

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

February 12, 2010

File Number: 4561-3-1190

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 December 4, 20089, 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 (DENV) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent must obtain an *Approval to Construct* from the Impact Management Branch, DENV, before construction activities commence. For more information, please contact the Director of the Impact Management Branch at (506) 453-7945.
5. The proponent must provide the Impact Management Branch with a monitoring program that will be used in the *Approval to Operate*. The details of the monitoring program, which may include new monitoring wells and geotechnical investigations of the two older on-site unused lagoons, shall be developed in consultation with the appropriate Approvals Engineer – Impact Management Branch at (506) 453-7945.
6. If anything of known or suspected Heritage significance is encountered during pond decommissioning, work in the area must cease and Archaeological Services should be contacted immediately at (506) 453-3014 for direction.
7. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.
8. An Environmental Management Plan (EMP) must be prepared illustrating mitigation measures to be put in place for the decommissioning phases of the project. The EMP shall consider erosion and sedimentation control in general and for any aspect of the project that has potential to deposit sediment into the adjacent river system, spill prevention, hazardous materials management (fuels, lubricants, hydraulic oil, waste oil etc.) and clean up. The plan shall also include emergency response plans to be put in place in the event of an accident. The plan must be submitted to the Manager of the Environmental Assessment Section, Department of Environment for review and must be approved prior to the commencement of construction associated with the project. Contractors working on the project shall be made aware of the contents of the EMP, and copies shall be made available at the site.