

DOCUMENT “A”

**MINISTER’S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to *Regulation 87-83* under the *Clean Environment Act*

June 26, 2018

File Number: 4561-3-1486

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 the Department of Environment & Local Government (DELG).
3. The proponent shall adhere to all obligations, commitments, monitoring, and mitigation measures presented in the Environmental Impact Assessment (EIA) registration document dated December 5, 2017 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 Director, EIA Branch, DELG every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent must submit and receive approval for project design prior to receiving an Approval to Construct from DELG. Construction activities cannot commence prior to the issuance of the Approval to Construct. Included in the Approval will be a commissioning deadline to demonstrate the capability of the system to meet biochemical oxygen demand (BOD) limits. If the limits are not met, the proponent will be required to submit and receive approval for mechanical treatment.
5. The proponent must clearly demonstrate how future climate change projections and their resulting impacts have been incorporated into the design of the constructed wetlands and any associated infrastructure (e.g., the approaches implemented to address future extreme precipitation events and the 1 in 100 year event in 2100 as well as the impacts these events will have on volume/storage capacity, freeboard availability, etc.).
6. The on-site water well must not be pumped at a rate greater than 7.6 igpm and must use less than 50 m³/day. The well must be equipped with a flowmeter and the water usage data recorded a minimum of once per week. This data must be included in the groundwater monitoring report (see Condition 7).
7. A groundwater monitoring report must be submitted to the Director, EIA Branch, DELG, according to the schedule indicated in the Approval to Operate. The report must include water quantity data from the on-site water well and water quality data from all wells (water supply, monitoring, relevant private wells, etc.), as well as an interpretation of the data, long term

trending of the results, and an evaluation of whether the facility is negatively impacting the groundwater environment. The report must indicate the condition of the wells and whether the monitoring wells have adequate coverage to evaluate potential impacts to the groundwater environment. Based on the results of the monitoring report, additional monitoring measures (including, but not limited to, the potential drilling of additional monitoring wells) might be imposed by the Director of DELG's EIA Branch.

8. A revised groundwater monitoring plan must be reviewed and approved by the Director, EIA Branch, DELG prior to commencement of the project. After a full two years of groundwater monitoring data is collected, the proponent may apply, with justification, to DELG to reduce groundwater sampling requirements.
9. Should neighbour(s) complain that the operation of the project has negatively impacted (quality or quantity) their private water supply, the proponent must investigate the complaint(s) and follow the Approval to Operate with respect to reporting the complaint.
10. In the event that the water quantity or quality of a neighbouring private well is impacted by the operation of the project, the proponent must provide short term mitigation (e.g., bottled water) or a long term solution (e.g., deepening or drilling a new well), if required.
11. The proponent must maintain a log of public complaints (e.g., dust, odour, noise, traffic, etc.), and provide the log with the project's 6-month summary tables (see Condition 3 above).
12. The proponent must have an indigenous archaeological field technician present during all ground disturbing activities.
13. The proponent must contract an indigenous environmental monitor to provide support for all groundwater sampling activities. After a full two years of groundwater monitoring data is collected, the proponent may apply, with justification, to DELG to complete its groundwater sampling contract with First Nations.
14. All groundwater reports, including sampling results, must be provided by the proponent to the Consultation Coordinator, St. Mary's First Nation according to the schedule outlined in the Approval to Operate for the submission of groundwater monitoring reports to DELG.
15. Native plant species must be used to vegetate the project's constructed wetlands.
16. Full cut-off lighting (i.e., lighting with shielding to prevent light from shining upwards) must be used during construction and operation to prevent project activities from attracting birds.
17. The proponent must ensure that all contractors working at the site are familiar with, and comply with, the requirements of the *Migratory Birds Convention Act (MBCA)* and associated Regulations.
18. Petroleum spill kits, which must accompany each piece of heavy equipment/machinery, must contain adequate supplies to address the worst-case scenario in which a spill could occur on the ground, in surface water, or in groundwater. All spills or leaks, such as those from machinery or storage tanks, must be promptly contained, cleaned up, and reported to DELG's Fredericton Regional Office at (506) 444-5149. If a spill occurs after regular business hours, the Canadian Coast Guard's 24-hour environmental emergencies reporting system must be contacted at 1-800-565-1633.

19. An Environmental Management Plan (EMP) for construction activities must be developed by the proponent outlining environmental protection commitments for the proponent and their contractor(s) during project implementation to ensure compliance with commitments as set forth during the EIA review and all subsequent correspondence. This plan must be submitted to the Director, EIA Branch, DELG for review and must receive approval prior to the commencement of construction activities.
20. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project comply with the above requirements and are made aware of, and abide by, the EMP for the project.
21. In the event of the sale, lease, or any other conveyance or change of control of the property, or any portion thereof, the proponent must provide written acknowledgement from the lessee, controller, or purchaser confirming that they will comply with the Conditions of this Determination to the Director, EIA Branch, DELG at P.O. Box 6000, Fredericton, NB, E3B 5H1.