

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

March 11, 2009

File Number: 4561-3-1187

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 November 21, 2008, and to those in all 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, Department of Environment (ENV) every 6 months from the date of this Determination until such a time as the construction is complete and ENV is satisfied that all conditions have been addressed.
4. The proponent must obtain the appropriate approvals from the Project Assessment and Approvals Branch, Environmental Management Division, ENV, before any project activities commence. For further information regarding this matter, please contact Mr. Mark Glynn of the Approvals Section at (506) 444-4599.
5. A yearly report on the impact of the project on wastewater effluent quality shall be produced and the results submitted to the Manager, Project Assessment Section, until the Manager determines that it is no longer necessary.
6. In addition to compliance with the NB Occupational Health and Safety Act, and corresponding development of workplace health and safety programs, the proponent must develop, in consultation with ENV, a health and safety program specifically designed for workers on site that may come in contact with petroleum coke through direct contact or inhalation. The program must be updated regularly such that it reflects current knowledge of petroleum coke and its potential health impacts. Testing and/or monitoring shall be a part of the program as necessary. Results of the program and necessary mitigation measures are to be discussed with the Project Assessment and Approvals Branch annually.
7. The proponent must consult with the Project Assessment and Approvals Branch to determine analytical requirements for shipments of petroleum coke and stack test requirements. Please contact Mr. Mark Glynn, Approvals Section, at (506) 444-4599 for further details.
8. The current Emergency Response Plan must be updated to include a plan to respond to an accident that may occur during transportation of petroleum coke to the generating station.

The update must be submitted to the Manager of the Project Assessment Section, for review and approval within three months of the date of this Determination.

9. In the event that the emission limits in the *Certificate of Approval to Operate* issued under the *Air Quality Regulation – Clean Air Act* are exceeded, the Project Assessment and Approvals Branch, Department of Environment, must be contacted immediately for further instructions.
10. This Determination allows for the use of petroleum coke for up to a maximum of 20% of the heat input to the Unit 3 boiler at full load.