

# **DOCUMENT "A"**

## **MINISTER'S DETERMINATION CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

July 28, 2010

File Number: 4561-3-1176

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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.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated September 18, 2008 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 Manager of the Environmental Assessment Section 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. Within 90 days of the date of this Determination, the proponent must submit to the Manager of the Remediation and Materials Management Section, Department of Environment, a revised Environmental Site Assessment (Phase III) and a Remedial Action Plan (RAP) prepared by a qualified Site Professional to manage any contaminated or potentially contaminated sites identified in the revised ESA. The submission must also include a timeline (Gantt chart) for the completion of the tasks identified in the RAP. All sites must be managed in accordance with the current version of the New Brunswick Department of Environment's *Guideline for the Management of Contaminated Sites*. The proponent must commence implementation of the RAP immediately upon receiving approval from the Remediation Engineer. For additional information, contact Michel Poirier, Remediation Engineer, at (506) 453-7945.
5. The proponent shall prepare a "Demolition Environmental Management Plan (EMP)" that will contain a combined Environmental Protection Plan, Emergency Response Plan, and Demolition Drainage Plan. The plan must the handling and disposal procedures for all waste materials resulting from demolition activities, including process and chemical fluids and hazardous wastes and the schedule under which the materials would be removed from the site. The Demolition EMP must be submitted to the Manager of the Environmental Assessment Section and must be approved prior to the commencement of any demolition activities.
6. Upon completion of the removal of hazardous materials, the proponent shall submit a report to the Manager of the Environmental Assessment Section which summarizes the management process for

these materials (i.e. any chemicals, fuel products, and hazardous materials etc. which were removed from the site and details of the disposal or management process). This report must be submitted for review prior to the commencement of the Decommissioning of on-site equipment and buildings.

7. The proponent must ensure that the contractor which is awarded the Demolition contract provides the name of their PCB removal contractor, including contact name and telephone number, to the Department's PCB & ODS Program Manager. No PCB items/equipment or potential PCB items/equipment shall be removed from the property until a full PCB audit has been completed and a PCB workplan for the removal/disposal has been submitted to the Department for review and has been approved. Any PCB sources not scheduled for removal must also be identified in the work plan. Information on the nature and location of these sources, including the rationalization for the proponent to keep these sources in place, must be provided to the Department. For additional information, please contact the Program Manager of the PCB & ODS Program, Department of Environment at (506) 453-3796.
8. The proponent must ensure that the contractor which is awarded the Demolition contract provides the name of their ODS (& Other Halocarbons) removal contractor, including contact name and telephone number, to the Department's PCB & ODS Program Manager. No items/equipment containing or potentially containing ODS or Other Regulated Halocarbons shall be removed from the property and no refrigerant shall be removed from such items/equipment until a removal plan is submitted to the Department for review and has been approved. For additional information, please contact the Program Manager of the PCB & ODS Program, Department of Environment at (506) 453-3796.
9. If it is suspected that the remains of archaeological significance are found during decommissioning activities, work shall stop immediately in the vicinity of the find, and the Archaeological Services Unit, Heritage Branch, Wellness, Culture and Sport, shall be contacted immediately at (506) 453-2756.
10. The proponent shall ensure that the facility is maintained to a prudent standard during the period prior to the commencement of demolition activities, and poses no public safety hazard. Measures shall be taken to ensure the property is maintained to a condition acceptable to the Department, including building maintenance on an "as needed" basis and adherence to any applicable municipal by-laws.
11. Oceans and Habitat A/Area Chief, Mr. Marc Godin, Department of Fisheries and Oceans, Tracadie-Sheila, must be notified 48 hours prior to the commencement of any project works within 30 m of any watercourse. Mr. Marc Godin can be contacted at (506) 395-7713.
12. The proponent must receive written approval from the Department of Environment should a future benefit/alternative use of the infrastructure that is acceptable to the Minister be identified and thus results in that infrastructure not being decommissioned or abandoned.
13. The proponent must contact Susan Andrews-Caron, Director of the Transportation Policy Branch, New Brunswick Department of Transportation (NBDOT) at (506) 453-2802 to review the project in more detail and to discuss the proposed transportation route of the equipment and materials and

other possible restrictions regarding transporting equipment and material on Provincial highway infrastructure. The proponent must also contact Mr. Guy Jean, District Transportation Engineer in Bathurst, at (506) 547-2144 before the project begins, to review NBDOT's Work Area Traffic Control Manual to ensure proper traffic control personnel, signing, lighting and safety measures are in place in any work areas.

14. The proponent will be required to obtain a special permit from the Transportation Policy Branch, NBDOT if loads are oversize and/or overweight and will have to submit an engineered traffic management plan for review at that time. Any chemicals contained in the equipment should be removed prior to transit to reduce gross mass and prevent an accidental spill.
15. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof:
  - a. The proponent shall provide written notice of the conditions to the lessee, controller, or purchaser;
  - b. The proponent shall provide written notice of such lease, change of control, or conveyance to the Minister; and
  - c. All of the above terms and conditions are an integral part of this Determination and will apply to the lessee, controller, or purchaser.