

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to the *Environmental Impact Assessment Regulation - Clean Environment Act*

July 15, 2022

File Number: 4561-3-1540

1. In accordance with section 6(6) of the *Environmental Impact Assessment Regulation – Clean Environment Act*, 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. Commencement is defined as the start of project-related physical construction activities as identified during the Environmental Impact Assessment (EIA) review. Should commencement not be possible within this time period, the undertaking must be registered under the *Environmental Impact Assessment Regulation – Clean Environment Act* again, unless otherwise stated by the Minister of Environment and Climate Change.
3. In the event the project is commenced (i.e., partially completed) and becomes inactive for a period of five years or more after commencement, the undertaking must be registered under the *Environmental Impact Assessment Regulation – Clean Environment Act* again, unless otherwise stated by the Minister of Environment and Climate Change.
4. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated April 8, 2020 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, EIA Branch, Department of Environment and Local Government (DELG) every six months from the date of this Determination until such a time as all the Conditions have been met or until it is deemed by the Director to be no longer required.
5. Appropriate spill response equipment must be maintained in a readily accessible location during project implementation. All spills and releases must be promptly contained, cleaned up and the DELG Bathurst Regional Office contacted at (506) 547-2092 during regular business hours or the 24-Hour Environmental Emergencies Report System contacted outside of regular business hours (1-800-565-1633).
6. If it is suspected that remains of archaeological significance are discovered during construction, operation, maintenance or during any other project related activity, as per the *New Brunswick Heritage Conservation Act*, all activity shall be stopped near the find and the Archaeology and Heritage Branch, New Brunswick Department of Tourism, Heritage and Culture (THC), must be contacted immediately at (506) 453-2738 for further direction.

7. The proponent shall ensure that any proposed project modifications are submitted for review and receive approval from the Director, EIA Branch, DELG prior to implementing the changes.
8. The proponent must submit a financial security to provide for all aspects of environmental protection, including but not limited to, site decommissioning and remediation, long-term monitoring and site maintenance. This security is to be negotiated with the EIA Branch, DELG and must be in an amount and form that is approved by the Minister of Environment and Climate Change. A security in the form of cash, or a Letter of Credit with terms that are acceptable to the EIA Branch, is an acceptable form. A proposal for a financial security, including timelines, must be submitted prior to the commencement of demolition operations. The proposal must include a proposed schedule for review and amendments, if necessary, on a regular basis.
9. A comprehensive Environmental Management Plan (EMP) specific to this project shall be developed that will outline all the environmental protection commitments of the proponent and their contractor(s) during closure activities and to ensure compliance with commitments as described in the EIA Registration Documents and subsequent correspondence. The EMP must be submitted to the Director, EIA Branch, DELG for review and must receive approval prior to commencing demolition activities. Upon review and approval, the proponent and their contractors will follow the EMP. It shall include, but not be limited to: environmental protection measures to be followed when working near environmentally sensitive areas such as wetlands and watercourses; mitigative measures to address air quality issues including metal-laden dust generated during demolition activities and fugitive dust during handling of materials; noise from activities and blasting; a surface water control plan; a sediment and erosion control plan; a spill prevention plan; an Emergency Response Plan (i.e. in the event of an accidental chemical release/spill or encountering unforeseen contaminants or conditions); and a traffic/transportation plan for movement of all demolition debris, equipment and waste.
10. Within 120 days of the date of this Determination, the proponent must submit to the Manager of the Permitting North Section, DELG, a Contaminated Sites Management Workplan prepared by a qualified Site Professional that will establish how the proponent will address site contamination in accordance with the current version of the *New Brunswick Guideline for the Management of Contaminated Sites*. This document and other technical supporting documentation can be found on the Atlantic Risk Based Corrective Action (ABRCA) website under Provincial Information: <https://atlanticrbca.com/new-brunswick/>. The Workplan must include a timeline (Gantt chart) for the completion of each task. The tasks should include, as a minimum, the submission of an Environmental Site Assessment (Phase III) and a Remedial Action Plan (RAP). Once approved by DELG, the proponent must implement the RAP and carry out all required clean-up and remedial action required by the RAP within the timeline estimated therein. For additional information, please contact the DELG Senior Approvals Engineer, Permitting North at (506) 547-2092.
11. An *Approval to Construct* will be required before decommissioning/demolition work begins. For further information, please contact the DELG Senior Approvals Engineer, Permitting North at (506) 547-2092.

12. Decommissioning of petroleum product storage tanks must be completed by a DELG licenced tank installer. The installer will need to complete and submit a *Schedule D* (tank removal) form to ELG ([SCHEDULE - D \(gnb.ca\)](https://www.gnb.ca)). The form may be submitted to the DELG Senior Approvals Engineer, Permitting North.
13. In the event that an agreement is made between the proponent and a third party to re-process the slag pile, the proponent will remain responsible for decommissioning the slag pile area. Decommissioning of this area would be considered a separate phase of this project that must be submitted for review and receive written approval from the Director, EIA Branch, DELG prior to the commencement of decommissioning activities. The written description must be submitted no later than 6 months following the completion of reprocessing activities of the slag pile.
14. If the slag pile is not re-processed, the proponent must submit a detailed and concise reclamation plan for the slag pile area. This plan should include all details concerning the environmental setting, composition of the slag pile, grading, capping, borrow material, runoff and surface water management, and discharge characteristics and limits. The plan must be submitted to the Director, EIA Branch, DELG prior to implementation.
15. Prior to the transfer of ownership of the Jacquet River pumphouse and pipeline, the proponent must consult with DELG, specifically, the Senior Approvals Engineer, Permitting North at (506) 547-2092.
16. As part of the decommissioning, all infrastructure, tools, equipment (including any that will be sold or recycled), bulk storage and process tanks, piping, ducts, pits, floor trenches, sumps, concrete and surfaces will be purged, rinsed, and cleaned thoroughly prior to demolition to remove accumulated residue and oils or other liquids that could be released during activities. Wash water from this process will be contained and treated at the wastewater treatment plant (WWTP). If material is suspected of being contaminated with NORMS/radionuclides, petroleum products, PBCs, or any other contaminant for which the WWTP is not designed to treat, the water must be contained and disposed of at an appropriate, approved facility.
17. The degree and type of contamination of the demolition debris must be established prior to it leaving the site to determine the proper disposal location. This may require analysis of materials. The proponent must keep an inventory of all items, type of contamination and their disposal location. The inventories must be submitted to the Director, EIA Branch, DELG following the completion of demolition and disposal activities.
18. A hazardous materials survey will be conducted prior to decommissioning or demolition activities and a hazardous materials inventory developed (including areas where heavy mould could require short-term mitigation/remediation, if present), along with details concerning the disposal locations for the hazardous materials identified. This inventory will be provided to the Director, EIA Branch, DELG.
19. In light of the numerous on-site monitoring wells that could not be located, the proponent must ensure that all contractors working on site are aware of the importance of identifying monitoring wells that may be found during project activities. Contractors must be supplied with a map of the missing wells and all wells that are

located during demolition activities must be decommissioned according to the most up to date version of the DELG *Guidelines for the Decommissioning (abandonment) of Groundwater Wells and Boreholes*.

20. The proponent must ensure that the contractor awarded the demolition contract provides the name of their PCB removal contractor, including contact name and telephone number, to the Director, EIA Branch, DELG. No PCB items/equipment or potential PCB items/equipment shall be removed from the property until a full PCB audit has been completed and a PCB workplan for the removal/disposal has been submitted to the Department for review and has been approved.
21. The proponent must ensure that the contractor awarded the demolition contract provides the name of the Ozone Depleting Substance (and other halocarbon) removal contractor, including contact name and telephone number, to DELG's Ozone Depleting Substance (ODS) Program Coordinator. No items/equipment containing, or potentially containing ODS or other regulated halocarbons shall be removed from the property and no refrigerant shall be removed from such items/equipment until a full audit has been completed by a certified technician and a removal plan is submitted for review and has been approved. For additional information or questions, please contact the Ozone Depleting Substance Program Coordinator, Authorizations Branch, DELG at (506) 444-3932.
22. Any material contaminated with NORMS/radionuclides shall not be disposed of at the Brunswick Mine Site. These materials must be transported off-site and disposed of at a site that is licensed and approved for that purpose.
23. Trucks transporting materials that could be covered with metal dust must be washed prior to leaving the smelter site once loaded. For materials being transported to the Brunswick Mine Site, the truck tires must be sprayed to remove dust prior to leaving the mine site.
24. Within 120 days of the date of this Determination, the proponent must submit a plan outlining details, including timelines, concerning covering the open pit and the mini pond area at the Brunswick 12 Mine site. The plan must be submitted to the Director, EIA Branch, DELG for review and approval.
25. The proponent shall submit a proposal to add Thallium and Cadmium to the parameters measured at the surface water monitoring stations for the decommissioned Brunswick Mine in the Little River. The proposal shall be submitted to the Director, EIA Branch, DELG. The proposal must be approved and in place prior to December 31, 2022.
26. There are records of Barn Swallows (Threatened Status) in the area; therefore, if demolition of buildings and infrastructure takes place during the bird breeding season (April 12th to August 28th), the buildings must be surveyed for active nests prior to demolition. If an active nest is found, then it must be left until the young have fledged.
27. A Watercourse and Wetland Alteration (WAWA) permit must be obtained prior to conducting any alterations in or within 30 metres of any watercourse or wetland unless the activity is included in an *Approval to Operate and/or Construct* in which the WAWA conditions will be combined into the approval.

28. If engineered wetlands are constructed for future remediation at the site, the proponent must submit a description and plans for the naturalized infrastructure including details on location, size, vegetation etc. to the Director, Source and Surface Water Management Branch, DELG for input and comments prior to construction of the wetlands.
29. All permanent loss of wetland habitat and/or function as a result of the project will require compensation at a 2:1 ratio. A wetland monitoring plan, including monitoring and reporting of wetland area and function at 1, 3 and 5 year intervals must be submitted to the Director, EIA Branch, DELG for review and approval prior to implementation. If monitoring results demonstrate loss of wetland area and/or function, additional restorations, requirements, or compensation may be required.
30. Future work, including remediation and water treatment at the site must avoid impacting wetlands to the extent possible. Any future impacts to the wetlands including, but not limited to, those resulting from site remediation and water treatment shall be assessed and included in the 1, 3- and 5-year wetland monitoring reports.
31. The proponent must contact the Chaleur Regional Service Commission, info@csrchaleurrsc.ca prior to the commencement of operations to determine requirements for permits.
32. The updated and final results of the GHD trade-off study which will be completed to select the preferred option for the management of soil and water at the smelter shall be presented to DELG for consultation and discussion. Additional environmental permitting/requirements may be necessary. A final summary report shall be submitted to the Director, EIA Branch, DELG following the consultation and discussion.
33. Decommissioning of the Materials Handling West (MHW) area (including the Fertilizer Plant) will be considered a separate phase of this project that must be submitted for review and receive written approval from Director, EIA Branch, DELG prior to the commencement of decommissioning activities. The written description must be submitted no later than 6 months following the cessation of activities at MHW.
34. The gypsum deposit/pile must be surveyed, at a minimum, once every two years. In addition, gypsum characterization studies similar to the ones submitted to DELG in 2014 and 2021 by Trinity Consultants Minnow Aquatic Environmental Services, must be carried out on a regular basis, at a minimum of once every five years. The studies will provide updates to information in the 2014 and 2021 reports. The reports must be submitted to the Director, EIA Branch, DELG and depending on the results, the Director may require further action. Glencore Canada Corporation remains solely responsible for the management of the gypsum deposit in the event that actions are required to remediate any negative impacts that arise.
35. Prior to demolition, the removal of Asbestos Containing Materials (ACM) must be completed by a licensed asbestos abatement contractor. Removal of all friable ACM including insulation for mechanical equipment, drywall compound, piping and pipe fittings and non-friable ACM such as transit wall panels and floor tiles must be completed. An updated asbestos inventory for the site must be prepared and verified for use to define the scope of work for the ACM abatement.

36. The site will remain fenced and equipped with security cameras at each access gate throughout the demolition and remediation phases. To further restrict unauthorized access on the site, security personnel will monitor the site 24 hours a day, 7 days a week during the active demolition period. During working hours, security personnel will control vehicular access to the site via the existing access gates. The site fence will be maintained in the current configuration to the extent possible during the project. If demolition activities require removal of portions of the fence, temporary fencing must be installed to maintain a secure perimeter. Following demolition activities, a permanent site perimeter fence will be reinstated. A full-time Glencore coordinator will be present at the site throughout the closure works to ensure that the demolition contractor(s) is completing the works in accordance with the approved plans and meeting all other requirements including the above conditions.
37. The proponent shall ensure that any proposed project modifications or future expansions are submitted to the Director, EIA Branch, DELG, for review and approval prior to implementing the changes.
38. 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.
39. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.