

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act
December 16, 2016.
File Number: 4561-3-1446

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* (EIA) (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 EIA registration document dated September 2, 2016; all subsequent reports submitted and to all those in correspondence during the course of the 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 and Local Government (DELG) every 6 months from the date of this *Determination* until such a time that it is determined to be no longer necessary.
4. 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).
5. If it is suspected that objects or features of archaeological significance are found during construction, work shall stop immediately in the vicinity of the find and the Manager – Regulatory Unit, Archaeological Services Branch of the NB Department of Tourism, Heritage and Culture shall be contacted immediately at (506) 238-3512.
6. Project activities will require an *Approval to Construct* and a modification to the existing *Approval to Operate*. Please contact the Manager of the Industrial Processes Section for further information at (506) 453-7945. As part of the

Approval process, an action plan for dealing with a potential leak of effluent from the anaerobic digester shall be developed in consultation with DELG. The plan shall be finalized prior to operation of the new low-rate anaerobic digester.

7. Baseline water quality sampling must be conducted for private wells located within 250m of the proposed digester. A sampling plan shall be developed in consultation with DELG. Sampling should commence prior to construction. A copy of the water quality results must be given to the well owner and also submitted to DELG for the file.
8. An Environmental Protection Plan (EPP) for construction activities shall be developed by the proponent that outlines environmental protection commitments for the proponent and their contractor(s) during project implementation and to ensure compliance with commitments as set forth during the EIA review and all subsequent correspondence. This EPP shall include, but not be limited to, environmental protection measures for work near environmentally sensitive areas. This plan must be submitted to the Manager, Environmental Assessment Section, DELG for review and approval prior to the commencement of construction activities.
9. The proponent must consider enclosed flaring options to protect migratory birds or develop an avian mortality monitoring plan to be implemented following any night-time flaring event. The mortality monitoring plan would be expected to include corrections for searcher efficiency, carcass persistence (i.e. scavenging), and searchable area (i.e. that takes into account areas that are not able to be searched due to substrate, health and safety concerns, etc.). This plan must be submitted to the Manager, Environmental Assessment Section, DELG for review and approval.
10. The proponent must ensure that all contractors working at the sites are familiar and will comply with the requirements of the Migratory Birds Convention Act (MBCA) and associated *Regulations*.
11. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.