

# **DOCUMENT "A"**

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

Pursuant to Regulation 87-83 under the Clean Environment Act

January 27, 2010

File Number: 4561-3-1208

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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 March 27, 2009, 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, an "Environmental Site Assessment" and a "Remedial Action Plan (RAP)" prepared by a qualified Site Professional to address any contamination in accordance with the "Guideline for the Management of Contaminated Sites" (November 2003 version). The submission must also include a timeline (Gantt chart) for the completion of the tasks identified in the RAP. Once approved by the Department, the proponent must implement the RAP and carry out all required clean-up and remedial action required by the RAP within the timeline estimated therein. For additional information, contact Gina Burt, Remediation Engineer, at (506) 444-4705.
5. The proponent shall ensure that any infrastructure left in place (e.g. building foundations and underground pipes) do not result in any public safety hazard(s). The wastewater treatment system outfall structure shall be inspected on an annual basis (following the spring freshet) to ensure that the structure is securely fixed to the river bottom and is not creating any navigational hazards. The results of the inspection shall be submitted to the Manager of the Environmental Assessment Section by June 1<sup>st</sup> of each year. The requirement to inspect the wastewater treatment system outfall structure shall remain in place in perpetuity or until the structure is removed, and shall apply to any future users, lessees, and or subsequent owners of the facility.
6. The proponent shall apply for and obtain a *Watercourse and Wetland Alteration Permit* from the Department of Environment for any activities carried out within 30 meters of any watercourse or

wetland, prior to the commencement of any construction activities. Specific information requested by the Department of Fisheries and Oceans for the removal of the Moss Pond dam should be included within the application. It is recommended that submission of the application occur at least 90 days prior to the commencement of any construction activity. Please contact the Manager of the Surface Water Protection Section at (506) 457-4850 for further information.

7. The proponent must decommission the on-site water supply wells (PW-1 and PW-2) as per the *Guidelines for the Abandonment (Decommissioning) of Water Wells*. This work must be completed by a Water Well Contractor/Driller licensed in the Province of New Brunswick.
8. Upon completion of Phase I (Pre-Decommissioning Activities), the proponent shall submit a report to the Manager of the Environmental Assessment Section which summarizes the activities that were carried out (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 Phase 2 and 3 (Decommissioning of on-site Equipment and Buildings, and Ancillary Facilities).
9. The proponent shall prepare a Demolition Environmental Management Plan (EMP) that will outline the handling and disposal methods for all waste / debris material that will result from demolition activities. 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.
10. The proponent must ensure that the contractor which is awarded the Phase 1 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. For additional information, please contact the Program Manager of the PCB & ODS Program, Department of Environment at (506) 453-3796.
11. The proponent must ensure that the contractor which is awarded the Phase 1 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 full audit has been completed by a certified technician and 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.
12. 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 City By-laws.
13. If it is suspected that the remains of archaeological significance are found during construction of the project, 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.

14. 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.
15. All of the above terms and conditions are an integral part of this Determination, and apply to the Project notwithstanding the rights of any users, lessees, and or subsequent owners.
16. 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; and
  - b. The proponent shall provide written notice of such lease, change of control, or conveyance to the Minister.