

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

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

March 16, 2022

File Number: 4561-3-1564

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. Commencement is defined as the start of project-related physical construction activities as identified during the Environmental Impact Assessment review. 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 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 (87-83) – 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 Environmental Impact Assessment (EIA) registration document dated June 30, 2021, 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 EIA Branch of the Department of Environment and Local Government (ELG) every six months from the date of this Determination until such a time as the Director determines it is no longer required.
5. 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.

6. A flowmeter must always be installed on Well #1 and Well #2 and the water usage data must be recorded from each well daily (minimum five days/week).
7. The flowmeter data for Well #1 and Well #2 must be submitted annually in the manner prescribed in the existing *ELG Approval to Operate* for this facility.
8. The maximum allowable pumping rate for plant production Well #1 (Well Tag #0059065) is 166 igpm (755 L/min). The daily water withdrawal is limited to a maximum of 1000 m³/day.
9. The maximum allowable water withdrawal from both production plant wells (Well #1 and Well #2) combined is 1000 m³/day.
10. The water level in Well #1 must be monitored during the operating season and the level recorded regularly (minimum of four times/day). A record of the water level data must be included in the annual report to be submitted to ELG in the manner prescribed in the *ELG Approval to Operate* for this facility.
11. At a minimum, the raw water in each of the plant production wells (Well #1 and Well #2) must be sampled once per year for general chemistry, trace metals, and microbiology (or equivalent laboratory sampling package). The water quality data must be submitted to ELG in the manner prescribed in the *ELG Approval to Operate*. If at any time either of the production wells show an indication of saltwater intrusion, the ELG Approval Engineer must be contacted immediately at (506) 453-7945.
12. The proponent must request that Wells #1 and #2 be added to the existing *ELG Approval to Operate* for this facility. For more information please contact the Authorizations Branch at (506) 453-7945.
13. A plan with a timeline for the decommissioning of Well #3 must be submitted for review within three months of the date of this Determination and must ultimately be approved by the Director of ELG's EIA Branch. The well must be decommissioned as per the most up-to-date version of the *ELG Guidelines for the Decommissioning (Abandonment) of Water Wells and Boreholes*. For more information, please contact ELG's Authorizations Branch at (506) 453-7945.
14. The maximum allowable pumping rate for residential well TW21-1 (Well tag #0062419) is 36 igpm (163 L/min) in order to accommodate peak demand, with a daily water withdrawal limit of 100 m³/day. A flowmeter must be installed on the well and the water usage recorded daily (minimum five days/week).
15. The flowmeter data for well TW21-1 must be submitted annually in the manner prescribed in the *Drinking Water Approval to Operate* for this residential development.

16. An *Approval to Construct* and an *Approval to Operate* for groundwater extraction must be obtained from ELG's Authorizations Branch prior to connecting well TW21-1 as it will extract 50 m³/day of water or more. For more information please contact the Authorizations Branch at (506) 453-7945.
17. A water quality monitoring plan for the residential well TW21-1 must be submitted for review within three months of the date of this Determination and must ultimately be approved by the Director of ELG's EIA Branch prior to the well being put into operation.
18. Prior to using water from well TW21-1, but after proper disinfection of the well per the American Water Works Association (AWWA) standard, a water quality sample must be collected for general chemistry, trace metals, and microbiology (or equivalent potable water laboratory analysis). The water quality data must be submitted for review and must be approved by the Approvals Engineer from ELG's Authorizations Branch before the well may be used as a water supply.
19. The water from well TW21-1 must meet the *New Brunswick Drinking Water Guidelines* before reaching the first user in the distribution system.
20. If at any time the proponent wants to increase the approved maximum allowable pumping rate of Well #1 or Well TW21-1, and/or increase the total daily water withdrawal amount for Well #1, Well #2 or Well TW21-1, and/or requires a new water supply well, ELG must be contacted prior to implementing any of these changes as further hydrogeological testing and other information may be required, subject to the approval of the Director of ELG's EIA Branch.
21. The wellhead protection measures that have been identified in the EIA registration document, in the hydrogeological assessment report, and in subsequent correspondence must be implemented on Well #1, Well #2 and Well TW21-1.
22. In the event of a complaint by a neighbouring water user that the operation of the industrial water supply (Wells #1 and #2) and/or the residential potable water supply (TW21-1) has negatively impacted the quality or quantity of their private water supply, the proponent must investigate the complaint and notify ELG. If it is determined that the proponent is responsible for any negative impacts, the proponent will be required to provide a temporary water supply for short-term impacts, or to repair, remediate, or replace any permanently impacted well(s), which might include, but is not limited to, deepening a well or drilling a new well.
23. As the seafood processing facility and apartment building's combined domestic on-site sewage disposal system will be designed for a flow exceeding 20,000 L/day, an *Approval to Construct* and an *Approval to Operate* for the sewage disposal system must be obtained from ELG's Authorizations Branch. For more information, please contact

the Authorizations Branch at (506) 453-7945.

24. The proponent must submit a water quality monitoring program for the on-site sewage disposal system. The water quality monitoring program must be prepared by a Professional Engineer or Geoscientist licensed to practice in New Brunswick, and must include, at a minimum, a site plan showing the proposed monitoring locations, the proposed sampling frequency, and proposed parameters to be analyzed. The water quality monitoring program must be submitted for review and must be approved by the Director of ELG's EIA Branch prior to the commencement of construction of the system.
25. The proponent must obtain a *Certificate of Setback* from the New Brunswick Department of Transportation and Infrastructure (DTI) prior to the commencement of construction of the new apartment building. For more information, please contact DTI's Moncton District Engineer at (506) 856-2000. Should the project layout need to be redesigned to meet the required setback, the Director of ELG's EIA Branch must approve any new layout prior to the start of construction activities.
26. 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 ELG's EIA Branch.
27. The proponent shall ensure that any proposed project modifications or future expansions are submitted to the Director of ELG's EIA Branch for review and approval prior to implementing the changes.
28. The proponent must ensure that all developers, contractors, and operators associated with the project comply with the above requirements.