

Provincial Court of Nova Scotia

Between:

His Majesty the King

v.

TOWN OF TRENTON

Order
(Sec. 79.2 FA)

Before The Honourable Judge Bryna Hatt, the following is ordered:

Defendant: TOWN OF TRENTON

1. (a) Town of Trenton Chief Administrative Officer (CAO), or delegate, shall give to all elected officials (mayor & council) a copy of *Fisheries Act* provisions, namely **Fish and Fish Habitat Protection and Pollution Prevention**; offences and penalty provisions within the said Protection and Pollution provisions, and, sections 79.2, 79.4 to 79.6 of the said *Act*.

(b) Within 10 days of the signing of the Order, the CAO or delegate shall provide written confirmation of having complied with clause 1(a) to ECCC c/o Enforcement Officer Zack Branscombe.

2. (a) Within 90 days of the signing of the Order, the Town of Trenton, at its expense, shall require the following desired positions to participate in third party training on the federal *Fisheries Act* **Fish and Fish Habitat Protection and Pollution Prevention**

provisions, related legislative requirements and penalties, spill response, reporting and notification requirements, and clean-up of sewage and other pollutants:

- (i) The CAO, Public Works Superintendent, Manager of Water Utility, Town Engineer; and,
- (ii) Town of Trenton employees, contracted and casual workers employed in the Public Works and Water Utility departments. On completion of the said training, the participants must pass a test prepared by the third-party trainer.

(b) Prior to such training, ECCC must review and approve the proposed training program and test.

(c) Within 14 days of completion of the requirements set out in clause 2(a), the third-party trainer shall provide a written report to ECCC c/o Enforcement Officer Zack Branscombe.

3. (a) At the expense of the Town of Trenton, employees, contracted and casual workers in the Public Works and Water Utility departments shall be trained by an independent 3rd party to properly collect, store and transport effluent samples taken from prescribed locations to an accredited laboratory. Training completion must be within 90 days of the signing of the Order.

(b) Within 5 days of completing the training described in clause 3(a) and continuing throughout the 18 months following the signing of the Order, trained employees or workers shall from the prescribed locations identified in clause 3(c):

- (i) Collect effluent samples once per month at least 10 days apart and arrange analysis of those samples for the following:

CBOD matter
Total Suspended Solids
Total Ammonia
pH
Field Temperature
Total Coliforms and E. coli

- (ii) Collect effluent samples once per quarter at least 60 days apart and arrange analysis of those samples for acute lethality to Rainbow Trout in accordance with Reference Method EPS 1/RM/13 using the procedure set out in section 5 or 6 of that Method.
- (iii) Analysis shall be carried out by a facility whose accreditation includes the analytical method of the parameters to be analyzed.
- (iv) Within 2 working dates of the final report of the analysis results being prepared, the accredited laboratory shall send the report by way of an agreed means to the Town of Trenton's CAO and to ECCC c/o Enforcement Officer Zack Branscombe.

(c) The prescribed locations for collecting effluent samples are:

- (i) the end of pipe outfall located behind the residence at 25 Bruce Street, at approximate coordinates 45.6228, -62.6353;
- (ii) the downstream end of the culvert under the driveway at 312 North Main Street, Trenton, NS, at approximate coordinates 45.6250, -62.6370.

(d) In the event of weather conditions that impede adequate sample collection during any of the collection periods described in clause 3(b):

- (i) Repeated attempts must be made to collect samples at the prescribed outfall and culvert locations. When samples can be taken from only one location during the described collection period, sampling compliance is deemed complete.
- (ii) when samples cannot be collected from either location after repeated attempts, then before the end of that collection period ECCC c/o Zack Branscombe must be notified.
- (iii) Collection efforts must be documented by employees or workers assigned to collect the samples.

5. Within 2 months of the signing of this Order, and every 4 months thereafter for the duration of this Order, the Town of Trenton shall publish on its website and in its newsletter, *Trenton Talk*, contact information for Town officials responsible for wastewater and storm water systems that includes afterhours contact information for emergencies related to such systems.

6. Within 3 months of the signing of this Order, the Town of Trenton shall publish on its website and in its newsletter, *Trenton Talk* a copy of the signed court Order and an article that includes detailing the facts led on sentencing, acknowledging the importance of *Fisheries Act* compliance, and identifying the environmental risks associated with non-compliance. Prior to publication, ECCC shall review the article for accuracy and completeness, and agree to its content.

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Judge Bryna Hatt

JUDGE BRYNA HATT
Judge of the
Provincial Court