

## DOCUMENT "A"

### MINISTER'S DETERMINATION

#### CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

14 March 2012

File Number: 4561-3-1309

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 2011 and subsequent addendums, 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 (DENV) every 6 months from the date of this Determination until such a time as all the Conditions have been met;
4. The following Conditions apply to the potable water well identified as PW 11-1 in the Environmental Impact Assessment:
  - a) maximum allowable pumping rate for PW 11-1 shall be no more than 70 igpm, and the well shall have a flowmeter installed to ensure that this pumping rate is not exceeded at any time;
  - b) PW 11-1 shall have an automatic low-level shut-off device installed at a depth of 10 meters below the top of the casing to ensure that the uppermost water-bearing fractures are not dewatered and the water level does not drop below mean sea level;
  - c) Water levels in PW 11-1 must be continuously monitored using automated data logging equipment, monitoring pump run times and water levels. This data shall be made available to DENV upon request;
5. An *Approval to Construct and Operate* shall be required from DENV for the installation/construction of wastewater infrastructure, as well as for the operation of a potable water supply. For more information, please contact the Manager, Water and Wastewater Management Section, at 453-7945 for more information;
6. The proponent shall create a *Corporation* as per the New Brunswick Condominium Property Act (C-16.05) which shall be responsible for the operation and maintenance of the communal water supply (hereinafter referred to as "the Corporation");

7. The proponent shall undertake the **installation of the potable water and wastewater infrastructure, and the construction of the dwelling units on lots 11-1 and 11-2 (those closest to Highway 133) only**, until such time as the Remediation and Materials Management Section acknowledges receipt of an environmental site assessment report defining the extent of the contamination plume and a risk assessment or Remedial Action Plan (RAP) is prepared by a qualified site professional which addresses the associated human health and environmental risks associated with the contamination;
8. The water and wastewater infrastructure shall be constructed / installed using BUNA N (nitrile) gaskets or equal, and polyethylene Series 160 shall **not** be used, in areas where it is suspected that contaminated soil is present;
9. The water and wastewater infrastructure shall be constructed / installed with clean fill (i.e. non-contaminated soil). A registered contaminated sites professional shall be on-site during the installation of the infrastructure in the area of the suspected contamination plume and a 30-meter radius beyond the suspected plume, to ensure that free product is not encountered. If free product is encountered during the installation of infrastructure, work shall cease immediately until such time as the plume is fully delineated. Appropriate actions shall be taken to remove free product as required, if encountered;
10. All contaminated soil previously excavated, and/or excavated as part of the construction / installation of the water and wastewater infrastructure shall be removed off-site to an approved facility for proper disposal;
11. The proponent is hereby advised that the installation of water and wastewater infrastructure and the construction of dwellings, within or adjacent to, an area of potential contamination may present a financial risk whereby remediation may be required to clean up the potential contaminated site, including but not limited to excavation of soil, drilling of monitoring wells, removal of top layer of bedrock, and mitigation associated with petroleum fumes and other potential health effects within said dwellings;
12. No fuelling of equipment may take place within 30 metres of a potable water supply;
13. A copy of the *Letter of Advice* from the Department of Fisheries and Oceans shall be kept on site during construction activities. The Area Chief, Ecosystems Management, Habitat Protection Ms. Anne Turcotte shall be notified at least 48 hours prior to the commencement of construction;
14. The proponent will be responsible for any negative impacts to private water wells due to operation of the production well or installation of piping and other infrastructure. The proponent will be required to provide a temporary water supply for short term impacts or to repair, remediate or replace any permanently impacted well, which might include, but is not limited to, deepening a well or drilling a new well. This responsibility may be shared and/or transferred to “the Corporation” under the Condominium Property Act;

15. Please provide final, updated versions of the project registration document and the public consultation report to the Project Manager within 2 months of the date of this *Determination*;
16. Future phases of this project not defined in the registration document, including but not limited to the construction of additional semi-detached housing units, increased pumping rate for PW 11-1, and the drilling of additional potable wells, etc, shall be submitted to the Manager of the Environmental Assessment Section, for review and approval, prior to the implementation of said future phases;
17. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof, the proponent shall provide written notice of the conditions to the lessee, controller, or purchaser, and
18. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.