

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

December 8, 2005

File Number: 4561-3-1054

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 Environment and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document (dated September 2005), 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 Project Assessment Branch every 6 months from the date of this Determination (i.e.: December 8, 2005) until such a time as the project is complete and the Department of the Environment and Local Government is satisfied that all the conditions have been addressed.
4. A *Highway Usage Permit* will be required from the NB Department of Transportation (NBDOT) prior to the start of construction. The proponent may apply by writing to Mr. Terrence Gamble, Property Manager, Planning and Land Management, PO Box 6000, Fredericton, NB, E3B 5H1.
5. Please contact Mr. Alan Kerr, the NBDOT District Transportation Engineer in Saint John, NB at (506) 643-7463, to review the project in more detail and to approve the location of the proposed access driveway and minimum setback requirements from Town Plot Road for the proposed pumping station facility. In addition, NBDOT requests that the District Transportation Engineer in Saint John is to be provided with sufficient notice prior to commencing the work, and is to be consulted throughout the project.
6. Should the proponent come upon remains or artefacts that may be of archaeological significance, the archaeological Services Unit, Heritage Branch, Culture and Sport Secretariat, should be contacted immediately at 453-2756.
7. No fuelling of vehicles and no fuel storage shall occur within 30 m of a private well.
8. A comprehensive long-term Brine Management Plan for PCS facilities using the existing brine line must be submitted to the Director of the Project Assessment Branch within 6 months of the date of this Determination. This Plan will, as a minimum, detail all aspects of the current brine management efforts (including but not limited to trucking, holding pond and associated tailings, integrity of the pipeline, efforts being undertaken at the Penobsquis facility to reduce water inflow, contingency plans, etc.). Efforts to be undertaken by the Proponent to eliminate, or minimize,

impacts to the environment as a result of brine management and possible alternatives that are being considered to address this issue must also be included.

9. An environmental survey must be conducted in 2006, to verify that the increased flow into the Bay of Fundy does not negatively impact the marine environment, and the results of the survey must be submitted to the Director of the Project Assessment Branch. Should the survey results show negative impact, PCS is required to submit mitigation options to the Director of the Project Assessment Branch and address the issue.