

DOCUMENT “A”

MINISTER’S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

August 24, 2010.

File Number: 4561-3-1235

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 documentation dated September 2009 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 Environmental Assessment Section, Department of Environment (DENV) every 6 months from the date of this Determination until such a time when all the Conditions have been met.
4. Scrap tires may be imported from Nova Scotia, Newfoundland and Labrador, Prince Edward Island, Quebec, Ontario and Maine only.
5. Tires imported from outside the Province shall not be shipped to a third jurisdiction to be used as Tire Derived Fuel (TDF). In addition, a minimum of 70% of all tires imported from outside the Province must be used in a manner that produces “value added” products, which includes Tire Derived Aggregate (TDA) but does not include TDF.
6. The proponent must only accept tires to be processed at the facility in Minto.
7. The number of tires imported in one year must not exceed 300,000 passenger tire equivalents (PTE’s).
8. The proponent must propose a system to audit tires processed at the plant that will distinguish tires originating within the province and the number of tires that originate outside the province. The proposed auditing system must be submitted to the Manager of Environmental Assessment Section (DENV), and be approved prior to implementation of project activities.

9. The proponent shall indemnify, defend, and save harmless the Department of Environment, the Province of New Brunswick, and its Ministers, officers, directors, employees, agents, successors and assigns, from any and all losses, claims, demands, suits, costs and expenses of whatever nature and description arising from or in connection with the proponent's importation of scrap tires.
10. The proponent must apply for an Amendment to the current *Approval to Operate* (I-5718) from the Industrial Processes Section, Impact Management Branch, DENV. Please contact the Manager, Industrial Processes Section at (506) 453-7945 for further details.
11. If, at any time, imported tires require storage at any location other than the facility in Minto, the proponent must submit a letter providing details to the Manager, Environmental Assessment Section (ENV). Permission must be obtained prior to any off-site storage of the tires.
12. TRACC must continue to collect tires throughout New Brunswick in a timely manner and eliminate any backlog of tire collections which exist at retail accounts throughout the Province.
13. The imported scrap tires must be stored separately in TRACC's yard inventory such that they are easily identifiable from TSP tires.
14. TRACC must ensure that there are no additional costs to the TSP as a result of the importation of scrap tires into New Brunswick.