

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the *Clean Environment Act*
October 9, 2018
File Number: 4561-3-1492

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 and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated February 2018 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 Director of the Environmental Impact Assessment (EIA) Branch of the Department of Environment and Local Government (DELG) every six months from the date of this Determination until such a time as the Director determines it is no longer required.
4. If it is suspected that remains of archaeological significance are discovered during construction, operation, or maintenance of any part of the proposed development, as per the *New Brunswick Heritage Conservation Act*, all activity shall be stopped within 30 metres of the find and the Manager of the Archaeological Regulatory Unit, Archaeological Services Branch, New Brunswick Department of Tourism, Heritage and Culture, shall be contacted at (506) 453-2738 for further direction.
5. The maximum allowable pumping rate for freshwater well PW1 (well ID 40550) is 66 igpm (433 m³/day) or 190 igpm for a maximum of eight hours of pumping per day (water withdrawal equivalent of 433 m³/day).
6. The maximum allowable pumping rate for saltwater well PW2 is 71 igpm (468 m³/day) or 109 igpm for a maximum of 15 hours of pumping per day (water withdrawal equivalent of 468 m³/day).
7. The maximum allowable pumping rate for saltwater well PW3 is 145 igpm (950 m³/day) or 151 igpm for a maximum of 23 hours of pumping per day (water withdrawal equivalent of 950 m³/day).
8. A flowmeter must be installed on each production well (freshwater and saltwater wells) and the data must be recorded daily (for a minimum of five days/week) to ensure compliance with the pumping rate restrictions.
9. A long-term monitoring plan for water quantity and water quality must be submitted to the Director of

the EIA Branch, DELG, for review and approval within two months of the date of this *Certificate of Determination*.

10. The flowmeter and monitoring data must be submitted annually to the Director of the EIA Branch, DELG, along with a discussion of the data to show compliance with the pumping rate restrictions and whether there are any saltwater impacts to PW1 and/or the freshwater aquifer. The report on the previous year's data is due by March 1st of each year.
11. Only wells PW1, PW2, and PW3 are approved for use as production wells. If at any time the proponent wishes to use any other wells or if a new water supply well needs to be drilled, the proponent must contact the Director of the EIA Branch, DELG, prior to undertaking any such activities as additional hydrogeological and water quality testing may be required.
12. In the event that the water quantity or quality of a neighbouring residential well is impacted by the operation of this facility's water supply, it will be the responsibility of the proponent to investigate and potentially rectify the situation in the short or long term, as necessary. The Director of the EIA Branch, DELG, must be notified immediately by the proponent if they receive any complaints regarding neighbouring wells.
13. The saltwater wells and water supply lines must be clearly labelled as non-potable.
14. Once the new facility is in operation, and for a period of at least one year, the proponent must collect three (3) grab samples of treated process water for each processed species during peak production periods. These samples must be collected on non-consecutive days, and the grab samples must be submitted to a duly accredited laboratory, by an accreditation agency recognized by DELG, for analysis. This analysis must be conducted to establish the concentration in milligrams per liter (mg/L) using established normalized methods for water and wastewater testing for the following parameters: biochemical oxygen demand (BOD), chemical oxygen demand (COD), total solids in suspension (TSS), total Kjeldahl nitrogen (TKN), total phosphorus, and total ammonia. The grab samples must also be analyzed to establish the pH as well as the fat content in parts per million. The results of the samples must be submitted to the Approvals Engineer in DELG's Permitting North Section at the end of each production season. The results will allow the determination of the Source Classification, and subsequently whether the *Approval to Operate* must be modified.
15. Appropriate land tenure must be obtained from the Department of Energy and Resource Development (DERD) for the submerged effluent pipe that is located on Crown Land. For additional information, please contact the Applications and Information Coordinator, Applications and Information Section, DERD, at (506) 444-4487.
16. 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 of DELG's EIA Branch.
17. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project comply with the above.