

Attachment B

Regulatory advice

EA # 2292 – Paddy’s Pond Concrete Batch Plant

Proponent: Farrell’s Excavating Limited

1. Climate Change Branch (CCB)

- 1.1. Proponent is advised to operate heavy equipment in a manner that fuel efficiency, thereby reducing greenhouse gas emissions that could contribute to climate change. For further information, please contact the CCB at (709) 729-1485.

2. Pollution Prevention Division (PPD)

- 2.1. Proponent is advised that a pesticide Applicator License is required for the application of a pesticide, and a contractor hired to perform that service must have a valid Pesticide Operator License. For more information, please contact the Pesticides Control Section at (709) 729-6054.
- 2.2. Proponent is advised to develop a contingency plan specific to the Project and to have spill response equipment readily available on-site to enable a quick and effective response to a spill event. Any spill or leak of gasoline or associated product is to be reported immediately to the Environmental Emergencies Telephone Line at 1-800-563-9089. For further information, please contact the PPD at (709) 729-5782.

3. Water Resources Management Division (WRMD)

- 3.1. Proponent is advised that prior to the start of construction, a Water Use License must be applied for and obtained for the use of water from any water source for any purpose.
- 3.2. Proponent is advised that if containment berms for settling ponds meet the definition of a dam, then a permit under Section 48 of the **Water Resources Act** will be required prior to construction.

- 3.3. Proponent is advised that any effluent or runoff leaving the site must conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003. For further information, contact the WRMD at (709) 729-2563.

4. The Government Service Centre (GSC)

- 4.1. Proponent is advised that all fuel storage tank systems other than those connected to a heating appliance of a capacity of 2,500 litres or less will require registration prior to installation.
- 4.2. Proponent is advised that the extent of land clearing and grubbing should be restricted such that naturally vegetated buffers between the site and surrounding properties and thoroughfares are maintained, and a 30-metre undisturbed vegetated buffer is maintained between the site and any surrounding watercourse or waterbody. Any existing tree screen concealing the operation from the public view is to be maintained, and a tree screen of 30 metres is to be maintained between the highway right-of-way and Project site. For further information, contact the GSC at (709) 729-0248.

5. Occupational Health and Safety Division

- 5.1. Proponent is advised to ensure that activities are conducted in compliance with the **Occupational Health and Safety Act** and its regulations. This includes the responsibility for ensuring that contractors hired to perform work also comply with the legislation. For further information, please contact OHS at (709) 729-3275.

6. Department of Industry, Energy and Technology (IET)

- 6.1. Proponent is advised that the quarry lease issued for this Project (file 7115784) would need to be amended to allow the placement and operation of the concrete plant and associated features such as settling ponds. For further information, please contact IET at (709) 729-5748.

7. Department of Municipal and Provincial Affairs (MAPA)

- 7.1. Proponent is advised that development permits are required for activities within the City of St. John's Municipal Planning Area. For further information, please contact MAPA at (709) 729-3090.

8. Environment and Climate Change Canada (ECCC)

- 8.1. ECCC recommends that you develop the following plans:

- A management plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds.
- An oil spill prevention and response plan.
- A contingency plan that considers potential accidents and malfunctions that take into account site-specific conditions and sensitivities.
- An invasive species prevention plan.
- A Species at Risk protection plan.

- 8.2. ECCC further advises that in order to avoid nest destruction and to accommodate the breeding season of migratory birds, operations should consider nesting locations between April 15 and August 15 in this region. ECCC requests that species-at-risk sightings be reported to the Canadian Wildlife Service (CWS) at <http://accdc.com/en/contribute.html>. For further information, please contact the ECCC-CWS at (709) 772-4313.

9. Fisheries and Oceans Canada (DFO)

- 9.1. Proponent is advised that the modernized **Fisheries Act** includes fish and fish habitat protection provisions which came into effect on August 28, 2019. Proponent should refer to the Projects Near Water website to get information about how to comply with the Fisheries Act and as well as information on the project review process when conducting work in or near water. The 'Projects Near Water' website is located 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.