

## DOCUMENT “A”

### MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

April 5, 2018

File Number: 4561-3-1422

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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 and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the updated document *Environmental Impact Assessment - Town of Woodstock Water Supply* dated January 2018 as well as all those identified in 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 Director of the Environmental Impact Assessment (EIA) Branch, Department of Environment & Local Government (DELG) every six months from the date of this Determination until such a time as all the Conditions have been met, or until it is deemed by the Director, EIA Branch, DELG to be no longer necessary.
4. The maximum allowable pumping rate for well PW16-1 (well ID #55572 on PID 10165819) is 1474 igpm (9650 m<sup>3</sup>/day). A flowmeter must be installed on the well and the water usage data recorded daily (minimum of 5 days/week). The flowmeter data must be submitted annually in the manner prescribed in the *Approval to Operate* for this system.
5. If at any time the proponent wants to increase the approved maximum pumping rate of well PW16-1 and/or requires a new water supply well, then the Director of the EIA Branch, DELG must be contacted to determine if additional information is required.
6. Prior to using water from well PW16-1, but after proper disinfection of the well, a full water quality sample must be collected for general chemistry, trace metals, and microbiology. The water quality data must be submitted to DELG for review and approval before the well may be used.
7. The water from production well PW16-1 must meet the *New Brunswick Drinking Water Guidelines* before reaching the first user in the distribution system and throughout operations.
8. Well PW16-1 must be added to the *Approval to Operate* and to the sampling plan.

9. The proponent must submit to DELG a decommissioning plan, with timelines, for any test wells that will not be used for monitoring or production purposes. All wells must be decommissioned as per DELG *Guidelines for Decommissioning (Abandonment) of Water Wells*.
10. In the event of a complaint by a neighbouring water user that the construction or operation of this water supply well has negatively impacted the quality or quantity of their private water supply, the proponent must investigate the complaint and notify DELG. If it is determined that the proponent is responsible for any such negative impacts, 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(s), which might include, but is not limited to, deepening a well or drilling a new well.
11. The Town of Woodstock must adopt a Resolution of Council to initiate the *Wellfield Protection Program/Wellfield Protected Area Designation Order (WfPADO)* process under the Clean Water Act prior to connecting the new water supply well to the distribution system. Also, the Town will have to undertake a wellfield protection study within 3 months of the date of commissioning the well, as per the terms of reference that will be established by DELG.
12. Prior to Horizontal Directional Drilling (HDD), notification shall be given to the DELG Region 6 office, the public, and to the Wolastoqey communities.
13. The proponent shall prepare and submit an Environmental Management Plan (EMP) for project implementation to the Director, EIA Branch, DELG for review and approval prior to commencing construction activities.
14. The proponent shall ensure that there are contingency plans approved by DELG to address environmental protection in the event of HDD frac-out or HDD failure. These plans must be incorporated into the EMP.
15. The proponent shall apply for and obtain a *Watercourse and Wetland Alteration (WAWA) Permit* from DELG prior to commencing any activities within 30 meters of a watercourse or wetland.
16. If it is suspected that remains of archaeological significance are discovered during construction, operation, or maintenance of the proposed development, as per the New Brunswick Heritage Conservation Act, all activity shall be stopped near the find and the Manager of the Archaeological Regulatory Unit, Archaeological Services Branch, New Brunswick Department of Tourism, Heritage and Culture, shall be contacted at (506) 238-3512 for further direction.
17. An archaeological impact assessment (AIA) by a qualified professional archaeologist must be completed and reviewed prior to any ground disturbances associated with this project. Trees and vegetation in the project area may be hand cut prior to the AIA. Stumps are to be left in the ground; there is to be no ground disturbance associated with this activity. Cut trees and vegetation may be removed from the site using a small all-terrain vehicle (ATV) and in a manner such that no rutting of the ground occurs. Please advise Archaeological Services Branch of the dates for planned cutting and removal of trees so that an inspection may be undertaken. The recommendations of the AIA must be submitted to DELG and will be reviewed by the provincial archaeological regulatory body. The outcome of the initial AIA may result in a requirement for further archaeological investigation and mitigation at this location.

18. The proponent must ensure that all project activities are conducted in compliance with the Migratory Birds Convention Act and associated Regulations. If cutting of vegetation, removal of vegetation, or grubbing associated with this project is required inside the bird breeding season, mitigation measures must be considered to ensure compliance with the Act.
19. The proponent shall ensure that all project activities are conducted in compliance with the federal and provincial Species at Risk Acts and associated Regulations.
20. The proponent must check for Wood Turtles ahead of use of heavy machinery. If a Wood Turtle is encountered, it must be moved in its direction of travel, out of harm's way. If a nest or a nesting turtle is found, cease all activity around the nest, and contact the Species at Risk Biologist, Department of Energy and Resource Development at (506) 453-5873.
21. Health Protection Services, Department of Health must be notified of any significant spills of hazardous materials or unplanned release of wastewater that could create a health hazard affecting human health through exposures from soil, air or water.
22. The proponent shall ensure that any proposed project modifications or future expansions are submitted to the Director, EIA Branch, DELG, for review and approval.
23. In the event of the sale, lease, or any other conveyance or change of control of the property, or any portion thereof, the proponent must provide written acknowledgement from the lessee, controller, or purchaser confirming that they will comply with the Conditions of this Determination to the Director of DELG's EIA Branch.
24. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements and the measures outlined in the Environmental Management Plan that was developed for the project.