

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

November 25, 2004

File Number: 4561-1022

1. In accordance with section 6(6) of the Regulation, it has been determined that the undertaking may proceed following approval under all other applicable acts and regulations.
2. Commencement of this undertaking must occur within three years of the date of this Determination. Should commencement not be possible within this time period the undertaking must be registered under the *Environmental Impact Assessment Regulation (87-83)* – Clean Environment Act again, unless otherwise stated by the Minister of Environment and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document (dated October 4, 2004), as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Director of the Project Assessment Branch every 3 months from the date of this Determination until such a time as the construction is complete.
4. The proponent shall ensure that the project is carried out in accordance with the requirements of the New Brunswick Coastal Areas Protection Policy. Please contact Paul Jordan, Community Planner, Integrated Environmental Planning Section, at (506) 444-3611 for additional information.
5. All work equipment shall be prevented from entering the water and be free from loose petroleum fluid or lubricants harmful to the marine environment. Fuel or lubricants shall not be stored on the on the wharf. Refuelling and maintenance activities shall be undertaken on level terrain at a suitable distance (30 metres or greater) from environmentally sensitive areas including the coastal environment and watercourses, and on a prepared impermeable surface with a collection system.
6. The proponent shall develop an environmental management plan (EMP) that includes, but is not limited to, the mitigative, monitoring and contingency measures (see appendix 1) identified during the review of this registration. The EMP shall be submitted to the Director of the Project Assessment Branch for review and approval prior to commencement of construction activities.

7. The proponent shall also develop an emergency response plan for the Dissolved Air Flotation system operation that identifies how system bypass events would be avoided or minimized (e.g. notification of appropriate authorities of events, scheduled DAF system maintenance during processing shutdowns, redundant equipment, temporary holding or storage for emergency breakdowns...). The emergency response plan shall be submitted to the Director of the Project Assessment Branch for review and approval before commencement of 2005 processing season.
8. The proponent shall ensure that all contractors and operators associated with the project construction and operation comply with the above requirements.

MINISTER’S DETERMINATION

Pursuant to Regulation 87-83 under the Clean Environment Act

November 29, 2004

File Number: 4561-3-1022

Environmental Management Plan

The Environmental Management Plan shall include, but not be limited to, the following:

1. Provisions for the management of all hazardous material (e.g. fuels, lubricants asphalt, cement, concrete additives and agents, preservatives, solvents, paints etc.) and waste (e.g. waste oil) that may be used or generated during the construction and operation of the facility.
2. Identify contingency planning measures that will enable effective and timely response to any accidental spill events of hazardous materials or operational waste. Please note contingency plans should be developed in consideration of the recommendations outlined in the Canadian Standards Association (CSA) publication, “Emergency Planning for Industry”, CAN/CSA-Z731-95.
3. Identify the site-specific management strategies for the prevention and control of erosion and sedimentation associated with this undertaking.
4. Identify the options for the immediate removal of all waste generated during project construction/operation from the project area for reuse, recycling, or disposal at an approved facility, however priority should be given to reusing or recycling wherever possible. This shall include strategies for removal and disposal of any excavated materials during the construction/installation phase. Should excavated materials contain high organic content, special attention shall be given to minimising any nuisance odour problems.
5. Identify the provisions for the visual monitoring of the turbidity near the work site. Should any changes occur in the turbidity of the water caused by the proposed activity, the works will have to be immediately ceased and the Ocean and Habitat Area Chief, Department of Fisheries and Oceans (DFO), immediately contacted at (506) 395-7722.