

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

May 3, 2010

File Number: 4561-3-1249

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 implement measures to require adherence by all contractors, sub-contractors and workers on this project, to all obligations, commitments, monitoring and proposed mitigation measures presented in the EIA registration document dated January 2010, as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent must 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 (DENV) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. An Environmental Management Plan (EMP) shall be submitted for review, and be approved by, the Manager of the Environmental Assessment Section, DENV, prior to the onset of construction. The EMP may be submitted in phases to be completed as the various project activities become more defined. However, only activities described within a Project Phase that have an approved EMP may be carried out. The EMP shall demonstrate mitigation measures for all aspects of the project including but not limited to the following:
 - a. An erosion and sedimentation prevention and control strategy;
 - b. A Routine Inspection Plan to ensure that all components of the project are functioning properly (which shall include monitoring of flow rates, investigating blockages in a timely fashion to ensure potential leaks in the system are detected quickly and repaired, etc);
 - c. An Emergency Response Contingency Plan(s) in case of environmental emergencies (which shall contain provisions for the immediate notification of DENV, the Dept. of Health, and any downstream water users in the event of overflow or other environmental emergencies, details of appropriate spill response equipment on site, etc);
 - d. Refueling and maintenance of equipment; and
 - e. An Environmental Effects Monitoring Plan.

5. The aerated lagoons must be decommissioned within 3 years of the date of this Determination. Prior to commencement of decommissioning of the existing aerated lagoons, the proponent must submit a detailed decommissioning plan to the Manager of the Environmental Assessment Section, Department of Environment for review and approval.
6. The proponent shall obtain an *Approval to Construct/Operate* as per the *Water Quality Regulation – Clean Environment Act*, for the wastewater treatment system upgrade prior to the onset of construction. Detailed final design specifications for the wastewater treatment system and production facility upgrade shall be included in the application. Please contact the Manager, Industrial Approvals Section, at 453-7945 for further information.
7. The proponent shall obtain an *Approval to Construct/Operate* as per the *Water Quality Regulation – Clean Environment Act*, for the production facility expansion prior to the onset of construction. Detailed final design specifications for the production facility expansion shall be included in the application. Please contact the Manager, Industrial Approvals Section, at 453-7945 for further information.
8. Prior to commencement of any construction activities within 30 metres of any watercourse or wetland, the proponent must obtain a *Watercourse and Wetland Alteration Permit* from DENV. If additional information is required, please contact the Manager of the Watercourse and Wetlands Alteration Program, DENV at (506) 444-5149.
9. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Section, NB Department of Wellness, Culture and Sport, shall be contacted at (506) 453-2756 for further direction.
10. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water bodies and potable water supply wells, on a prepared impermeable surface with a collection system to contain oil, gasoline and hydraulic fluids. Appropriate spill response equipment must be maintained in a readily accessible location during project construction and operation. All spills and releases shall be promptly contained, cleaned up and reported to the 24-hour emergency response line (1-800-565-1633).