

## **DOCUMENT “A”**

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

Pursuant to Regulation 87-83 under the Clean Environment Act

13 March 2007

File Number: 4561-3-932

---

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 the Environment.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document (February 21, 2003), as well as to all those identified in subsequent correspondence during the registration review, including the *Final Groundwater Exploration Program Report* (June 2004) and EIA Report (December 2005). Additionally, the proponent shall submit a summary Table detailing the status of each Condition listed in this Determination to the Director of the Project Assessment Branch every 6 months from the date of this Determination until such a time as the construction is complete and a NB *Certificate of Approval to Operate* has been issued for the development.
4. The project is limited to three (3) production wells (i.e., # TH3, TH4 & TH5) at this time. Any additional proposed wells (e.g., test, back-up or production wells), or any proposed increase in the maximum pumping rates identified in this Determination, will require registration as per the *Environmental Impact Assessment Regulation* (87-83) – Clean Environment Act.
5. For well TH3, the casing must be extended to block off the 32 m bgs (i.e., below ground surface) fracture zone, and the pumping rate must not exceed the calculated long-term sustainable yield of 375 Igpm.
6. For well TH4, the pumping rate must not exceed the calculated long-term sustainable yield of 545 Igpm.
7. For well TH5, the casing must be extended to a depth of 21 m bgs to block off fractures, and the pumping rate must not exceed the calculated long-term sustainable yield of 190 Igpm.

8. To allow for sufficient water level recovery in all wells, daily well operation is limited to a maximum of 16 hours/day. In addition, low-water shut-off probes must be installed in wells TH3, TH4 and TH5 at a depth of 40 m below ground surface.
9. The proponent shall submit a formal request to initiate the *Wellfield Protection Program/Wellfield Protected Area Designation Order* process prior to bringing the production wells on-line. Please contact the Wellfield Protection Program Manager, NB Department of Environment (ENV) at (506) 457-4846 for further information.
10. The proponent shall complete a Wellfield Protection Study within one year of bringing the production wells on-line. For planning purposes the proponent must establish, in consultation with the Wellfield Protection Program Manager, an interim Wellfield Protected Area until such a time that the Wellfield Protection Study is complete and the wellfield is designated as a protected area pursuant to the *Wellfield Protected Area Designation Order* under the NB Clean Water Act.
11. As part of the Project contingency plan, in the event of any environmental upset, (e.g., hazardous materials spill, overturned heavy equipment, etc.), the Director of the ENV regional office must be notified immediately at (506) 856-2374.
12. A *Certificate of Approval to Construct* from ENV will be required prior to commencement of the construction activities for integrating the production wells into the municipal water supply (the application must include all design details, including those for the treatment plant and transmission pipeline). Also a *Certificate of Approval to Operate* will be required from ENV prior to bringing the wells on-line (Please note, the proponent must inform the NB Department of Health of any new sources and applicable changes to the Clean Water Act sampling plan). For further information please contact the Director of the Stewardship Branch, ENV at (506) 453-7945.
13. If the proponent maintains the connection to the existing Turtle Creek water supply appropriate backflow prevention must be implemented.
14. Site drainage and any dust generated from construction activities must be controlled. Erosion and sedimentation control measures must be put in place prior to the start of construction.
15. The proponent must obtain a *Watercourse and Wetland Alteration Permit* for any activity to be conducted within 30 meters of a watercourse or wetland. In addition, all watercourse crossings will require review by Fisheries & Oceans Canada (DFO) to ensure that all regulatory requirements under the Fisheries Act are satisfied.
16. The proponent must provide confirmation to the Director, Project Assessment Branch that the project is in conformity with the *Greater Moncton Rural Plan* prior to commencing any further work.
17. Baseline monitoring must be conducted prior to construction for all wells located within 500 m of the proposed production wells. Should any domestic well experience a water

quality/quantity shortage as a result of the operation of the new municipal production well, the City of Dieppe shall either connect that residence to the municipal water supply or drill the homeowner a new well, and in either case shall cover the costs, including the costs of having the old well decommissioned according to ENV guidelines. Furthermore, in the case of such an event, the City of Dieppe shall provide the affected homeowner with a temporary alternate source of water.

18. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Project Executive, Archaeological Services Section of the Department of Wellness, Culture and Sport shall be contacted at (506) 453-2756.
19. An Environmental Management Plan (EMP) must be submitted to the Director of the Project Assessment Branch and must be reviewed and approved by the Director prior to the commencement of construction. The EMP must include: an Environmental Protection Plan (EPP), linking mitigation to locations, a monitoring plan (compliance and environmental effects monitoring), and contingency plans. In addition, as indicated by the proponent during the EIA review, the EMP must address potential operational impacts on stream flow.
20. The EMP must include a contingency plan for potential wood turtle encounters during construction. At a minimum the plan must ensure that if any wood turtles are encountered, they are not harmed and are relocated beyond the construction boundaries under the direction of qualified personnel (i.e., biologist). In addition, any wood turtle sightings must be reported to the NB Museum and the NB Department of Natural Resources.
21. The proponent must develop and implement a process to advise the Lakeville Community Association (Water Committee) during project implementation (e.g., advance notification; opportunity to provide input, etc).
22. The proponent shall ensure that all developers, contractors and operators associated with the construction/operation of the project comply with the above requirements.