

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act
September 25th, 2009

File Number: 4561-3-1167

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;
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated August 14th, 2008, and subsequent addenda, 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 Manager of the Project Assessment Section of the Department of Environment (DENV) every 6 months from the date of this Determination until such a time as all the Conditions have been met;
4. All hazardous waste classes assessed as part of this EIA shall be kept on site for a maximum of **6 months**. The following maximum allowable quantities of each waste class shall apply to this facility:
 1. Class 2 (any combination of 2.1, 2.2, 2.2 (5.1), 2.3): *1200 litres*;
 2. Class 3.0: *350,000 litres* (tanks and drums);
 3. Class 4 (any combination of 4.1, 4.2, 4.3): *1,000 litres*;
 4. Class 5 (any combination of 5.1, 5.2): *1,500 litres*;
 5. Class 6.1 and 9.0 (any combination): *40 metric tons* (or equivalent volume), and
 6. Class 8.0: *3,500 litres*;
5. No explosives, polychlorinated Biphenyls (PCB's), asbestos or radioactive materials may be accepted at the project site;
6. The hazard characteristics of the waste may not be altered by any process at this site;
7. Solid waste that is generated from the storage, bulking or drying of hazardous wastes accepted at the facility, or a mixture of hazardous wastes and/or other materials, shall be classified and considered to be a hazardous waste in the Province and as such shall be disposed or otherwise managed only at facilities within the Province that are specifically approved to accept and manage hazardous wastes or managed outside the Province at

facilities in accordance with an approval issued by the authority having jurisdiction;

8. The proponent may only import waste from the Provinces of Quebec, Newfoundland & Labrador, Nova Scotia and Prince Edward Island;
9. The fire suppression system in the proposed Solids Bulking Building (SBB) shall utilize a suppressant that is non-reactive with all chemical classes to be stored, bulked, handled, processed, etc therein and must be approved by the Provincial Fire Marshall's office;
10. All transportation of hazardous waste classes shall access and leave the site via Leonard Drive, in the direction of the Town Boundary. This does not apply to waste being picked up within the Town of Sussex;
11. No washing of trucks transporting hazardous waste may take place within the subject property, unless specifically permitted in the *Approval to Operate*.
12. Prior to the onset of construction, a Surface Water Management Plan shall be submitted for review and receive approval from the Manager, Project Assessment Section. This must incorporate an impervious surface (e.g. asphalt) for the yard which directs runoff to a retention lagoon before entering the municipal stormwater system. This must also incorporate monitoring and treatment for said runoff, prior to discharge. This plan should also provide details of water and chemical containment in the event of a fire. This Surface Water Management Plan may be implemented in phases, on condition of approval as above;
13. In the event of a spill, the *Contaminated Site Management Process* as described in *New Brunswick's Guideline for the Management of Contaminated Sites* must be adhered to for any spills not contained within the interior liner system;
14. Prior to the onset of construction, an Air Emissions Management Plan shall be submitted for review and receive approval from the Manager, Project Assessment Section. This should address materials, methods and technologies that will be used to control emissions within and from the SBB for the approved classes of waste;
15. Prior to the onset of construction, a detailed description of the methods and materials proposed to leak-proof the interior of the SBB and for secondary containment shall be submitted for review and receive approval from the Manager, Project Assessment Section. This should include detailed plans and specifications of the materials to be used, as well as the QA/QC Report;
16. Prior to the onset of construction, an Environmental Management Plan (EMP) to address environmental issues pertaining to the construction and operation of the SBB shall be submitted for review and receive approval from the Manager, Project Assessment Section. The EMP must also address any construction and operational issues pertaining to the receiving, storage or bulking of hazardous wastes within the existing facility, and should demonstrate the facility is in compliance with Environmental Emergencies Regulations for the worst case incident(s).

The EMP should include air, surface water and groundwater management and monitoring plans, contingency plans, etc;

17. Prior to the onset of construction, the proponent must obtain the following:
 1. An *Approval to Construct* from DENV, including approval to connect to the Town of Sussex water supply and wastewater collection system;
 2. A certificate verifying that the environmental liability insurance has been increased to \$10,000,000.00, and which policy must be submitted for review and be approved by the Approval Engineer – DENV;
18. Prior to the onset of operation of the proposed project, the following is required for submission and approval from the Manager, Project Assessment Section DENV:
 1. A revised *Approval to Operate* from DENV;
 2. An updated groundwater flow direction once the monitoring wells are installed and operating;
19. Although no archaeological sites are presently recorded at this location, there still exists the possibility of encountering unrecorded archaeological resources (of historic and prehistoric significance) during excavation activities. If the proponent suspects that he has come upon remains of archaeological significance, all excavation must cease and the Archaeological Services Unit, Heritage Branch (WC&S) shall be contacted immediately at 453-2756;
20. Within 6 months of the onset of construction, a Wetland Compensation Plan shall be submitted for review and receive approval from the Manager of the Project Assessment Section. The plan must conform to the Draft *DNR Wetland Mitigation Guidelines (2005)*, and must be completed within 12 months of the onset of construction;
21. The proponent shall notify the Saint John Regional office of DENV no less than 5 days prior to the onset of construction, and
22. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.