

## DOCUMENT "A"

### MINISTER'S DETERMINATION

#### CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

November 6, 2009

File Number: 4561-3-1229

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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 August 21, 2009 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 Project Assessment Section of the Department of Environment (DENV) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. If it is suspected that remains of archaeological significance are found during construction, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Department of Wellness, Culture and Sport, shall be contacted immediately at (506) 453-3014.
5. The proponent must obtain an *Approval to Construct and Operate* from the Project Assessment and Approvals Branch, DENV, before construction activities may be commenced. For more information, please contact the Director of the Project Assessment and Approvals Branch at (506) 444-4599.
6. An Environmental Management Plan (EMP) must be prepared illustrating mitigation measures to be put in place for the construction, operation and maintenance phases of the project. The EMP shall consider erosion and sedimentation control in general and for any aspect of the project that has potential to deposit sediment into any adjacent watercourses, spill prevention, hazardous materials management (fuels, lubricants, hydraulic oil, waste oil etc.) and clean up. The plan shall also include emergency response plans to be put in place in the event of an accident or facility malfunction. The plan must be submitted to the Manager of the Project Assessment

Section, DENV for review and must be approved prior to the commencement of all construction associated with the project. Contractors working on the project shall be made aware of the contents of the EMP, and copies shall be made available at the site.

7. The proponent is required to perform a Source Contribution Analysis for the facility for PM (including total PM and PM<sub>2.5</sub>). The objective of this analysis is to provide an understanding of the impact of the various sources of particulate matter at the facility, to the ambient air quality. A methodology to conduct such an analysis must be submitted on or before March 31, 2010 to the Manager of the Project Assessment Section for review and approval in writing. The methodology shall include as a minimum: i) the procedure that is to be used to conduct the source contribution analysis; and ii) a description of how the results of this analysis will be used to focus the emission reduction planning efforts. The assessment should identify the potential for and extent of exceedances of current ambient air quality regulations and future standards (i.e. Canada-Wide Standards for PM and ozone), for the facility as a whole and seek out appropriate emission reductions to ensure continuous improvement in the overall management of total PM and PM<sub>2.5</sub> at the facility. A timetable for the implementation of the assessment is to be determined by the Project Assessment and Approvals Branch.
8. The proponent shall design and construct the Project so as not to preclude the possibility that the Thermal Plant could accept alternate or additional particulate matter emission control devices, should the need arise as determined by the Director of the Project Assessment and Approvals Branch.
9. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.