

## **DOCUMENT “A”**

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

Pursuant to Regulation 87-83 under the Clean Environment Act

May 31, 2011

File Number: 4561-3-1159

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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.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated May 2008 and to those in all 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 every 6 months from the date of this Determination until such a time as the project is complete and the Department of Environment (DENV) is satisfied that all conditions have been addressed.
4. Work in the area shall cease in the event that any heritage resource is encountered during project implementation. The find must be reported to Archaeological Services, Heritage Branch at (506) 453-3014, and a plan of action agreed upon.
5. The water supply wells on site and any monitoring wells that will no longer be utilized must be decommissioned prior to any other demolition activities according to the “Guidelines for Decommissioning (abandonment) of Water Wells” and by a water well contractor licensed to practice in New Brunswick.
6. The structures/features on site that require additional assessment work including but not limited to the substation site, the coal storage area, and any areas with stained soil must undergo further assessment. Following this supplementary assessment, the proponent must submit a Phase III ESA and a Remedial Action Plan prepared by a qualified Site Professional to address and manage all contaminated or potentially contaminated areas identified in the Project Area. The plan, along with a list of specific activities and associated timelines, is to be submitted to the Remediation and Materials Management Section, Impact Management Branch, DENV and will be subject to review and approval. For further details, please contact Ray Morin, Remediation Engineer at (506) 453-7945.

7. Remediation measures and monitoring must be developed to address the former landfill located north of the cement plant. Please contact Mr. John Stubbert, DENV at (506) 444-4599 for further details.
8. A Site Specific Environmental Protection Plan (SSEPP) for erosion and sedimentation control is to be prepared, submitted and approved prior to demolition activities occurring at the site. The SSEPP will outline sampling locations and mitigation measures to be installed. The plan must be submitted to the Manager of the Environmental Assessment Section, DENV prior to the onset of demolition activities.
9. Monitoring wells and sampling data may be required to ensure that existing reclamation issues at the site (Bunker C spill) are being managed properly. For further details please contact Mr. Ray Morin, Remediation Engineer at (506) 453-7945.
10. The proponent shall conduct an audit of the property to identify equipment/items that contain or potentially contain PCBs. The audit document with a work plan outlining the removal and disposal of these items shall be submitted to the Manager, Environmental Assessment Section, DENV for review and approval. The PCB work plan shall be submitted by an approved PCB services company. No building shall be demolished until all items containing or potentially containing PCBs identified in the audit have been removed and sent to an authorized PCB treatment/destruction facility. For further information please contact Mr. Réjean Doiron, PCB & ODS Program Manager, Impact Management Branch, DENV, at (506) 453-3796.
11. The proponent shall conduct an audit of the property to identify equipment or items that contain or potentially contain regulated refrigerants, including CFCs (chlorofluorocarbons), HCFCs (hydrochlorofluorocarbons), HFCs (hydrofluorocarbons), and PFCs (perfluorocarbons) as listed in *Schedule A of the New Brunswick Ozone Depleting Substances and Other Halocarbons Regulation (ODSOHReg.)* The *ODSOHReg.* requires that regulated refrigerants and equipment containing or designed to contain regulated refrigerant be handled by a “certified technician”. The audit document and a work plan for the removal and disposal of these items shall be forwarded to the Manager, Environmental Assessment Section, DENV for review and approval. No building shall be demolished until all equipment and regulated refrigerants identified during the audit have been removed from the property. For further information please contact Mr. Réjean Doiron, PCB & ODS Program Manager, Impact Management Branch, DENV, at (506) 453-3796.

12. The proponent shall conduct an audit of the property to identify portable fire extinguishers and fire suppression system(s) that contain or may contain Halon, as listed in *Schedule A* of the New Brunswick *Ozone Depleting Substances and Other Halocarbons Regulation (ODSOHReg.)*. The *ODSOHReg.* requires that the person or company that will recover the halon be certified by Underwriter' Laboratories of Canada and that the work be performed as per the requirements of document number ULC/ORD-C1058.18-2004, dated November 2004, entitled *The Servicing of Halon and Clean Agent Extinguishing Systems*, prepared and published by Underwriters' Laboratories of Canada. The audit document and a work plan shall be forwarded to the Manager, Environmental Assessment Section for review and approval. No building shall be demolished until all equipment and regulated refrigerants identified during the audit have been removed from the property. For further information please contact Mr. Réjean Doiron, PCB & ODS Program Manager, Impact Management Branch, DENV, at (506) 453-3796.