

# DOCUMENT "A"

## MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

November 13, 2009

File Number: 4561-3-1215

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 implement measures to require adherence by all contractors, sub-contractors and workers on this project, to all obligations, commitments, monitoring and proposed mitigation measures presented in the EIA registration document dated March 30, 2009, as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent must 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 every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. An Environmental Management Plan (EMP) shall be submitted for review, and be approved by, the Manager of the Project Assessment Section, DENV, prior to the onset of construction. The EMP shall demonstrate mitigation measures for all aspects of the project including but not limited to the following:
  - a. An erosion and sedimentation prevention and control strategy;
  - b. A Routine Inspection Plan to ensure that all components of the project are functioning properly (which shall include monitoring of flow rates, investigating blockages in a timely fashion to ensure potential leaks in the system are detected quickly and repaired, etc);
  - c. An Emergency Response Contingency Plan(s) in case of environmental emergencies (which shall contain provisions for the immediate notification of the Dept. of Environment, the Dept. of Health, and any downstream water users in the event of overflow or other environmental emergencies, details of appropriate spill response equipment on site, etc);
  - d. Refueling and maintenance of equipment, and
  - e. An Environmental Effects Monitoring Plan.
5. The proponent shall obtain an *Approval to Construct/Operate* as per the *Water Quality Regulation* – Clean Environment Act, prior to the onset of construction. Detailed final design

specifications shall be included in the application. Please contact the Manager, Water and Wastewater Section, at 453-7945 for further information.

6. An Environmental Risk Assessment (ERA) must be completed for the Project to ascertain the Effluent Discharge Objective for CBOD, TSS and other substances identified (i.e. nutrients) that will need to be controlled. The mixing zone will need to be delineated with the increased flow and should be completed as part of the project. The ERA must be submitted to the Manager, Water and Wastewater Section for review and approval no later than December 31, 2013. Please contact the Manager, Water and Wastewater Section, at 453-7945 for further information.
7. Prior to commencement of any construction activities within 30 metres of any watercourse or wetland, the proponent must obtain a *Watercourse and Wetland Alteration Permit* from the NB Department of Environment. If additional information is required, please contact the Manager of the Watercourse and Wetlands Alteration Program, NB ENV at (506) 444-5149.
8. The A/Area Chief, Mr. Marc Godin (DFO - Tracadie-Sheila, NB), must be notified a minimum of 48 hours before the commencement of construction activities. Mr. Marc Godin can be reached at (506) 395- 7713. A copy of the letter from Fisheries and Oceans Canada (dated May 29, 2009) must be kept on site during construction.
9. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Section, NB Department of Wellness, Culture and Sport, shall be contacted at (506) 453-2756 for further direction.
10. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water bodies and potable water supply wells, on a prepared impermeable surface with a collection system to contain oil, gasoline and hydraulic fluids. Appropriate spill response equipment must be maintained in a readily accessible location during project construction and operation. All spills and releases shall be promptly contained, cleaned up and reported to the 24-hour emergency response line (1-800-565-1633).