

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

October 11, 2006

File Number: 4561-3-1064

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 January, 2006), as well as to those from all subsequent correspondence and reports 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.: September 8, 2006) until such a time as the construction is complete and a Certificate of Approval to Construct and Operate has been issued for this facility.
4. Obtain an Approval to Construct and Operate for the project from the Department the Environment prior to the start of any work on site. Please contact the Director of the Approvals Branch, Department of Environment for additional information (506 444-4599).
5. The proponent must develop and submit a Surface Water Quality Monitoring Program, which will be used during the construction and operation of the site. This program will require the monitoring of the sedimentation pond as well as the unnamed watercourse north of bog 579A. If the monitoring program shows that the peat bog exploitation is causing impacts to the watercourse, modifications to the project may need to be undertaken. The above program will have to be submitted to the Director of the Approvals Branch, Department of Environment along with the application for the Approval to Construct and Operate for this facility. A copy of the program is also to be submitted to the Director of the Project Assessment Branch, Department of Environment.

For the unnamed watercourse north of bog 579A it is recommended that the water sampling be done in accordance with the *Guidelines for peat mining operations in New Brunswick*. Analysis of the sample for suspended sediments, minerals and pH will be required as a minimum. In addition, during harvesting operations, the monitoring results will need to be in accordance with the *Canadian Council of Ministers of the Environment guidelines for the protection of aquatic life*.

6. In order to obtain baseline data on the residential wells adjacent to this operation, a well water sampling program will be required. The samples will need to be analysed for inorganic parameters equivalent to the Department of Environment laboratory "Package I *". It is

recommended that a representative number of wells within the vicinity of the proposed project, with a depth of greater than average, and a high pumping rate, be selected. The sampling program will also need to consider the following:

- Depth of the well, diameter of the well, type of well (drilled or dug), pump tests, casing length, static (non-pumping) water level, name of driller, year of construction, geologic unit log, well yield, type of pump, depth of pump or intake depth, depth of water bearing fractures, water treatment equipment, etc.
- Water quality results for each well with the inorganic parameters, including conductivity
- The well owner and mailing address should be noted in addition to the property PID as well as the well serial number (if possible)

The results, as well as the above requested information, are to be submitted to the Director of the Project Assessment Branch prior to the start of any activity on peat bog 579A & 579B. In the event that the water quantity or quality of neighboring residential wells is impacted by operations related to this facility (as raised by the residents(s)). It will be the proponent's responsibility to investigate and potentially rectify the situation. The proponent must immediately notify the Manager of the Water Sciences Section (506-457-4844), Department of Environment of any complaints received regarding water quantity or quality problems. If an agreement as to the cause of water problems cannot be reached between the proponent and the resident(s), the Department will provide independent third party arbitration.

7. Submit an application for a Watercourse and Wetland Alteration Permit from the Department of Environment before commencing any work on site. For additional information please contact the Watercourse and Wetland Alteration Program Section of the Department of Environment at (506) 457-4850.
8. The proponent must develop and submit an Environmental Protection Plan (EPP) that is to be applied during the construction and operation of this site. This plan is to be submitted to the Approvals Branch along with the application for the Approval to Construct and Operate and shall include a detailed work schedule and mitigation measures that will be implemented to minimize impacts to the surrounding environment. The emphasis of this EPP shall be the control of erosion and sedimentation as a result of the construction and operation of this bog as well as the potential impacts and the mitigation measures that will be undertaken in the event of an accumulation of peat dust as well as changes in the water quality in the nearby watercourse due to the construction/operation of the peat bog. In addition, this plan should also include emergency measures that would be put in place in order to avoid incidents such as spills (oil, hazardous materials, etc.) during the construction and/or the operation of this facility.
9. In order to ensure that any dust produced during peat extraction is maintained at an acceptable level, the vacuum harvesters will need to be outfitted with adequate dust control equipment (e.g.: cyclones on exit air ducts, dust collectors, modifications to the air exhaust system, etc.). Please submit details concerning the vacuum harvesters and more specifically the equipment proposed to minimise dust to the Director of the Approvals Branch, Department of Environment along with the application for the Approval to Construct and Operate for this facility prior to the start of peat extraction.
10. A 50 m no-development, natural, buffer zone must be respected between the exploitation area and all adjacent, private properties unless written landowner approval.
11. The level of suspended solids at the discharge point of the sedimentation pond shall not exceed

25 mg/l, even after heavy rains.

12. Trucks transporting peat must be properly covered to reduce wind blown particulate.
13. The access road, located to the east of the development (as identified in the EIA registration), will be the only road used to transport all peat to a third party processing facility.
14. Forty-eight hours prior to initiating any construction activities please contact the DFO Area Habitat Coordinator (DFO, Tracadie, NB) at (506) 395-7722.
15. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Project Executive, Archaeological Services Section of the Department of Wellness, Culture and Sport shall be contacted at (506) 453-2756.