

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

March 8, 2010

File Number: 4561-3-852

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 December 19, 2001, 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 every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The maximum allowable pumping rate for well PW5 shall not exceed 110 igpm and pumping shall be limited to a maximum of 12 hours/day (equivalent water withdrawal of 360 m³/day). PW5 shall not be pumped at the same time as PW4. An automatic low level shut off must be installed in PW5 at a depth of 11 m (36.1 ft) below top of casing (btoc).
5. Once TH03-2 (PW5) is approved and brought on-line, the original PW1 must be decommissioned by a licensed Water Well Driller according to the DENV *Guidelines for Decommissioning (abandonment) of Water Wells (Clean Water Act 90-79)*. Any other monitoring, observation or test wells drilled as a part of this project which will no longer be in use shall also be decommissioned as per the noted guideline.
6. The proponent shall apply for an *Approval to Construct* from the Water and Wastewater Management Section of the Impact Management Branch of the New Brunswick Department of Environment prior to the installation of any infrastructure associated with PW5. The proponent shall also apply for a modification to the *Approval to Operate* from the Water and Wastewater Management Section prior to bringing PW5 on-line. Please contact the Drinking Water Approvals Engineer with the Water and Wastewater Management Section at (506) 453-7945 for further information on these requirements.
7. An application shall be made with the Water and Wastewater Management Section of the Department of Environment for a Request for Modification of the latest approved Clean Water Act

sampling plan to include the new production well. For additional information, please contact the Drinking Water Approvals Engineer with the Water and Wastewater Management Section at (506) 453-7945 for details.

8. A formal request shall be made by the municipality that the Wellfield Protection Program/WfPADO process be initiated (by passing a Resolution of Council) prior to bringing the production well on-line. A wellfield protection study shall also be completed within one year of bringing the well on-line as per a Terms of Reference prepared by DENV. Please contact the Drinking Water Source Protection Section of the Department of Environment at (506) 457-4846 if you require further information.
9. The proponent will be responsible for any negative impacts to private water wells due to pumping PW5 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 may include, but is not limited to, deepening a well or drilling a new well.
10. The proponent shall apply for and obtain a *Watercourse and Wetland Alteration Permit* from the Department of Environment for any activities carried out within 30 meters of any watercourse or wetland, prior to the commencement of any construction activities. It is recommended that submission of this application occur at least 90 days prior to the commencement of any construction activity. Please contact the Manager of the Surface Water Protection Section at (506) 457-4850 for further information.
11. If it is suspected that the remains of archaeological significance are found during construction of the project, work shall stop immediately in the vicinity of the find, and the Archaeological Services Unit, Heritage Branch, Wellness, Culture and Sport, shall be contacted immediately at (506) 453-2756. The proponent may be required to undertake a heritage assessment for which it would bare the financial responsibility.
12. Should the proponent wish to increase the pumping rate of PW5, a new Registration under the *EIA Regulation* and an additional hydrogeological assessment will be required.