

# **DOCUMENT "A"**

## **MINISTER'S DETERMINATION**

### **CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

**May 22, 2008**

File Number: 4561-3-1071

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.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration documents dated September 7, 2005 and January 21, 2008 as well as all those identified in correspondence and submissions during the registration review. Additionally, the proponent must submit a summary table detailing the status of each Condition listed in this Determination to the Director of the Project Assessment and Approvals Branch of the Department of Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The maximum allowable pumping rate is 100 imperial gallons per minute (igpm) and the pumping water level of the well (drawdown) must be limited to a maximum depth of 7.5 m below top of casing ( 64.95 metre elevation) through the use of an automatic shut-off probe. The proponent may submit a request to the Director, Sciences and Reporting Branch, Department of Environment to amend these limits once the well is operational, if it can be demonstrated that the change will not cause any significant adverse impacts to private wells in the area.
5. A monitoring program must be developed and implemented to confirm that no significant adverse impacts are seen in adjacent private wells as a result of the operation of the water supply. This monitoring program must include groundwater level monitoring (preferably using dedicated pressure transducers) of wells demonstrated to have strong hydraulic connectivity with the production well. The monitoring program must be reviewed and approved by the manager of Water Sciences prior to the commissioning of the production well. Baseline water quality monitoring (DENV Lab \*I or equivalent) of private wells within the zone of influence along Route 114 must be included in the above monitoring program.
6. If the water quantity or quality in a private well is found to be persistently or permanently adversely affected by the operation of the production well, it will be the proponent's responsibility to remedy the situation to the satisfaction of the Department of Environment. This may include, but is not limited to, replacing or modifying the construction of the affected well, modifying the pumping schedule of the proponent's water supply well, or connecting affected homes to the new water supply.

7. Prior to bringing the production well on-line, the proponent must formally request that the Wellfield Protection Program and Designation Order process be initiated. A wellfield protection study must be completed within one year of bringing the well on-line.
8. Prior to connecting the production well to the water distribution system, the results of an analysis of water quality (microbial organic and inorganic parameters) must be provided to the Department of Health and the well cannot be connected to the water system until the Department of Health has assessed the water quality in the well. In addition, except as otherwise determined by the Department of Health, the water distribution system must have two consecutive negative bacterial tests before water in the system can be put to use as potable water. For additional information, please contact the Health Inspector, Sussex Region Sub-office, Department of Health at (506) 457-4800.
9. Prior to operating the water distribution system, the proponent must submit for review and approval, a system-wide sampling plan, in accordance with the requirements of the Clean Water Act. The sampling plan will require various samples to be collected and tested for bacteria, organics and inorganics on a routine basis. For additional information, please contact the Health Inspector, Sussex Region Sub-office, Department of Health at (506) 457-4800.
10. The proponent must submit a plan to the Water Planning Section, Department of Environment, describing the proposed petroleum storage system for the back-up generator at the well house, to ensure that it is consistent with the requirements of the Wellfield Protection Program. The plan must be approved prior to installation of the storage system. A report template for petroleum storage with designated wellfields is available on the Wellfield Protection Program website at [http:// www.gnb.ca/0009/0371/0001/0001-e.asp](http://www.gnb.ca/0009/0371/0001/0001-e.asp). For additional information, please contact Katie Pettie, Hydrogeologist, Water Planning Section at (506) 457-6893.
11. An Approval to Construct the proposed water distribution system is required. The required application must be submitted to the Director, Stewardship Branch, Department of Environment, and the required approval must be received prior to commencement of construction.
12. An Approval to Operate the proposed water distribution system will be required. The required application must be submitted to the Director, Stewardship Branch, Department of Environment and the required approval must be received prior to commencement of operation of the water distribution system.
13. Prior to the commencement of watermain construction, the proponent must submit to the Manager, Project Assessment Section, Department of Environment, evidence that crossing agreements have been obtained from the owners/licensees of any pipelines owned or operated by Maritimes and Northeast Pipeline and Corridor Resources Inc., that will be crossed by the proposed water distribution system. All relevant portions of the Pipeline Act and Regulations must be adhered to in the planning and completion of the work.
14. If the watercourse crossings as described in the registration document (i.e. directional drilling) are found to be not be feasible and should in-water works become necessary, crossing details

must be submitted to the Department of Environment, Department of Natural Resources and the Department of Fisheries and Oceans for review and approval prior to using these alternative methods.

15. Prior to commencement of construction the proponent shall prepare and submit to the Director, Project Assessment and Approvals Branch, Department of Environment for approval a spill contingency plan which outlines basic response measures and key contacts, as well as identifying the location of and how to quickly access spill response equipment and resources, particularly after-hours. As part of this plan, a contingency plan for directional drilling “frac-out” or unplanned release of drilling fluid, must be developed. The plan must be approved prior to the commencement of construction.
16. The proponent must apply for, and obtain, a Watercourse and Wetland Alteration Permit issued under the *Watercourse and Wetland Alteration Regulation – Clean Water Act*, prior to the commencement of any work located within 30 meters of a watercourse or wetland.
17. Prior to the excavation or disturbance of 500 cubic metres or more of rock (measured cumulatively for the project as a whole) , the rock must be sampled and analysed for acid-base accounting (ABA). The results must be submitted to the Director, Sciences and Reporting Branch, Department of Environment prior to rock excavation or disturbance. Depending on the results of these analyses, proper management and disposal may be required.
18. Prior to commencement of construction, the proponent must submit an application under the Navigable Waters Protection Program, and must receive any required authorization or permit. Additional information regarding the information that must be included in the application can be obtained from: Navigable Waters Protection Program, Marine Safety, Transport Canada, Queens Square Building 1, 11th Floor, Box 1013, 45 Alderney Drive, Dartmouth, Nova Scotia. B2Y 4K2 (902) 426-2726 email: nwpdar@tc.gc.ca. For additional information, please contact Jon Prentice at the above noted address.
19. Within 6 months of completion of the water well decommissionings implemented as part of this project, a report must be submitted to the Water Planning Section, Department of Environment listing the private wells that have been decommissioned. At a minimum, the report must include the property owner's name and PID and a description of how the decommissioning was completed. For additional information, please contact Katie Pettie, Hydrogeologist, Water Planning Section at (506) 457-6893.
20. Prior to the commencement of watermain construction, the proponent must prepare and submit for approval an environmental protection plan including but not limited to: a) a description of erosion and sediment control measures; b) a description of the measures and procedures that would be followed in the event of the discovery of archaeological resources; and c) measures to address other issues as described in the proponent's Registration Document.
21. In order to protect the water supply of users that will not be serviced by the proposed water distribution system, the following is required for wells servicing such users: a) sampling for baseline water quality (inorganic and microbiological) of such wells within 100m of the proposed watermain will be required prior to commencement of construction; b) at locations

where rock hammering is necessary, additional information on well construction must be included in the aforementioned preconstruction baseline survey including well age, depth, casing length, screen depth and well yield for wells within 100 metres of the proposed rock hammering; and c) at locations where blasting is required, all of the aforementioned data must be collected for such wells within 500m of the proposed blasting. All well data collected must be submitted to the Director, Sciences and Reporting Branch, Department of Environment.

22. Prior to commencing the work, the proponent must contact Mr. Alan Kerr, the District Transportation Engineer, Department of Transportation (Saint John), at (506) 643-7463 with sufficient notice to allow for review the proposed water main route, and related infrastructure in more detail. In addition: a) the location of the proposed access point off Route 114 for the water supply source and any other access points required for the proposed project infrastructure must be acceptable to the District Transportation Engineer and minimum setback requirements for the related infrastructure must be adhered to; b) the proponent must apply for and obtain any required access permits before construction begins; c) all highway crossings for the proposed water main are to be horizontally directional drilled (HDD) where required and d) the location of the water main within the NBDOT's right-of-way must be approved by the District Transportation Engineer.
23. The proponent must also apply for and obtain a Highway Usage Permit before construction begins. The proponent may apply for this permit by writing to Mr. Terrance Gamble, Property Manager, Planning and Land Management, P.O. Box 6000, Fredericton, N.B., E3B 5H1.