

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

February 11, 2011

File Number: 4561-3-1197

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 shall 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 January 2009 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 Environmental Assessment Section of the Department of Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent shall complete the Phase II Environmental Site Assessment (ESA) and submit this information to the Remediation Engineer, Remediation and Materials Management Section, Department of Environment **within 18 months of the date of this Determination**. Until the Phase II ESA is completed, groundwater must be monitored on bi-annual basis for the chemicals of concern and the results shall be reported to the Remediation Engineer within 60 days following the monitoring event. A revised (Phase III) ESA and Remedial Action Plan (RAP), prepared by a qualified Site Professional to manage any contaminated or potentially contaminated sites identified in the revised ESA shall be submitted in accordance with a schedule agreeable to the Remediation Engineer, not exceeding 12 months upon receipt of the Phase II (Part 2) ESA). The schedule for the Phase III ESA and RAP shall be submitted at the same time as the Phase II (Part 2) ESA report and include a timeline (Gantt chart) for the completion of the tasks identified in the RAP. All sites must be managed in accordance with the current version of the Department of Environment's *Guideline for the Management of Contaminated Sites*. The proponent shall commence implementation of the RAP immediately upon receiving approval from the Remediation Engineer. For additional information, contact Michel Poirier, Remediation Engineer, at (506) 453-7945.
5. The Proponent shall complete the effort to close the Blair Malcolm Solid Waste Landfill in an environmentally acceptable manner within 3 years of receipt of this Determination. To that end, the proponent must submit a closure plan (including engineering drawings) and an application for an *Approval to Construct* for the closure of the Blair Malcolm Solid Waste Landfill. The closure

effort shall include, but not be limited to, a cover system of a minimum of 600 mm compacted clayey soil with an in-place hydraulic conductivity of 1×10^{-7} cm/sec, 150 mm growing medium and vegetation, or approved equivalent. This information must be submitted to the Department of Environment's Impact Management Branch for review and approval prior to commencing the landfill closure. For additional information please contact Sheryl Johnstone, Industrial Processes Section, at (506) 444-4599.

6. Within 30 days of the date of this Determination, the proponent shall submit Part 1 of the *Application Form – Requesting Approval of a Source* for an *Approval to Construct* for the demolition activities at the Dalhousie Works site. An *Approval to Construct* shall be obtained from the Department of Environment's Impact Management Branch prior to commencing any decommissioning activities. For additional information please contact Sheryl Johnstone, Industrial Processes Section, at (506) 444-4599.
7. An application for a WAWA permit shall be made for any activities carried within 30 metres of the delineated wetland adjacent to the Blair Malcolm Landfill. Please contact the Manager of the Surface Water Protection Section at (506) 457-4850 for further information.
8. The proponent shall follow the project-specific mercury and chromium management criteria which was developed by the Department of Environment and accepted by Olin Corporation, as outlined in the updated Figures 2-1 and 2-2 in the memo titled “Dalhousie Works Demolition/Decommissioning Proposed Demolition Materials Management Approach”, dated June 10, 2010.
9. The proponent shall complete the asbestos abatement plan and update the sampling plan (Appendix B) to reflect any new information that is discovered during this exercise. The plan shall be submitted to the Manager of the Environmental Assessment Section prior to the commencement of demolition activities
10. A Land Reclamation Approval from the Region 1 (Bathurst) Office shall be obtained for any debris which is to be disposed of onsite (as fill material). Please contact Paul Fournier, Regional Director, at (506) 547-2092 for further information.
11. All buildings, infrastructure, and equipment on the Dalhousie Works site that will be demolished as part of the Phase 1 demolition must be subject to the commitments outlined within the Phase 1 Demolition Sampling Plan, dated August 2010. Any materials not evaluated in accordance with this Plan will be considered hazardous waste and must be disposed of at a hazardous waste management facility. An independent (third party) consultant must be present on site to ensure that the contractor manages/disposes wastes as per the commitments made within the EIA Registration document. A report outlining a summary of material removed from the site, including fate of the material and copies of the confirmatory testing must be submitted by the independent party on a monthly basis to the Manager of the Industrial Processes Section (Department of Environment). The report must be signed by an individual with a professional designation in good standing, which is approved by the Department. A final report must also be submitted to the Industrial Processes Section.

12. Concrete foundations, slabs and below grade piping (including associated manholes, catch basins, etc.) and any residual sludges shall be assessed and managed as per the project-specific mercury and chromium management criteria noted in Condition #8 above. If the concrete meets Criteria No. 1 (Construction and Demolition Waste “A”) noted in Table 3-1 of the June 10, 2010 memo titled “Dalhousie Works Demolition/Decommissioning Proposed Demolition Materials Management Approach”, then the Department of Environment may consider the option to leave the concrete onsite.
13. The wastewater treatment plant, including below and above ground infrastructure and any residual sludges, must be assessed and managed as per the project-specific mercury and chromium management criteria noted in Condition # 8 above.
14. A Phase 2 Demolition Sampling Plan shall be developed which will provide details on the methodology to be used to characterized and manage materials during the demolition activities associated with Phase 2. The Plan must be submitted to the Manager of the Environmental Assessment Section prior to the commencement of any demolition work associated with Phase 2.
15. An Environmental Management Plan (EMP) shall be developed for the Project to outline environmental protection commitments of the proponent and their contractor(s), and to ensure compliance with these commitments as set forth in the EIA Registration Document and all subsequent follow correspondence. The EMP shall also include an Environmental Protection Plan, Emergency Response Plan (i.e. in the event of an accidental chemical release/spill or encountering of unforeseen contaminants or conditions), and Demolition Drainage Pan (surface and subsurface). The EMP must be submitted to the Manager of the Environmental Assessment Section for review and must receive approval prior to commencing any decommissioning activities.
16. The proponent shall ensure that the contractor which is awarded the Phase 1 Demolition contract provides the name of their PCB removal contractor, including contact name and telephone number to the Department’s PCB & ODS Program Manager (Réjean Doiron). No demolition activities shall occur until a full PCB audit has been completed and a PCB work plan for the removal/disposal has been submitted to the Department for review and have been approved. For additional information, please contact Réjean Doiron, PCB & ODS Program Manager, Department of Environment at (506) 453-3796.
17. If it is suspected that the remains of archaeological significance are found during construction of the project, work shall stop immediately in the vicinity of the find, and the Archaeological Services Unit, Heritage Branch, Wellness, Culture and Sport, shall be contacted immediately at (506) 453-2756.
18. The Area Habitat Coordinator, Ms. Anne Turcotte (Fisheries and Oceans Canada – Tracadie), shall be notified a minimum of 48 hours prior to the commencement of any Project works (i.e. commencement of decommissioning activities). Ms. Turcotte can be reached at (506) 393-3036.

19. The proponent must receive written approval from the Department of Environment should a future benefit/alternative use of the infrastructure or portions thereof that is acceptable to the Minister is identified and thus results in that infrastructure not being decommissioned or abandoned.
20. All of the above terms and conditions are an integral part of this Determination, and apply to the Project notwithstanding the rights of any users, lessees, and or subsequent owners.
21. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof:
 - a. The proponent shall provide written notice of the conditions to the lessee, controller, or purchaser; and
 - b. The proponent shall provide written notice of such lease, change of control, or conveyance to the Minister.