

## **DOCUMENT “A”**

### **MINISTER’S DETERMINATION CONDITIONS OF APPROVAL**

Pursuant to the *Environment Impact Assessment Regulation – Clean Environment Act*

July 15, 2022

File Number: 4561-3-1521

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1. In accordance with section 6(6) of the *Environmental Impact Assessment Regulation – Clean Environment Act*, 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. Commencement is defined as the start of project-related physical construction activities as identified during the Environmental Impact Assessment (EIA) review. Should commencement not be possible within this time period, the undertaking must be registered under the *Environmental Impact Assessment Regulation – Clean Environment Act* again, unless otherwise stated by the Minister of Environment and Climate Change.
3. In the event the project is commenced (i.e., partially completed) and becomes inactive for a period of five years or more after commencement, the undertaking must be registered under the *Environmental Impact Assessment Regulation – Clean Environment Act* again, unless otherwise stated by the Minister of Environment and Climate Change.
4. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated May 13, 2019 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 Director, EIA Branch, Department of Environment and 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 to be no longer required.
5. If archaeological remains are suspected to be discovered during construction, operation, maintenance or any other activity related to the Project, in accordance with the *New Brunswick Heritage Conservation Act-Brunswick*: all activities must be stopped near the discovery and the Archaeology and Heritage Branch of the New Brunswick Department of Tourism, Heritage and Culture must be contacted immediately at (506) 453-2738 for further direction.
6. An Environmental Management Plan must be submitted for review and must be approved by the Director of DELG’s EIA Branch prior to the commencement of any

project-related activities. The plan should also include:

- A groundwater monitoring plan;
  - A sediment management plan with contingency plan for high sediment concentrations in water during construction, with particular attention to effects on adjacent oyster farms.
7. The proponent must obtain an approval to construct from the DELG Approvals Branch prior to the commencement of any project construction related activities. For more information, please contact the Authorization Branch at 506-453-7945.
  8. As a result of the facility upgrades, the proponent will require a new approval to operate prior to commissioning the upgraded lagoon. The new approval will take into account, at a minimum, the addition of operational conditions related to ultraviolet (UV) disinfection and will therefore include requirements for disinfection and monitoring of E. coli.
  9. Once the new outfall is installed, the proponent must conduct an Environmental Risk Assessment (ERA) to assess and reflect the actual conditions at the discharge point of the new outfall pipe. In addition, the effluent monitoring plan, as required by the approval to operate, will need to be updated to reflect the results of the ERA.
  10. The proponent must apply for and obtain from the Authorization Branch Engineer, a temporary authorization to bypass at least one of the treatment processes normally applied to the wastewater system. An application must be submitted at least 45 days before the date the diversion is required, in the form and format specified in the ERRIS "Effluent Regulatory Reporting Information System".
  11. The proponent shall ensure that any proposed project modifications or future expansions are submitted to the Director, EIA Branch, DELG, for review and approval prior to implementing the changes.
  12. 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, EIA Branch, DELG.
  13. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.