

# DOCUMENT "A"

## MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

: **May 5, 2006**

File Number: 4561-3-964

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.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document (dated August 8, 2003), 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 of the Project Assessment Branch of the Department of the Environment and Local Government (DELG) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. Prior to bringing PW-11 on line, the proponent shall submit and receive approval for the comprehensive long-term Groundwater-Monitoring Program and Contingency Plan referred to in Condition 8 of the Certificate of Determination for File 4561-3-813.
5. The monitoring plan described in Condition 4 (above) shall include a requirement that monitoring wells in the vicinity of PW-11 shall be monitored for TPH PAH, PCE, TCE vinyl chloride and metals on a quarterly basis with the addition of one event in May, after spring recharge. After 1 year, the need for further sampling shall be assessed in consultation with the New Brunswick Department of Environment.
6. The proponent shall conduct sampling of all available monitoring wells in the area of the proposed wellfield for the presence of methyl tertiary butyl ether (MtBE), prior to bringing PW-11 on line. This will include those monitoring wells drilled by the proponent in addition to other wells drilled in the area (please contact the Remediation Branch at 444-5955 for additional information). The results must be submitted to the Department for review, and further conditions may be imposed subject to this review.
7. The proponent shall continue to participate in the previously initiated working group referred to in Condition 9 of the Certificate of Determination for File 4561-3-813 that includes representatives of the Department, and property owner(s) responsible for the remediation of contaminated sites in the vicinity of the wellfield. The purpose of this working group will be to address any outstanding remedial issues associated with the contaminated sites.

8. The number of production wells in the Queen's Square Wellfield is limited to a total of three (i.e. PW9, with an operational pumping rate not to exceed 993 imperial gallons per minute (Igpm); PW10, with an operational pumping rate not to exceed 816 imperial gallons per minute (Igpm); PW11, with an operational pumping rate not to exceed 828 imperial gallons per minute (Igpm)). Any additional production well development shall require a registration under the Environmental Impact Assessment Regulation, which would include an application under the Water Supply Source Assessment process.
9. Prior to bringing the PW-11 on line, the proponent shall notify the Director of the Project Assessment Branch, in writing, of the date the well(s) will be brought on line.
10. An *Approval to Construct* the facilities associated with the operation of the wellfield will be required from the Department prior to the commencement of construction. Also an amendment to the *Approval to Operate* will be required from the Department. For further information please contact Mr. Greg Shanks, Director of the Stewardship Branch, at 453-7945.
11. If it is suspected that remains of archaeological significance are found during construction, all activity shall be stopped near the find and the Archaeological Services Unit shall be contacted at 453-2756.
12. A site-specific Environmental Protection Plan (EPP) for each well house and the treatment facility must be developed prior to the start of ground-disturbing activities and submitted to the Director of the Project Assessment Branch for approval. The EPP must cover all aspects of the proposed project including the development of the production wells, and all associated infrastructure, and must take into consideration the conditions outlined in this Certificate of Determination, and construction activities must be undertaken in a short-time frame to minimize the period when the project area is disturbed. Site drainage and dust generated from construction activities must be controlled. Erosion and sedimentation control measures must be put in place prior to the start of construction activities. Vehicles must be in good working order and free of leaks. All waste generated during project construction/operation must be removed immediately from the wellfield protected area for recycling, reuse, or disposal at an approved facility.
13. The proponent shall submit for review and approval a revised version of the latest approved system-wide Clean Water Act sampling plan that takes into account the new production well. For additional information, please contact Karen White, Water and Wastewater Management Section, Department of Environment at (506) 453-7945.