

Document “A”

**MINISTER’S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

June 11, 2020

File Number: 4561-3-1537

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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 (ELG).
 3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the Environmental Impact Assessment (EIA) Registration dated February 2020, 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, ELG every six months from the date of this Determination until such a time as the Director determines it is no longer required.
 4. These Conditions of Approval supersede those found in the previous EIA Conditions of Approval for Projects 4561-3-1388 (December 2, 2014) and 4561-3-1409 (April 29, 2016).
 5. If suspected remains of archaeological significance are discovered during construction, operation, maintenance or during any other project related activity, as per the New Brunswick Heritage Conservation Act, all activity shall be stopped near the find and the Archaeology and Heritage Branch, New Brunswick Department of Tourism, Heritage and Culture (THC), must be contacted immediately at (506) 453-2738 for further direction. In addition, if the proponent plans to excavate deeper than 2 metres, a permitted archaeologist should be on site to monitor the work and ensure that it does not impact potential archaeological resources present within the soils of the undisturbed natural terrace underlying the disturbed fill on site.

6. Wells E and F are approved for a maximum combined pumping rate of 5800 L/min (1275.8 igpm). The facility may pump from both wells or either well as long as the total and/or combined pumping rate from Wells E and F does not exceed 5800 L/min.
7. Flowmeters were previously installed on Wells E and F, and the water usage from the wells must be recorded daily (minimum 5 days/week). The water usage data must continue to be reported annually to ELG in the manner prescribed in the Approval to Operate under the Clean Environment Act for the facility.
8. If at any time the proponent wants to increase the maximum allowable pumping rate for Wells E and/or F, and/or wants to increase the daily maximum water withdrawal limit, and/or requires a new water supply well, the Director, EIA Branch, ELG must be contacted to determine if additional hydrogeological information and/or new EIA registrations are required.
9. The wells must be sampled a minimum of once annually for general chemistry, trace metals, and microbiology. The water quality data must be submitted annually to ELG in the annual report as per the Approval to Operate issued under the Clean Environment Act.
10. In the event of a complaint by a neighbouring water user that the operation of these water supply wells has negatively impacted the quality or quantity of their private water supply, the proponent must investigate the complaint and notify ELG. If it is determined that the proponent is responsible for any 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 proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.
12. 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.
13. 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 the EIA Branch of DELG.