

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act
September 6, 2013.
File Number: 4561-3-900

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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 documents dated December 2000, May 2002, May 2010; all subsequent reports submitted and to all those in correspondence during the course of the registration review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Manager of the Environmental Assessment Section, Department of Environment and Local Government (DELG) every 6 months from the date of this Determination until such a time that it is determined that it is no longer necessary.
 4. Work in the area shall cease in the event that any heritage resource is encountered during construction activities. The find must be reported to Archaeological Services, Heritage Branch at (506) 453-3014, and a plan of action agreed upon.
 5. The proponent shall submit a groundwater monitoring plan proposal to the Environmental Assessment Section, DELG, for review and approval. The proposal shall indicate the number of proposed monitoring wells, well locations, well depths, assumed groundwater flow directions and groundwater monitoring schedule. The plan will also contain a schedule for submission of reports to DELG and a proposed method for updating the plan as conditions change over time. The plan must receive approval and be implemented prior to ground disturbance.
 6. Refueling and maintenance of equipment must take place in designated areas, on level terrain a minimum of 30 metres from any surface water or wetland boundary. Appropriate spill response equipment must be kept in a readily accessible location during project construction and operation. All spills and releases must be promptly reported to the 24 hour emergency response line at 1-800-565-1633 after hours and to the DELG office in Bathurst during regular work hours (506) 547-2092.

7. Should any area of Crown land be occupied by the proponent during project activities, the appropriate authorization from the Department of Natural Resources (DNR) must be obtained. The following website supplies information on land use applications: <http://www.gnb.ca/naturalresources>.
8. A demolition permit may be required. Please contact Regional Service Commission 3 at Tel: (506) 542-2688 for further information.
9. A list of all equipment that is left underground and the condition that it was left in must be supplied to the Environmental Assessment Section, DELG prior to demolition activities.
10. A summary of the current Adaptive Environmental Management (AEM) Plan (water management), including the recommendations that will be implemented, shall be submitted to the Manager, Environmental Assessment Section, DELG, for review and approval. In addition, a description of the proposed AEM monitoring plan shall be submitted. The description will also include details of reporting to and consulting with DELG as data and analysis become available. As the Adaptive Environmental Management (AEM) Plan is considered to be a living document, a process for implementing future changes shall be included.
11. A Land Reclamation Approval from the DELG Region 1 (Bathurst) Office shall be obtained for any debris which is to be disposed of onsite (as fill material). Please contact Paul Fournier, Regional Director, at (506) 547-2092 for further information.
12. An Environmental Protection Plan (EPP) shall be developed for the Project to outline environmental protection commitments of the proponent and their contractor(s), during closure and post-closure activities and to ensure compliance with commitments as set forth in the EIA Registration Document and all subsequent correspondence. The EPP must be submitted to the Manager of the Environmental Assessment Section for review and must receive approval prior to commencing demolition activities. Upon review and approval, the proponent will follow the EPP.
The EPP shall:
 - a) document environmental concerns and appropriate protection measures;
 - b) provide concise and clear instructions to project personnel regarding procedures for protecting the environment during demolition, closure and post closure phases;
 - c) outline procedures and requirements to address specific materials likely to be encountered during the demolition of the site facilities; their treatment, disposal and disposal location;
 - d) provide environmental protection measures to be followed when working near specific environmentally sensitive areas;
 - e) describe mitigative measures to address air quality issues, e.g. metal-laden dust generated during demolition activities;
 - f) provide 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 of unforeseen contaminants or conditions);and
 - g) include a description of post-closure monitoring programs.

13. The proponent shall ensure that there is an inspection program in place for all ditches, dams, and pipelines that is acceptable to DELG that ensures all contaminated runoff is captured, contained and treated properly. The specifics of these programs shall be addressed in the *Approval to Operate*. This could include monitoring of surface water in low lying areas on the facility site.
14. Asbestos must be disposed of in accordance with DELG's most current Asbestos Waste Disposal Guideline. For further information please contact the Remediation and Materials Management Section, DELG at (506) 453-7945.
15. The proponent shall provide financial security for environmental protection, including but not limited to, long term water treatment and monitoring. This security is to be negotiated with the Department of Energy and Mines and shall be in an amount and format that is acceptable to the Minister of Environment and Local Government and the Minister of Energy and Mines. The financial security shall be provided by August 31, 2014.
16. Reclamation of Crown lands located outside the mine site boundary shall be carried out in consultation with the Department of Natural Resources and the Department of Environment and Local Government. Metal levels in soils, surface waters and stream sediments shall be monitored to determine if the recommendations and predicted outcomes in the Ecological Risk Assessment Study (final report – March 2011) are valid and to assess the need for further studies. A proposal describing reporting of monitoring results to DELG shall be submitted to the Manager of the Environmental Assessment Section for review and approval.
17. The proponent shall ensure that the facility is maintained in a safe and secure manner during all phases of the decommissioning and closure and does not pose a threat to public safety. Owner/operators must take proper precautions to ensure that regular communications take place with local Police, Fire and Emergency Services during all phases.
18. To address environmental contamination, the proponent must initiate the Contaminated Sites Management process in accordance with the current version of DELG's *Guideline for the Management of Contaminated Sites*. For further information in this matter, please contact the Manager, Remediation and Materials Section, DELG, at (506) 453-7945.
19. A revised PCB audit, once completed, must be submitted to DELG for review and approval. If items are found to contain 50 mg/kg or more PCB's, it may be necessary to submit a Work Plan to DELG for review and approval prior to removal of the item. All PCB items identified in the audit document will have to be removed and confirmation provided to DELG before initiating the demolition phase. For further information, please contact Rejean Doiron, PCB & ODS Program Manager, Impact Management Branch, DELG, at (506) 453-3796.
20. An audit must be completed for Ozone Depleting Substances and Other Halocarbons – Refrigerants. For further information, please contact Rejean Doiron, PCB & ODS Program Manager, Impact Management Branch, DELG, at (506) 453-3796.

21. The proponent shall fund an Environmental Monitoring and Compliance Officer position for the project, on a part time basis, to work out of the DELG office in Bathurst. Duties of the Officer shall include, but not be limited to, monitoring compliance to commitments made, coordinating reviews of plans and ensuring that the public and key stakeholder groups are adequately informed of the project's progress. Specific Terms of Reference shall be developed by the Department of Environment and Local Government.
22. It is the proponent's responsibility to ensure that all activities are managed so as to ensure compliance with the Species at Risk Act and the Migratory Birds Convention Act and associated regulations.
23. Any changes proposed for contaminated water collection and/or conveyance must be reviewed and approved by the Environmental Assessment Section, DELG prior to implementation.
24. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.
25. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof:
 - i. The proponent shall provide written notice of the conditions to the lessee, controller, or purchaser;
 - ii. The proponent shall provide written notice of such lease, change of control, or conveyance to the Minister; and
 - iii. All of the above terms and conditions are an integral part of this Determination and will apply to the lessee, controller, or purchaser.