

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

January 10, 2011

File Number: 4561-3-1262

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 June 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. Commencement of operation at the facility cannot proceed until the Village of Blacks Harbour has repaired the municipal waste-water treatment facility aerators that are not functioning properly and have submitted and received approval of the Compliance Plan the municipality is required to submit to the Manager of the Water and Wastewater Management Section, DENV as part of their *Approval to Operate*.
5. The Proponent must ensure that all contractors and/or employees working on the project construction are made aware of and adhere to the contents of the approved *Environmental Protection Plan (EPP)*, and copies shall be made available at the site during construction activities.
6. The Proponent must ensure that all contractors and/or employees are made aware of and adhere to the contents of the approved *Environmental Management Plan (EMP)* during operation and maintenance of the Facility, and copies shall be made available at the Facility.
7. The proponent shall obtain an *Approval to Construct* as per the *Air Quality Regulation – Clean Air Act*, for the Facility prior to the onset of construction. The Proponent must submit an application for an *Approval to Construct* at least 90 days prior to commencing construction. Please contact the Manager, Industrial Approvals Section, at 453-7945 for further information.

8. The proponent shall obtain an *Approval to Operate* as per the *Air Quality Regulation – Clean Air Act*, for the Facility prior to the commencement of operation at the facility. The Proponent must submit an application for an *Approval to Operate* at least 90 days prior to commencing operation. Please contact the Manager, Industrial Approvals Section, at 453-7945 for further information.
9. 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.
10. 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.
11. 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).