contact ECCC at (709) 772-2126.

Fisheries and Oceans Canada advises that the modernized **Fisheries Act** includes fish and fish habitat protection provisions which came into effect on August 28, 2019. If you are conducting work in or near water you should refer to the 'Projects Near Water' website at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>. For further information, please contact the Fisheries Protection Program at (709) 772-4140.

Health Canada (HC) advises that it can provide information on noise and fumes/dust related to outdoor air quality. For further information, please contact HC at (902) 237-7478.

Although the undertaking as proposed is released from further environmental assessment, it is still subject to other legislative requirements. You shall comply with all relevant legislation and obtain all necessary permits and approvals. You are required to inform this Department of any proposed significant changes to the undertaking.

Please note that in accordance with Section 17 of the Environmental Assessment Regulations, my decision is valid for a period of three years from the date of this letter. If you have not commenced the Project within this three-year period you may apply to extend the term of my decision for a maximum of three, one-year periods, if needed. Should the term of my decision expire, the Project will have to be registered again for environmental assessment, if you wish to proceed. For further information, please email EAProjectComments@gov.nl.ca.



If you have any questions about the environmental assessment process, please contact Joanne Sweeney, Director of the Environmental Assessment Division, at (709) 729-0673 or email joannesweeney@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink, appearing to be "BD", with a horizontal line extending to the right.

HON. BERNARD DAVIS, MHA
District of Virginia Waters – Pleasantville
Minister

Cc: Joedy Wall, MHA – District of Cape St. Francis